

limited compensation for system malfunctions.<sup>4</sup>

## 2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,<sup>5</sup> in general, and with Sections 6(b)(5) of the Act,<sup>6</sup> in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. As Nasdaq analyzes total eligible liability claims on a per-month look-back basis, the proposal, in effect, would allow Nasdaq an increased capability to compensate a market participant(s) up to the monthly cap of \$500,000 even though the losses occurred on a single day or were across multiple days for a single participant. The expansion of time to make such compensation claims likewise increases the ability of market participants to submit claims in a timely manner.

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

The Exchange does not believe that the proposed rule change will result in 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

Written comments on the proposed rule change were neither solicited nor received.

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

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A)

of the Act<sup>7</sup> and Rule 19b-4(f)(6)<sup>8</sup> thereunder.

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, 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 No. SR-NASDAQ-2009-084 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 No. SR-NASDAQ-2009-084. 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

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

<sup>8</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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. Nasdaq has satisfied this requirement.

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 Nasdaq. 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-2009-084 and should be submitted on or before November 3, 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. E9-24515 Filed 10-9-09; 8:45 am]

BILLING CODE 8011-01-P

## DEPARTMENT OF STATE

### [Delegation of Authority 175-5]

### Changes to and Further Assignment of Functions Under Section 208 of Title 18 of the United States Code

**AGENCY:** Department of State.

**ACTION:** Changes to and further assignment of functions.

**SUMMARY:** Delegations of Authority No. 175 and 245-1 delegated authority from the Secretary of State to the Deputy Secretary of State and the Deputy Secretary of State for Management and Resources all authorities vested in the Secretary of State, to include issuing waivers pursuant to 18 U.S.C. 208 to Department of State employees. In 2003, the Deputy Secretary of State redelegated authority to the Legal Adviser to issue certain waivers under 18 U.S.C. 208(b)(1) and (3). In 2006, the Deputy Secretary of State delegated to the Legal Adviser and the Under Secretary for Management the authority to issue financial interest waiver determinations to (1) Seventh Floor principals when the waiver is applicable for a specific activity, when a principal is seeking employment by an international organization, or when the waiver does not exceed six months; and (2) other Department employees (including advisory committee members) under any circumstances. This notice informs the public of the further delegation of authority from the Deputy Secretary for Management and Resource to the Legal Adviser and the Under Secretary for Management to issue all waivers under 18 U.S.C.

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

<sup>4</sup> See NYSE Arca Equities Rule 13.2 and ISE Rule 705.

<sup>5</sup> 15 U.S.C. 78f.

<sup>6</sup> 15 U.S.C. 78f(b)(5).

208(b)(1) and (3), except for waivers to the Secretary of State.

**DATES:** These actions are effective immediately.

*Delegation of Authority:* By virtue of the authority vested in me as Deputy Secretary of State for Management and Resources, including the authorities specified in Delegations of Authority 175 and 245-1, I hereby delegate to the Legal Adviser and the Under Secretary for Management the authority pursuant to 18 U.S.C. 208(b)(1) and (3) to issue waiver determinations with respect to financial interests to Department of State employees, including Seventh Floor principals, regardless of the amount of the affected financial interest. This delegation shall not, however, authorize the issuance of waiver determinations to the Secretary of State.

The Delegation supersedes Delegation of Authority 175-4.

At his or her discretion, the Legal Adviser may refer any waiver request for issuance by the Secretary, the Deputy Secretary, the Deputy Secretary for Management and Resources, or the Under Secretary for Management.

Notwithstanding this delegation of authority, the Secretary, the Deputy Secretary, the Deputy Secretary for Management and Resources, and the Under Secretary for Management may at any time exercise the functions herein delegated.

This delegation of authority shall be published in the **Federal Register**.

Dated: September 29, 2009.

