

associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that this filing furthers the objectives of Section 6(b)(5)<sup>10</sup> of the Exchange Act because the rules summarized herein would create a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, 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. In particular, the Proposed Rule Change sets forth certain conditions under which the Routing Services will be provided so as to assure that the potential for conflicts of interests and informational advantages are adequately addressed. The conditions under which the Exchange is permitted to be affiliated with the entities conducting the Routing Services will also be limited to no more than 6 months.

#### *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**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve the proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

### **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-NYSEARCA-2009-84 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-NYSEARCA-2009-84. 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 NYSE Arca. 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-NYSEARCA-2009-84 and should be submitted on or before October 26, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-23854 Filed 10-2-09; 8:45 am]

BILLING CODE 8011-01-P

## **SUSQUEHANNA RIVER BASIN COMMISSION**

### **Notice of Actions Taken at September 10, 2009 Meeting**

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice of Commission Actions.

**SUMMARY:** At its regular business meeting on September 10, 2009, in North East, Maryland, the Commission held a public hearing as part of its regular business meeting. At the public hearing, the Commission: (1) Approved and tabled certain water resources projects; (2) rescinded approval for two water resources projects; (3) approved settlements involving two water resources projects; and (4) tabled a request for an administrative hearing on a project previously approved by the Commission. Details concerning these and other matters addressed at the public hearing and business meeting are contained in the *Supplementary Information* section of this notice.

**DATES:** September 10, 2009.

**ADDRESSES:** Susquehanna River Basin Commission, 1721 N. 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](mailto: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](mailto:srichardson@srbc.net). Regular mail inquiries may be sent to the above address.

**SUPPLEMENTARY INFORMATION:** In addition to the public hearing and its related action items identified below, the following items were also presented or acted on at the business meeting: (1) A report on the present hydrologic conditions of the basin indicating widespread recovery from winter precipitation deficits; (2) a panel discussion on the Chesapeake Bay and Ecosystems as two of the Commission's "priority management areas"; (3) presentation of the William W. Jeanes Award for Environmental Excellence to The Nature Conservancy; (4) an update

<sup>10</sup> 15 U.S.C. 78f(b)(5).

<sup>11</sup> 17 CFR 200.30-3(a)(12).

on the Maryland Lt. Governor's Water Summit; (5) adoption of a final rulemaking action regarding the use of Commission-approved water sources for natural gas well development and clarifying administrative procedures; (6) adoption of an Access to Records Policy; and (7) ratification of several grants regarding surface water assessments, total maximum daily loads, the State of the Susquehanna project and the Susquehanna Flood Forecast and Warning System. The Commission also heard counsel's report on legal matters affecting the Commission.

The Commission convened a public hearing and took the following actions:

#### Public Hearing—Compliance Actions

The Commission approved settlements in lieu of civil penalties for the following projects:

1. Allegheny Energy Supply Company, LLC and UGI Development Company, Hunlock Creek Electric Generating Station—\$35,000.
2. Chief Oil & Gas, LLC, Phelps 1H Well—\$25,000.

#### Public Hearing—Projects Approved

1. *Project Sponsor:* Antrim Treatment Trust. *Project Facility:* Antrim No. 1, Duncan Township, Tioga County, Pa. Surface water withdrawal of up to 0.720 mgd.
2. *Project Sponsor and Facility:* Charles Header-Laurel Springs Development, Barry Township, Schuylkill County, Pa. Groundwater withdrawal of 0.040 mgd from Laurel Springs 1 and 2.
3. *Project Sponsor and Facility:* Charles Header-Laurel Springs Development, Barry Township, Schuylkill County, Pa. Consumptive water use of up to 0.080 mgd.
4. *Project Sponsor:* Community Refuse Service, Inc. *Project Facility:* Cumberland County Landfill, Hopewell and North Newton Townships, Cumberland County, Pa. Modification to increase consumptive water use from a peak day of 0.090 mgd up to 0.140 mgd (Docket No. 20050907).
5. *Project Sponsor:* Community Refuse Service, Inc. *Project Facility:* Cumberland County Landfill, Hopewell and North Newton Townships, Cumberland County Pa. Groundwater withdrawal of 0.053 mgd from eight wells for consumptive water use.
6. *Project Sponsor and Facility:* EXCO—North Coast Energy, Inc. (Tunkhannock Creek—Dobinski), Tunkhannock Township, Wyoming County, Pa. Surface water withdrawal of up to 0.999 mgd.
7. *Project Sponsor and Facility:* Fortuna Energy Inc. (Towanda Creek—

Franklin Township Volunteer Fire Department), Franklin Township, Bradford County, Pa. Surface water withdrawal of up to 2.000 mgd.

