

A proposed rule change filed under Rule 19b-4(f)(6) normally does not become operative prior to 30 days after the date of the filing.¹⁸ However, pursuant to Rule 19b-4(f)(6)(iii),¹⁹ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange notes that the proposed rule change is substantially similar to a proposal submitted by another options exchange that was recently approved by the Commission and also incorporates a change to the initial expansion date filed by the other exchange. The Exchange further states that waiving the 30-day operative delay will allow the Pilot Program to continue uninterrupted and allow Nasdaq to adopt the same expansion schedule as other exchanges. For these reasons, the Commission designates the proposal to be operative upon filing with the Commission.

The Commission believes waiving the 30-day operative delay²⁰ is consistent with the protection of investors and the public interest because such waiver will allow Nasdaq to implement the 75 additional classes on November 2, 2009 and permit the Pilot Program to continue uninterrupted, consistent with other exchanges.²¹ For these reasons, the Commission designates the proposal to be operative upon filing with the Commission.

At any time within 60 days of the filing of the 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,

to file the proposed rule change along with a brief description and the 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. The Exchange has satisfied this pre-filing requirement.

¹⁸ 17 CFR 240.19b-4(f)(6).

¹⁹ 17 CFR 240.19b-4(f)(6)(iii).

²⁰ For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78(c)(f).

²¹ See Securities Exchange Act Release Nos. 60711 (September 23, 2009), 74 FR 49419 (September 28, 2009) (SR-NYSEArca-2009-44); and 60833 (October 16, 2009), 74 FR 54617 (October 22, 2009) (SR-NYSEArca-2009-91).

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. Please include File Number SR-NASDAQ-2009-091 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-NASDAQ-2009-091. 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 such 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 No. SR-NASDAQ-2009-091 and should be submitted on or before November 23, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

Florence E. Harmon,
Deputy Secretary.

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²² 17 CFR 200.30-3(a)(12).

DEPARTMENT OF STATE

[Public Notice 6783]

Shipping Coordinating Committee; Notice of Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Friday, November 13, 2009, in Room 1303 of the United States Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, DC 20593-0001. The primary purpose of the meeting is to prepare for the twenty sixth Session of the International Maritime Organization (IMO) Assembly (A 26) to be held at the IMO Headquarters, United Kingdom from November 23 to December 4, 2009 and the twenty fifth Session of the IMO Council Extraordinary Session (C ES 25) to be held at the IMO Headquarters, United Kingdom, from November 19 to November 20, 2009.

The primary matters to be considered include:

Twenty-Sixth Session of Assembly

1. Adoption of the agenda.
2. Election of the President and the Vice-Presidents of the Assembly.
3. Consideration of proposed amendments to the Rules of Procedure of the Assembly.
4. Application of Article 61 of the IMO Convention. Report of the Council to the Assembly on any requests by Members for waiver.
5. Establishment of committees of the Assembly.
6. Consideration of the reports of the committees of the Assembly.
7. Report of the Council to the Assembly on the work of the Organization since the twenty-fifth regular session of the Assembly.
8. Strategy and planning.
9. Voluntary IMO Member State Audit Scheme.
10. Consideration of the reports and recommendations of the Maritime Safety Committee.
11. Consideration of the reports and recommendations of the Legal Committee.
12. Consideration of the reports and recommendations of the Marine Environment Protection Committee.
13. Consideration of the reports and recommendations of the Technical Co-operation Committee.
14. Consideration of the reports and recommendations of the Facilitation Committee.
15. Report on the 2009 International Conference on the Safe and Environmentally Sound Recycling of Ships.

16. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters.

17. Resource management.

18. Maritime training programmes.

19. External relations.

20. Report on the status of the Convention and membership of the Organization.

21. Report on the status of conventions and other multilateral instruments in respect of which the Organization performs functions.

22. Election of Members of the Council, as provided for in Articles 16 and 17 of the IMO Convention.

23. Election of Members of the IMO Staff Pension Committee.

24. Date and place of the twenty-seventh regular session of the Assembly.

Twenty-Fifth Extraordinary Session of Council

1. Adoption of the agenda.

2. Report of the Secretary-General on credentials.

3. Strategy and planning.

4. Organizational reforms.

5. Resource management:

6. Voluntary IMO Member State Audit Scheme.

7. Results-based budget for the twenty-sixth financial period 2010–2011.

8. Consideration of the report of the Marine Environment Protection Committee.

9. Consideration of the report of the Legal Committee.

10. Report on the 31st Consultative Meeting of Contracting Parties to the London Convention 1972 and the 4th Meeting of Contracting Parties to the 1996 Protocol to the London Convention.

11. World Maritime University.

12. Protection of vital shipping lanes.

13. Report of the Council to the Assembly on the work of the Organization since the twenty-fifth regular session of the Assembly.

14. External relations:

15. Report on the status of the Convention and membership of the Organization.

16. Report on the status of conventions and other multilateral instruments in respect of which the Organization performs functions.

17. Supplementary agenda items, if any.

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, those who plan to attend should contact the meeting coordinator; LCDR Jason Smith by e-mail at jason.e.smith2@uscg.mil, by phone at (202) 372–1376, by fax at (202)

372–1925, or in writing at Commandant (CG–5212), U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Room 1308, Washington, DC 20593–0001 not later than 72 hours before the meeting. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Headquarters building. The Headquarters building is accessible by taxi and privately owned conveyance (public transportation is not generally available). However, parking in the vicinity of the building is extremely limited.

This announcement might appear in the **Federal Register** less than 15 days prior to the meeting. The Department of State finds that there is an exceptional circumstance in that this advisory committee meeting must be held on November 13th in order to prepare for the IMO Assembly to be convened on November 23rd.

Dated: October 23, 2009.

J. Trent Warner,

Executive Secretary, Shipping Coordinating Committee, Department of State.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–57 (Sub-No. 58X)]

Soo Line Railroad Company d/b/a Canadian Pacific Railway Company—Abandonment Exemption—in Waukesha and Milwaukee Counties, WI

Soo Line Railroad Company d/b/a Canadian Pacific Railway Company (CPR) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon a line of railroad approximately 4,458 feet in length between milepost 94.04 +/- (southeast of Watertown Plank Road) and milepost 93.2 +/- (approximately 1,100 feet southeast of West Bluemound Road), in Waukesha and Milwaukee Counties, WI. The line traverses United States Postal Service Zip Codes 53005, 53122, and 53226.

CPR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) all overhead traffic can and has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board

(Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on December 2, 2009, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR

1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 12, 2009. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 23, 2009, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CPR's representative: W. Karl Hansen, Leonard, Street and Deinard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CPR has filed a combined environmental and historic report addressing the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by November 6, 2009. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each OFA must be accompanied by the filing fee, which currently is set at \$1,500. See 49 CFR 1002.2(f)(25).