

further the objectives of Section 6(b)(5) of the Act⁷ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade, 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, by allowing the Exchange to have uniform position limit procedures.

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

The Exchange does not believe that the proposed rule change will 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

No written comments were solicited or received with respect to the proposed rule change.

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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹ Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁰ and Rule 19b-4(f)(6)(iii) thereunder.¹¹

A proposed rule change filed under Rule 19b-4(f)(6)¹² normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹³ the Commission

may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will bring uniformity and predictability to the position limit process. Accordingly, the Commission hereby grants the Exchange's request and designates the proposal operative upon filing.¹⁴

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. Please include File Number SR-NYSEAmex-2009-80 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-NYSEAmex-2009-80. 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,¹⁵ all subsequent amendments, all written statements

¹⁴ 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. 78c(f).

¹⁵ The text of the proposed rule change is available on the Commission's Web site at <http://www.sec.gov/>

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 Section, 100 F Street, NE., Washington, DC 20549-1090 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the NYSE Amex's principal office and on its Internet Web site at <http://www.nyse.com>. 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-NYSEAmex-2009-80 and should be submitted on or before December 21, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Elizabeth M. Murphy,

Secretary.

[FR Doc. E9-28519 Filed 11-27-09; 8:45 am]

BILLING CODE 8011-01-P

SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Public Hearing and Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of public hearing and commission meeting.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing as part of its regular business meeting beginning at 1 p.m. on December 17, 2009, in Lancaster, Pa. At the public hearing, the Commission will consider: action on certain water resources projects; a compliance matter involving one project; the rescission of a previous docket approval; a request for an extension of an approval; a request for an administrative hearing; the 2010 Regulatory Program Fee Schedule; and amendments to the SRBC Comprehensive Plan. Details concerning the matters to be addressed at the public hearing and business meeting are

¹⁶ 17 CFR 200.30-3(a)(12).

⁷ 15 U.S.C. 78f (b)(5).

⁸ 15 U.S.C. 78s(b)(3)(A)(iii).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and 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 the pre-filing requirement.

¹² 17 CFR 240.19b-4(f)(6).

¹³ 17 CFR 240.19b-4(f)(6)(iii).

contained in the Supplementary Information section of this notice.

DATES: December 17, 2009, at 1 p.m.

ADDRESSES: Lancaster Marriot at Penn Square, 25 South Queen Street, Lancaster, PA 17603.

FOR FURTHER INFORMATION CONTACT:

Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, telephone: (717) 238-0423, ext. 304; fax: (717) 238-2436; e-mail: srichardson@srbc.net.

SUPPLEMENTARY INFORMATION: In

addition to the public hearing and its related action items identified below, the business meeting also includes actions or presentations on the following items: (1) A special presentation by Secretary of the Pennsylvania Department of Environmental Protection John Hanger; (2) presentation of the Frederick L. Zimmermann Award; (3) hydrologic conditions of the basin; (4) FY-2011 funding of the Susquehanna Flood Forecast and Warning System; (5) the 2010 Annual Water Resources Program; (6) a Low Flow Monitoring Plan for the basin; (7) ratification/approval of grants/contracts; and (8) the FY-2009 Audit Report. The Commission will also hear a Legal Counsel's report.

Public Hearing—Compliance Matter

1. *Project Sponsor:* TYCO Electronics Corporation. *Project Facility:* Lickdale, Union Township, Lebanon County, Pa.

Public Hearing—Projects Scheduled for Action

1. *Project Sponsor and Facility:* Chesapeake Appalachia, LLC (Susquehanna River—Hicks), Great Bend Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.750 mgd.

2. *Project Sponsor and Facility:* East Resources, Inc. (Susquehanna River—Welles), Sheshequin Township, Bradford County, Pa. Application for surface water withdrawal of up to 0.850 mgd.

3. *Project Sponsor and Facility:* Eastern American Energy Corporation (West Branch Susquehanna River—Moore), Goshen Township, Clearfield County, Pa. Application for surface water withdrawal of up to 2.000 mgd.

4. *Project Sponsor and Facility:* Fortuna Energy Inc. (Fall Brook—Tioga State Forest C.O.P.), Ward Township, Tioga County, Pa. Application for surface water withdrawal of up to 2.000 mgd.

