

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28650A; 812-13538]

### ING Investments, LLC, et al.; Notice of Application; Correction

#### Correction

In the *Federal Register* of March 24, 2009, in FR Doc. E9-6391, on page 12407 of volume 74, in the second column, the date should read March 17, 2009.

Dated: April 8, 2009.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-8427 Filed 4-13-09; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a closed meeting on Thursday, April 16, 2009 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Walter, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Thursday, April 16, 2009 will be:

Consideration of amicus participation; institution and settlement of injunctive actions; institution and settlement of administrative proceedings of an enforcement nature; an adjudicatory matter; and other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551-5400.

Dated: April 9, 2009.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-8480 Filed 4-13-09; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-59710; File No. SR-NYSE-2009-39]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Implementing Revised Liquidity Credits for Supplemental Liquidity Providers

April 6, 2009.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 31, 2009, the New York Stock Exchange LLC (“NYSE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to implement revised liquidity credits for Supplemental Liquidity Providers (“SLPs”). The text of the proposed rule change is available at the Exchange, the Commission’s Public Reference Room, and <http://www.nyse.com>.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

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

<sup>2</sup> 17 CFR 240.19b-4.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to modify the credits received by supplemental liquidity providers (“SLPs”) when adding liquidity to the Exchange, with effect from April 1, 2009. Currently, SLPs receive a credit of \$0.0015 per share when adding liquidity to the NYSE if the SLP meets the 3% average or more quoting requirement in an assigned security pursuant to Rule 107B. With effect from April 1, 2009, there will be three separate tiers of credits for SLPs that meet the 3% average or more quoting requirement in an assigned security pursuant to Rule 107B:

- SLPs that add liquidity of an average daily volume (“ADV”)<sup>3</sup> of 100 million shares or less in the applicable month will continue to receive a credit of \$0.0015 per share when adding liquidity to the NYSE.
- SLPs that add liquidity of an ADV of between 100 million shares and 250 million shares in the applicable month will receive a credit of \$0.0016 per share when adding liquidity to the NYSE.
- SLPs that add liquidity of an ADV of more than 250 million shares in the applicable month will receive a credit of \$0.0017 per share when adding liquidity to the NYSE.

##### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,<sup>4</sup> in general, and Section 6(b)(4) of the Act,<sup>5</sup> in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

#### 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.

<sup>3</sup> Qualification for the different tiers of liquidity credits will be based on the SLP’s aggregate average daily trading volume in the applicable month in all NYSE listed securities. See e-mail from John Carey, Chief Counsel—U.S. Equities, NYSE Euronext, to Nathan Saunders, Special Counsel, and Brian O’Neill, Attorney, Division of Trading and Markets, Commission, dated April 2, 2009.

<sup>4</sup> 15 U.S.C. 78f(b).

<sup>5</sup> 15 U.S.C. 78f(b)(4).