

administrative fee of 0.45% of the total amount of funds collected each month. ISE will closely monitor the amount of funds raised by this administrative fee and amend the fee in the future if necessary, so that the fee provides sufficient funds to adequately offset ISE's costs in administering the PFOF program. The Chicago Board Options Exchange currently assesses a similar fee to administer its PFOF program. ISE proposes to implement this fee beginning on October 1, 2009. ISE is not making any other changes to its PFOF program.

## 2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the "Exchange Act") for this proposed rule change is the requirement under Section 6(b)(4) that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. In particular, the proposed fee change will allow the Exchange to offset its costs of administering its PFOF program.

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

The proposed rule change does not 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*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Act<sup>7</sup> and Rule 19b-4(f)(2)<sup>8</sup> thereunder. 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-ISE-2009-70 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-ISE-2009-70. 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 also will be available for inspection and copying at the principal office of the Exchange. 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-ISE-2009-70 and should be submitted on or before November 5, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-24790 Filed 10-14-09; 8:45 am]

BILLING CODE 8011-01-P

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## DEPARTMENT OF STATE

[Public Notice 6786]

### Department of State Performance Review Board Members

In accordance with section 4314(c)(4) of 5 United States Code, the Department of State has appointed the following individuals to the Department of State Performance Review Board for career Senior Executive Service members:

Joan E. Donoghue, Principal Deputy Legal Adviser, Office of the Legal Adviser, Department of State;  
Raymond D. Maxwell, Director, Bureau of Near Eastern Affairs, Department of State; (Outside Member);  
James L. Millette, Deputy Assistant Secretary, Bureau of Resource Management, Department of State;  
Margaret J. Pollack, Deputy Assistant Secretary, Bureau of Population, Refugees and Migration, Department of State; and  
Ruth A. Whiteside, Director, Foreign Service Institute, Department of State.

Dated: October 7, 2009.

**Steven A. Browning,**

*Acting Director General of the Foreign Service and Director of Human Resources, Department of State.*

[FR Doc. E9-24823 Filed 10-14-09; 8:45 am]

BILLING CODE 4710-15-P

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending September 19, 2009

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A). [sic]

<sup>8</sup> 17 CFR 240.19b-4(f)(2).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* DOT–OST–2009–0222.

*Date Filed:* September 14, 2009.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* October 5, 2009.

*Description:* Application of Olympic Air Anonymos Etaireia Aeroporkon Metaforon d/b/a Olympic Air requesting a foreign air carrier permit and corresponding exemption authority to the full extent authorization by the Air Transport Agreement between the United States and the European Community and the Member States of the European Community to enable it to engage in: (i) Foreign scheduled and charter air transportation of persons, property and mail from any point or points behind any Member State of the European Union via any point or points in any Member State and via intermediate points to any point or points in the United States or beyond; (ii) foreign scheduled and charter air transportation of persons, property and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area; (iii) other charters pursuant to prior approval requirements; and (iv) transportation authorized by any additional route rights made available to European Community carriers in the future.

*Docket Number:* DOT–OST–2009–0224.

*Date Filed:* September 15, 2009.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* September 30, 2009.

*Description:* Application of Calm Air International LP d/b/a (“Calm Air”), a Canadian air carrier, requesting an amendment to its air carrier permit to engage in non-scheduled charter trips in foreign air transportation between Canada and the United States as more specifically set forth herein.

**Renee V. Wright,**

*Program Manager, Docket Operations,  
Federal Register Liaison.*

[FR Doc. E9–24783 Filed 10–14–09; 8:45 am]

**BILLING CODE 4910–9X–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2009–0304]

#### Pipeline Safety: Information Collection Activities

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on an information collection under Office of Management and Budget (OMB) Control No. 2137–0584, titled “Gas and Hazardous Liquid Pipeline Safety Program Certifications.” PHMSA will request approval from OMB for a revision of the current information collection. That revision relates to the use of on-line certification media containing questions which will improve PHMSA’s ability to efficiently allocate grant monies to State programs, resulting in the creation of additional incentives for pipeline safety under the State’s jurisdiction.

**DATES:** Interested persons are invited to submit comments on or before December 14, 2009.

**ADDRESSES:** Comments may be submitted in the following ways:

*E-Gov Web site:* <http://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

*Fax:* 1–202–493–2251.

*Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Room W12–140, Washington, DC 20590–0001.

*Hand Delivery:* Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except on Wednesdays and Federal holidays.

*Instructions:* Identify the docket number, PHMSA–2009–0304, at the beginning of your comments. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.)

Therefore, you may want to review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or visit <http://dms.dot.gov> before submitting any such comments.

*Docket:* For access to the docket or to read background documents or comments, go to <http://dms.dot.gov> at any time or to Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 a.m., Monday through Friday, except on Wednesdays and Federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: “Comments on PHMSA–2009–0304”. The Docket Clerk will date-stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (Internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

#### FOR FURTHER INFORMATION CONTACT:

Cameron Satterthwaite by telephone at 202–366–1319, by fax at 202–366–4566, or by mail at U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., PHP–30, Washington, DC 20590–0001.

**SUPPLEMENTARY INFORMATION:** Section 1320.8(d), Title 5, Code of Federal Regulations requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies an information collection request that PHMSA is submitting to OMB for revision under OMB Control No. 2137–0584. This information collection is contained in 49 CFR Part 198. We are proposing to revise this information collection to incorporate changes to the tools used to determine the amount of funds received by each participating State. We believe these revisions will improve PHMSA’s ability to efficiently allocate grant monies to States that are currently enhancing or seeking to enhance their respective programs, thereby resulting in the creation of additional incentives for pipeline safety under the State’s jurisdiction.