5. *Project Sponsor and Facility:* Fortuna Energy Inc. (Fellows Creek—

Tioga State Forest C.O.P.), Ward Township, Tioga County, Pa. Application for surface water withdrawal of up to 2.000 mgd.

6. *Project Sponsor and Facility:* Fortuna Energy Inc. (Susquehanna River—Thrush), Sheshequin Township, Bradford County, Pa. Modification to increase surface water withdrawal from 0.250 mgd up to 2.000 mgd (Docket No. 20080909).

7. *Project Sponsor and Facility:* Montgomery Water and Sewer Authority, Clinton Township, Lycoming County, Pa. Application for groundwater withdrawal of up to 0.252 mgd from Well 2R.

8. *Project Sponsor and Facility:* Nissin Foods (USA) Co., Inc., East Hempfield Township, Lancaster County, Pa. Modification to increase consumptive water use from 0.090 mgd up to 0.150 mgd (Docket No. 20021021).

9. *Project Sponsor and Facility:* Southwestern Energy Company (Lycoming Creek—Reichenbach), Lewis Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd.

10. *Project Sponsor and Facility:* Southwestern Energy Company (Lycoming Creek—Wascher), Lewis Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd.

11. *Project Sponsor and Facility:* Southwestern Energy Company (Lycoming Creek—Parent), McIntyre Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd.

12. *Project Sponsor and Facility:* Southwestern Energy Company (Lycoming Creek—Schaefer), McIntyre Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd.

13. *Project Sponsor and Facility:* Sunbury Generation LP, Monroe Township and Shamokin Dam Borough, Snyder County, Pa. Modification for use of up to 0.100 mgd of the approved surface water withdrawal by natural gas companies (Docket No. 20081222).

Public Hearing—Request for Extension

1. *Project Sponsor and Facility:* Sunnyside Ethanol, a wholly owned subsidiary of Consus Ethanol, LLC, Curwensville Borough, Clearfield County, Pa. Request for a waiver of the 120-day period for applying for extension and a retroactive 2-year extension for the project scheduled to expire on December 5, 2009 (Docket No. 20061203).

Public Hearing—Project Scheduled for Rescission Action

1. *Project Sponsor:* Eastern American Energy Corporation. *Pad ID:* Whitetail Gun and Rod Club #1, ABR-20090418, Goshen Township, Clearfield County, Pa.

Public Hearing—Request for Administrative Hearing

1. *Petitioner:* Delta Borough, York County, Pennsylvania; *RE:* Delta Borough Public Water Supply Well No. DR-2; *Docket No.* 20090315, approved March 12, 2009.

Public Hearing—2010 Regulatory Program Fee Schedule

The revisions implement annual adjustments previously established by the Commission in March 2005. Other changes include annual compliance and monitoring fees for projects approved or modified after December 31, 2009; an increase in certain water withdrawal application fees for new and modified projects in the smaller withdrawal categories; and comprehensive format changes to the fee schedule document to aid applicants, including separate charts for different types of fees and a new application fee worksheet.

Public Hearing—Comprehensive Plan Amendments

The Commission will also consider amendments to its *Comprehensive Plan for the Water Resources of the Susquehanna River Basin*. The proposed amendments include the addition of the 2010 Annual Water Resources Program and a “Low Flow Monitoring Plan” (both to be considered separately at this meeting), as well as all water resources projects approved by the Commission during 2009.

Opportunity to Appear and Comment

Interested parties may appear at the above hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pennsylvania 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, e-mail: rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, e-mail: srichardson@srbc.net. Comments mailed

or electronically submitted must be received prior to December 11, 2009, to be considered.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: November 17, 2009.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. E9-28516 Filed 11-27-09; 8:45 am]

BILLING CODE 7040-01-P

SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of approved projects.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: October 1, 2009 through October 31, 2009.

ADDRESSES: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, *telephone:* (717) 238-0423, ext. 306; *fax:* (717) 238-2436;

e-mail: rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, *telephone:* (717) 238-0423, ext. 304; *fax:* (717) 238-2436; *e-mail:* srichardson@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified above:

Approvals By Rule Issued

1. Chesapeake Appalachia, LLC, Pad ID: Gowan, ABR-20091001, Terry Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: October 5, 2009.