8. *Project Sponsor and Facility:* LHP Management, LLC (Fishing Creek—Clinton Country Club), Bald Eagle Township, Clinton County, Pa. Surface water withdrawal of up to 0.100 mgd.

9. *Project Sponsor and Facility:* Seneca Resources Corporation (Arnot No. 5), Bloss Township, Tioga County, Pa. Surface water withdrawal of up to 0.499 mgd.

10. *Project Sponsor and Facility:* Southwestern Energy Company (Cold Creek—Giroux), Herrick Township, Bradford County, Pa. Surface water withdrawal of up to 0.249 mgd.

11. *Project Sponsor and Facility:* Southwestern Energy Company (Mill Creek—Kennedy), Stevens Township, Bradford County, Pa. Surface water withdrawal of up to 0.249 mgd.

12. *Project Sponsor and Facility:* Southwestern Energy Company (Ross Creek—Billings), Stevens Township, Bradford County, Pa. Surface water withdrawal of up to 0.249 mgd.

13. *Project Sponsor and Facility:* Southwestern Energy Company (Tunkhannock Creek—Price), Lenox Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.380 mgd.

14. *Project Sponsor and Facility:* Southwestern Energy Company (Wyalusing Creek—Ferguson), Wyalusing Township, Bradford County, Pa. Surface water withdrawal of up to 1.500 mgd.

15. *Project Sponsor and Facility:* Southwestern Energy Company (Wyalusing Creek—Campbell), Stevens Township, Bradford County, Pa. Surface water withdrawal of up to 1.500 mgd.

16. *Project Sponsor:* UGI Development Company. *Project Facility:* Hunlock Power Station, Hunlock Township, Luzerne County, Pa. Surface water withdrawal from the Susquehanna River of up to 55.050 mgd.

17. *Project Sponsor:* UGI Development Company. *Project Facility:* Hunlock Power Station, Hunlock Township, Luzerne County, Pa. Consumptive water use of up to 0.870 mgd.

18. *Project Sponsor and Facility:* Ultra Resources, Inc. (Elk Run), Gaines Township, Tioga County, Pa. Corrective modification to passby flow condition (Docket No. 20090631).

19. *Project Sponsor:* United Water Resources. *Project Facility:* United Water PA—Harrisburg Operation, Newberry Township, York County, Pa. Groundwater withdrawal of up to 0.121 mgd from Paddletown Well.

#### Public Hearing—Projects Tabled

1. *Project Sponsor and Facility:* ALTA Operating Company, LLC (Berkowitz Pond), Forest Lake Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.249 mgd.

2. *Project Sponsor and Facility:* J—W Operating Company (Abandoned Mine Pool—Unnamed Tributary to Finley Run), Shippen Township, Cameron County, Pa. Application for surface water withdrawal of up to 0.090 mgd.

3. *Project Sponsor and Facility:* Mansfield Borough Municipal Authority, Richmond Township, Tioga County, Pa. Application for groundwater withdrawal of up to 0.079 mgd from Well 3.

4. *Project Sponsor and Facility:* Southwestern Energy Company (Sutton Big Pond), Herrick Township, Bradford County, Pa. Application for surface water withdrawal of up to 5.000 mgd.

#### Public Hearing—Rescission of Project Approvals

1. *Project Sponsor and Facility:* East Resources, Inc. (Tioga River) (Docket No. 20080609), Mansfield, Richmond Township, Tioga County, Pa.

2. *Project Sponsor and Facility:* Montrose Country Club (Docket No. 20020603), Bridgewater Township, Susquehanna County, Pa.

#### Public Hearing—Rescission of Project Approvals Tabled

1. *Project Sponsor and Facility:* Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080903), Town of Tioga, Tioga County, N.Y.

2. *Project Sponsor and Facility:* Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080906), Athens Township, Bradford County, Pa.

3. *Project Sponsor and Facility:* Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080907), Oakland Township, Susquehanna County, Pa.

#### Public Hearing—Administrative Appeals

1. Docket No. 20090315, from petitioner Paul R. Miller allegedly on behalf of Delta Borough—The Commission tabled action on this appeal at the request of the petitioner and the Delta Borough Authority.

**Authority:** Pub. L. 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: September 25, 2009.

**Stephanie L. Richardson,**  
*Secretary to the Commission.*

[FR Doc. E9–23840 Filed 10–2–09; 8:45 am]

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