

FINRA's argument that the rule, as currently written, may be overbroad. There have been a number of changes in the markets since the time the rule was adopted by the NASD in 1968. However, the Commission believes that there continue to be opportunities for unscrupulous participants in the marketplace to interposition third parties in a securities transaction between themselves and their customers to the disadvantage of those customers.¹³ The Commission expects FINRA, when it finds evidence of interpositioning by members that was detrimental to the customer, to charge member firms or associated persons, as appropriate, with violations of its rules.

The Commission notes that its approval of this rule change is not an indication that interpositioning is no longer an issue. Rather, it is meant to reflect changes in the market place that have occurred since 1968 when the rule was adopted.¹⁴ The Commission notes that, even with this rule change, the cost to the customer under the proposed rule will "remain a crucial factor in determining whether a member has fulfilled its best execution obligations under Rule 2320," including transactions involving interposed third parties.¹⁵ The Commission also notes that interpositioning "that is unnecessary or violates a member's general best execution obligations—either because of unnecessary costs to the customer or improperly delayed executions—would still be prohibited."¹⁶ In this respect, the Commission takes comfort from FINRA's representations that interpositioning that harms a customer violates NASD Rule 2440 and FINRA Rule 2010.¹⁷

The proposed rule will thus continue to prohibit interpositioning that adversely affects the customer, and the cost to the customer will remain a central part of that determination. The Commission expects FINRA to diligently pursue such conduct by members.¹⁸

¹³ See, e.g., *In re Andrew P. Gonchar and Polyvios T. Polyviou*, Securities Exchange Act Release No. 34–60506 (August 14, 2009).

¹⁴ See Notice, *supra* note 3, at 18778.

¹⁵ *Id.* at 18778.

¹⁶ *Id.* at 18779.

In addition to the proposed rule language, other FINRA and NASD rules would continue to govern the handling of customer orders. In particular, FINRA Rule 2010 requires that members observe high standards of commercial honor and just and equitable principles of trade, and NASD Rule 2440 requires that members charge fair prices and commissions in their dealings with customers.

¹⁷ *Id.* at 18778 n.4.

¹⁸ See *In re Andrew P. Gonchar and Polyvios T. Polyviou*, *supra* note 13.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–FINRA–2007–024), as modified by Amendment No. 1, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁹

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E9–22109 Filed 9–14–09; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 6760]

Culturally Significant Objects Imported for Exhibition Determinations: "Art of the Samurai: Japanese Arms and Armor, 1156–1868"

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition "Art of the Samurai," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Metropolitan Museum of Art, New York, NY, from on or about October 19, 2009, until on or about January 10, 2010, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/632–6473). The address is U.S. Department of State, SA–5, L/PD, Fifth Floor, Washington, DC 20522–0505.

¹⁹ 17 CFR 200.30–3(a)(12).

Dated: September 8, 2009.

Maura M. Pally,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E9–22173 Filed 9–14–09; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 6761]

Determination and Certification Related to Colombian Armed Forces Under Section 7046(B) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, Pub. L. 111–8)

Pursuant to the authority vested in the Secretary of State, including under section 7046 (b)(1)(B) and section 7046(b)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, Pub. L. 111–8 ("FY 2009 SFOAA")), I hereby determine, certify, and report that the Colombian Armed Forces are meeting the conditions contained in section 7046(b)(1)(B) and section 7046(b)(2).

The Department of State has periodically consulted with internationally recognized human rights organizations regarding the Colombian Armed Forces' progress in meeting the above-mentioned conditions, as provided in section 7046(c) of the FY 2009 SFOAA.

This Determination and Certification shall be published in the **Federal Register** and copies shall be transmitted to the appropriate committees of Congress.

Dated: September 8, 2009.

James B. Steinberg,

Deputy Secretary of State.

[FR Doc. E9–22174 Filed 9–14–09; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 6759]

Determination Under the Foreign Assistance Act and the Department of State, Foreign Operations, and Related Programs Appropriations Acts

Pursuant to section 654(c) of the Foreign Assistance Act of 1961, as amended, notice is hereby given that the Deputy Secretary of State has made a determination pursuant to section 620H of the Foreign Assistance Act, and section 7021 of the Department of State,