2. Chief Oil & Gas, LLC, Pad ID: Poor Shot East Unit Drilling Pad #1, ABR-20091002, Anthony Township, Lycoming County, Pa. Consumptive Use of up to 5.000 mgd; Approval Date: October 5, 2009.

3. East Resources, Inc., Pad ID: Pazzaglia 507, ABR-20091003, Rutland Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 6, 2009.

4. East Resources, Inc., Pad ID: Soderburg 501, ABR-20091004, Sullivan Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 6, 2009.

5. East Resources, Inc., Pad ID: Fitch-1H, ABR-20091005, Union Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 6, 2009.

6. East Resources, Inc., Pad ID: Palmer 112, ABR-20091006, Canton Township, Bradford County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 6, 2009.

7. East Resources, Inc., Pad ID: Allen 264, ABR-20091007, Jackson Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 7, 2009.

8. East Resources, Inc., Pad ID: Howe 257, ABR-20091008, Jackson Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 7, 2009.

9. East Resources, Inc., Pad ID: Ostrander 412, ABR-20091009, Jackson Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 7, 2009.

10. Chief Oil & Gas, LLC, Pad ID: Ritchey Unit Drilling Pad, ABR-20091010, Juniata Township, Blair County, Pa.; Consumptive Use of up to 1.990 mgd; Approval Date: October 7, 2009.

11. East Resources, Inc., Pad ID: Bryan 406, ABR-20091011, Jackson Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 8, 2009.

12. East Resources, Inc., Pad ID: Benson 130D, ABR-20091012, Richmond Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 13, 2009.

13. East Resources, Inc., Pad ID: Cooper 400, ABR-20091013, Tioga Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 13, 2009.

14. Citrus Energy, Pad ID: Procter and Gamble Mehoopany Plant IV, ABR-20091014, Washington Township, Wyoming County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: October 13, 2009.

15. East Resources, Inc., Pad ID: Burleigh 508, ABR-20091015, Rutland Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 14, 2009.

16. East Resources, Inc., Pad ID: Busia 457, ABR-20091016, Jackson Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 19, 2009.

17. Chesapeake Appalachia, LLC, Pad ID: Harry, ABR-20091017, West

Burlington Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: October 20, 2009.

18. East Resources, Inc., Pad ID: Phillips 504, ABR-20091018, Rutland Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 19, 2009.

19. East Resources, Inc., Pad ID: Hungerford 458, ABR-20091019, Jackson Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 19, 2009.

20. Chesapeake Appalachia, LLC, Pad ID: James Smith, ABR-20091020, Terry Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: October 20, 2009.

21. Chesapeake Appalachia, LLC, Pad ID: Jayne, ABR-20091021, Auburn Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: October 20, 2009.

22. Victory Energy Corporation, Pad ID: Brown #1, ABR-20091022, West Branch Township, Potter County, Pa.; Consumptive Use of up to 0.999 mgd; Approval Date: October 20, 2009.

23. Cabot Oil and Gas Corporation, Pad ID: ShieldsG P2, ABR-20091023, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: October 22, 2009.

24. Fortuna Energy, Inc., Pad ID: DCNR 587 Pad #9, ABR-20091024, Ward Township, Tioga County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: October 24, 2009.

25. Fortuna Energy, Inc., Pad ID: Knights 24, ABR-20091025, Troy Township, Bradford County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: October 24, 2009.

26. Penn Virginia Oil & Gas Corporation, Pad ID: Cady #1; ABR-20091026, Brookfield Township, Tioga County, Pa.; Consumptive Use of up to 2.000 mgd; Approval Date: October 27, 2009.

27. East Resources, Inc., Pad ID: Schildt 259, ABR-20091027, Jackson Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: October 27, 2009.

28. EOG Resources, Inc., Pad ID: PHC 6H, ABR-20090721.1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 1.999 mgd; Modification Date: October 28, 2009.

29. EOG Resources, Inc., Pad ID: PHC 7H, ABR-20090722.1, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 1.999 mgd; Modification Date: October 28, 2009.

30. EOG Resources, Inc., Pad ID: PHC 8H, ABR-20090723.1, Lawrence Township, Clearfield County, Pa.;