

The Exchange therefore proposes to extend the Moratorium as amended<sup>9</sup> for an additional two (2) months to May 31, 2009 in order to complete the 19b-4 filing process.<sup>10</sup> The Exchange's proposal will be filed consistent with the Act<sup>11</sup> in order to afford interested persons an opportunity to submit written data, views, and arguments concerning the Exchange's proposal.<sup>12</sup>

The Exchange will issue an Information Memo announcing the extension of the Moratorium.

## 2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the "Act") for this proposed rule change is the requirement under Section 6(b)(5) that an exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the instant filing is consistent with these principles. Based on its review of data associated with RCMM and CT trading, the Exchange has concluded that RCMMs and CTs no longer serve as viable supplemental market makers. In this instant filing, the Exchange seeks an extension of the Moratorium to finalize its proposal to eliminate RCMMs and CTs from the NYSE and will file that proposal with the Commission.

### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is effective upon filing pursuant to Section 19(b)(3)(A) of the Act.<sup>13</sup> The Exchange

asserts that the proposed rule change (i) will not significantly affect the protection of investors or the public interest, (ii) will not impose any significant burden on competition, and (iii) by its terms, will not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest; provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

An extension of the Moratorium does not burden competition because it does not restrict RCMMs from joining any RCMM firm or becoming or remaining an independent RCMM nor does it restrict any RCMM firm from hiring existing RCMMs. For the foregoing reasons, this rule filing qualifies for immediate effectiveness as a "non-controversial" rule change under paragraph (f)(6) of Rule 19b-4.<sup>14</sup>

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2009-24 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSE-2009-24. This file

number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the self-regulatory organization. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2009-24 and should be submitted on or before April 8, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Davidson County and Forsyth County, NC

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed roadway improvements to NC 109 between Old Greensboro Road (SR 1798) in Davidson County and I-40/US 311 in Forsyth County, North Carolina.

<sup>9</sup> See Securities Exchange Act Release No. 53549 (March 24, 2006), 71 FR 16388 (March 31, 2006) (SR-NYSE-2006-11) (making certain amendments to the Moratorium).

<sup>10</sup> 17 CFR 240.19b-4.

<sup>11</sup> 15 U.S.C. 78s(a)(1).

<sup>12</sup> *Id.*

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>14</sup> 17 CFR 240.19b-4(f)(6).

<sup>15</sup> 17 CFR 200.30-3(a)(12).

**FOR FURTHER INFORMATION CONTACT:**

Clarence W. Coleman, PE, Director of Preconstruction and Environment, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601-1418, Telephone: (919) 747-7014, or Vincent J. Rhea, PE, Project Engineer, North Carolina Department of Transportation, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548, Telephone: (919) 733-7844, ext. 261.

**SUPPLEMENTARY INFORMATION:**

The FHWA, in cooperation with the North Carolina Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal for improving NC 109, through widening and/or constructing new roadway, between Old Greensboro Road and I-40/US 311. The project is included in the North Carolina Department of Transportation (NCDOT) 2009-2015 Transportation Improvement Program (TIP) as TIP No. R-2568C. Improvements to the section of NC 109 south of Old Greensboro Road, extending south to Business I-85 in the City of Thomasville, were completed in 2007. The current project includes one alternative mainly on existing location and four alternatives mainly on new location. The project would be constructed as a four-lane, median-divided roadway with partial control of access. Directional crossovers with offset left turns will be used at many of the major intersections. Improvements to NC 109 are considered necessary to improve traffic flow and service and to reduce conflicts between through traffic and local traffic. As required by Section 6002 of the Safe Accountable Flexible Efficient Transportation Equity Act: "A Legacy for Users", opportunities have been provided for involvement with the public in defining the project purpose and need and determining the range of alternatives to be considered for the project. Further opportunities for the public to comment on the environmental review process will be provided throughout the remainder of the project development process.

Prior to the initiation of environmental studies in preparation of an Environmental Impact Statement (EIS), a scoping letter soliciting comments on the proposed project was sent in December 2003 to the local, state, and federal agencies by NCDOT. The agency scoping meeting for the project was held in January 2004. No further scoping actions are planned.

Since the start of the project, NCDOT has hosted two rounds of Citizens Informational Workshops. The first round was held in April 2004 to

announce the start of the project and to obtain public input concerning the location of potential alternatives. The second round was held in November 2005 to present and obtain public comments on five alternative corridors identified for the project.

In 1997, the U.S. Army Corp of Engineers (USACE), FHWA, and NCDOT signed an Interagency Agreement integrating Section 404 and the National Environmental Policy Act (NEPA) of 1969, known as the Section 404/NEPA Merger Process. The agreement requires the establishment of a project team at the beginning of each transportation project and outlines the coordination process with a series of Concurrence Points in order to promote cooperation and coordination during the study process and to ensure compatibility with local, state and federal planning projects and policies. To date, project merger team meetings have been held in September 2004 and August 2006. Upon completion of the draft EIS, a public hearing will be held, with public notice of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 12, 2009.

**Clarence W. Coleman,**  
*Director of Preconstruction & Environment,*  
*Raleigh, North Carolina.*

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**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Highway in California**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, improvement of the Interstate 680 and State Route 4 interchange in the community of Pacheco, County of Contra Costa, State of California. The improvements will be between post mile 20.2 and 22.2 on Interstate 680, and between post mile R10.5 and R15.1 on State Route 4. Those actions grant approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 14, 2009. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Melanie Brent, Chief, Office of Environmental Analysis, California Department of Transportation, District 4, 111 Grand Avenue, Oakland, 9 a.m. to 4 p.m., 510-286-5231, [melanie.brent@dot.ca.gov](mailto:melanie.brent@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing approvals for the following highway project in the State of California: Replacing the northbound I-680 to westbound SR 4 loop ramp with a two-lane direct connector, and the eastbound SR 4 to southbound I-680 diagonal ramp with another two-lane connector in the first two phases of the project to improve operational deficiencies. Subsequent phases add another lane in the median of both directions of SR 4 to provide additional weaving capacity, add an auxiliary lane on eastbound SR 4 from the interchange to the Solano Way off-ramp, and replace the southbound I-680 to eastbound SR 4 loop ramp, the northbound I-680 to eastbound SR 4 diagonal ramp, and the westbound SR 4 to northbound I-680 diagonal ramp with new connectors and ramps, and widen the westbound SR 4 to southbound I-680 loop ramp from one to two lanes. The project had a No Build Alternative in addition to the Build