

Further, the Exchange represents that the Certificates are equity securities subject to the Exchange's rules governing the trading of equity securities, including the Exchange's equity margin rules. In support of this proposal, the Exchange has made representations, including:

(1) The Exchange's surveillance procedures are adequate to properly monitor Exchange trading of the Certificates in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information via the Intermarket Surveillance Group ("ISG") from other exchanges who are members of the ISG.

(2) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Certificates. Specifically, the Information Bulletin will discuss the following: (a) The procedures for purchases and exchanges of Trust Certificates; (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading an issue of Trust Certificates; (c) trading hours; and (d) trading information. In addition, the Information Bulletin will reference that an issue of Trust Certificates is subject to various fees and expenses described in the applicable prospectus. This approval order is based on the Exchange's representations.

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,<sup>24</sup> for approving the proposed rule change prior to the 30th day after the date of publication of notice in the **Federal Register**. The Commission notes that it has previously approved for listing and trading on the Exchange other issues of Trust Certificates issued by Citigroup Funding, Inc. based on the Index and other indexes that have similar characteristics and payout provisions to the Certificates.<sup>25</sup> The Commission believes that the Exchange's proposal to list and trade the Certificates does not present any novel or significant regulatory issues. The Commission believes that accelerating

approval of this proposal should benefit investors by creating, without undue delay, additional competition in the market for Trust Certificates.

#### V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>26</sup> that the proposed rule change (SR-NYSEArca-2009-33) be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>27</sup>

**Florence E. Harmon,**  
*Deputy Secretary.*

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## DEPARTMENT OF STATE

[Public Notice 6608]

### Secretary of State's Determination Under the International Religious Freedom Act of 1998

**SUMMARY:** The Secretary of State designation of "countries of particular concern" for religious freedom violations.

Pursuant to Section 408(a) of the International Religious Freedom Act of 1998 (Pub. L. 105-292), as amended (the Act), notice is hereby given that, on January 16, 2009, the Secretary of State, under authority delegated by the President, has designated each of the following as a "country of particular concern" (CPC) under section 402(b) of the Act, for having engaged in or tolerated particularly severe violations of religious freedom: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan.

The Secretary simultaneously designated the following Presidential actions for these CPCs:

For Burma, the existing ongoing arms embargo referenced in 22 CFR 126.1(a), pursuant to section 402(c)(5) of the Act;

For China, the existing ongoing restrictions on exports to China of crime control and detection instruments and equipment, under Public Law 101-246 and the Foreign Relations Authorization Act of 1990 and 1991, pursuant to section 402(c)(5) of the Act;

For Eritrea, the existing ongoing arms embargo referenced in 22 CFR 126.1(a), pursuant to section 402(c)(5) of the Act;

For Iran, the existing ongoing restrictions on United States security assistance in accordance with section 40 of the Arms Export Control Act, pursuant to section 402(c)(5) of the Act;

<sup>24</sup> 15 U.S.C. 78s(b)(2).

<sup>25</sup> See Securities Exchange Release Nos. 59051 (December 4, 2008), 73 FR 75155 (December 10, 2008) (SR-NYSEArca-2008-123) (approving the listing and trading of 14 issues of Trust Certificates under NYSE Arca Equities Rule 5.2(j)(7)); and 59747 (April 10, 2009), 74 FR 18012 (April 20, 2009) (SR-NYSEArca-2009-20) (approving the listing and trading of Trust Certificates linked to the S&P 500 Index).

For North Korea, the existing ongoing restrictions to which North Korea is subject pursuant to sections 402 and 409 of the Trade Act of 1974 (the Jackson-Vanik Amendment), pursuant to section 402(c)(5) of the Act;

For Saudi Arabia, a waiver to "further the purposes of the Act," pursuant to section 407 of the Act;

For Sudan, the use of the voice and vote of the United States to oppose any loan or other use of the funds of international financial institutions to or for Sudan, consistent with section 1621 of the International Financial Institutions Act, pursuant to section 402(c)(5) of the Act; and

For Uzbekistan, a 180-day waiver to "further the purposes of the Act," pursuant to section 407 of the Act.

Dated: May 5, 2009.

**Kurt D. Donnelly,**

*Office Director, Office of International Religious Freedom, Department of State.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### American Recovery and Reinvestment Act of 2009 Public Transportation Capital Investment Grants Program Appropriation and Allocations

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice.

**SUMMARY:** The "American Recovery and Reinvestment Act, 2009" (Pub. L. 111-5; "ARRA"), signed into law by President Barack Obama on February 17, 2009, includes \$8.4 billion for transit capital improvements. The Federal Transit Administration (FTA) published in the **Federal Register** the transit formula program-related provisions of the ARRA, as well as program and grant application requirements for these funds, on March 5, 2009. This notice implements the Capital Investment Grants Program provisions of the ARRA and provides program and grant application requirements for these funds, for FTA's New Starts and Small Starts programs.

**DATES:** FTA may de-obligate and reallocate certain undisbursed funds by May 11, 2010.

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice contact Henrika Buchanan-Smith, Director, Office of Transit Programs, at (202) 366-2053. Please contact the appropriate FTA regional or