**Jacob J. Lew,**

*Deputy Secretary of State for Management and Resources, Department of State.*

[FR Doc. E9-24541 Filed 10-9-09; 8:45 am]

BILLING CODE 4710-35-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2009-0924]

#### Airport Compliance Program

**AGENCY:** Department of Transportation, Federal Aviation Administration.

**ACTION:** Notice of availability of FAA Order 5190.6B, *Airport Compliance Manual*.

**SUMMARY:** This notice announces the availability of FAA Order 5190.6B, *Airport Compliance Manual*, issued September 30, 2009. Order 5190.6B cancels and replaces Order 5190.6A, *Airport Compliance Requirements*, issued on October 2, 1989. Order 5190.6B provides current guidance to FAA employees on administration and

implementation of the FAA airport compliance program. This program implements FAA's responsibilities for the enforcement of the obligations of airport operators to the United States Government arising from FAA grant agreements and from federal deeds of property for airport use. The order updates cancelled Order 5190.6A by reflecting statutes, policy changes, case decisions and complaint resolution procedural rules issued since 1989 and by including more specific guidance material on a number of compliance subjects. FAA orders are intended for the use of FAA employees.

**DATES:** FAA Order 5190.6B was issued on September 30, 2009 and was effective upon issuance. Comments received by March 31, 2010 will be considered by the agency in a determination whether any further revision of the order is required.

**ADDRESSES:** You can get an electronic copy of FAA Order 5190.6B on the FAA Airports Web site at [http://www.faa.gov/airports/resources/publications/orders/compliance\\_5190.6/](http://www.faa.gov/airports/resources/publications/orders/compliance_5190.6/).

You may send comments identified by Docket Number, FAA-2009-0924 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, Routing Symbol M-30, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Fax:* 1-202-493-2251.
- *Hand Delivery:* To Docket Operations, Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590; between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For more information on the notice and comment process, see the **SUPPLEMENTARY INFORMATION** section of this document. Privacy: We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. For more information, see the Privacy Act discussion in the **SUPPLEMENTARY INFORMATION** section of this document. Docket: To read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Charles Erhard, Manager, Airport Compliance Division, ACO-100, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-3187; facsimile: (202) 267-5769; e-mail: [charles.erhard@faa.gov](mailto:charles.erhard@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Availability of Documents

You can get an electronic copy of this notice and all other documents in this docket using the Internet by:

- (1) Searching the Federal eRulemaking portal (<http://www.regulations.gov/search/>);
- (2) Visiting the FAA's Regulations and Policies web page at [http://www.faa.gov/regulations\\_policies](http://www.faa.gov/regulations_policies).

##### Background

Order 5190.6, *Airport Compliance Requirements*, was issued on August 24, 1973. Order 5190.6 was cancelled and replaced by Order 5190.6A, *Airport Compliance Requirements*, on October 2, 1989. Each of these orders, while it was in effect, served as the handbook or manual for FAA employees responsible for monitoring and enforcing the compliance of airport operators with obligations to the federal government. Those obligations most commonly arise from conditions, or assurances, contained in agreements with the FAA for grants in aid to airports, and from the terms in deeds of property transferred by the federal government for airport use.

The current FAA airport grant program is the Airport Improvement Program (AIP), established by the Airport and Airway Improvement Act of 1982 as amended, 49 U.S.C. 47101 *et seq.* (AAIA). Section 47107 requires the Secretary of Transportation to obtain certain assurances from an airport operator as a condition of receiving a grant under the AIP. The FAA implements this requirement with a standard set of grant assurances for airport sponsors, which can be viewed on the FAA Airports Web site at: [http://www.faa.gov/airports/aip/grant\\_assurances/](http://www.faa.gov/airports/aip/grant_assurances/).

An airport operator may also have Federal obligations under a deed of property transferred under the Surplus Property Act of 1944, as amended, 49 U.S.C. 47151-47153, or the Federal Airports Act of 1946, as amended, 49 U.S.C. 47125.

Since 1989, there have been substantial changes to the laws and policies relating to the Federal obligations of airport operators, and also changes to the procedures for investigating and resolving complaints