

## 2. Statutory Basis

The proposed rule change is consistent with Section 6(b)<sup>4</sup> of the Act in general and Section 6(b)(4)<sup>5</sup> of the Act, in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its issuers and other persons using its facilities. The Exchange believes that temporarily reducing the Annual Fee for newly listed securities listed under Rule 5.2(j)(6) will provide an incentive for issuers to introduce and list more such products on the NYSE Arca Marketplace in 2009, thereby increasing competition among such products.

### 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 Number SR-NYSEArca-2009-01 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-NYSEArca-2009-01. 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 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 NYSE Arca'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-NYSEArca-2009-01 and should be submitted on or before February 23, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

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## DEPARTMENT OF STATE

### [Public Notice 6503]

### Imposition of Category II Missile Sanctions Against Three North Korean Entities

**AGENCY:** Bureau of International Security and Nonproliferation, Department of State.

**ACTION:** Notice.

**SUMMARY:** A determination has been made that three North Korean entities have engaged in activities that require the imposition of missile sanctions pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 13222 of August 17, 2001).

**DATES:** *Effective Date:* February 2, 2009.

**FOR FURTHER INFORMATION CONTACT:** Pam Durham, Office of Missile Threat Reduction, Bureau of International Security and Nonproliferation, Department of State (202-647-4931). On import ban issues, Rochelle Stern, Director Policy Planning and Program Management, Office of Foreign Assets Control, Department of the Treasury (202-622-2500). On U.S. Government procurement ban issues, Kim Triplett, office of the Procurement Executive, Department of State (703-875-4079).

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)); Section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)), as carried out under Executive Order 13222 of August 17, 2001 (hereinafter cited as the "Export Administration Act of 1979"); and Executive Order 12851 of June 11, 1993; the U.S. Government determined on January 15, 2009 that the following foreign entities had engaged in missile technology proliferation activities that require the imposition of missile sanctions described in Section 73 of the AECA (22 U.S.C. 2797b) and Section 11B of the EAA (50 U.S.C. Appx 24710b) on these entities:

—Korea Mining and Development Corporation (KOMID) (North Korea) and its sub-units and successors  
—Mokong Trading Corporation (North Korea) and its sub-units and successors  
—Sino-Ki (North Korea) and its sub-units and successors

Accordingly, the following sanctions are being imposed on these entities for two years:

(A) Denial of all new individual export licenses for the transfer of MTCR Annex items to the sanctioned entities;

<sup>4</sup> 15 U.S.C. 78f(b).

<sup>5</sup> 15 U.S.C. 78f(b)(4).

<sup>6</sup> 17 CFR 200.30-3(a)(12).

(B) Denial of all U.S. Government contracts relating to MTCR Annex items with the sanctioned entities; and

(C) Prohibition on the importation into the U.S. of all products produced by the sanctioned entities.

Additionally, because North Korea is a country with a non-market economy that is not a former member of the Warsaw Pact (as referenced in the definition of "person" in section 74(8)(B) of the Arms Export Control Act), the following sanctions shall be applied for two years to all activities of the North Korean government relating to the development or production of missile equipment or technology and all activities of the North Korean government affecting the development or production of electronics, space systems or equipment, and military aircraft:

(A) Denial of all new individual export licenses for the transfer to the government activities described above of MTCR Annex items controlled pursuant to the Arms Export Control Act;

(B) Denial of all U.S. Government contracts relating to MTCR Annex items with the government activities described above; and

(C) Prohibition on the importation into the U.S. of all products produced by the government activities described above.

These measures shall be implemented by the responsible departments and agencies of the United States Government as provided in Executive Order 12851 of June 11, 1993.

Dated: January 21, 2009.

**C.S. Eliot Kang,**

*Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.*

[FR Doc. E9-2175 Filed 1-30-09; 8:45 am]

**BILLING CODE 4710-27-P**

## DEPARTMENT OF STATE

[Public Notice 6501]

### Imposition of Category II Missile Sanctions on Two Entities in China

**AGENCY:** Bureau of International Security and Nonproliferation, Department of State.

**ACTION:** Notice.

**SUMMARY:** A determination has been made that two entities in China have engaged in activities that require the imposition of missile sanctions pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended

(as carried out under Executive Order 13222 of August 17, 2001).

**DATES:** *Effective Date:* February 2, 2009.

**FOR FURTHER INFORMATION CONTACT:** Pam Durham, Office of Missile Threat Reduction, Bureau of International Security and Nonproliferation, Department of State (202-647-4931). On import ban issues, Rochelle Stern, Director, Policy Planning and Program Management, Office of Foreign Assets Control, Department of the Treasury (202-622-2500). On U.S. Government procurement ban issues, Kim Triplett, Office of the Procurement Executive, Department of State (703-875-4079).

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)); Section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as carried out under Executive Order 13222 of August 17, 2001 (hereinafter cited as the "Export Administration Act of 1979"); and Executive Order 12851 of June 11, 1993; the U.S. Government determined on January 15, 2009 that the following foreign entities had engaged in missile technology proliferation activities that require the imposition of missile sanctions described in Section 73 of the AECA (22 U.S.C. 2797b) and Section 11B of the EAA (50 U.S.C. Appx 24710(b) on these entities:

Dalian Sunny Industries, (China) also known as: LIMMT Economic and Trade Company Ltd.; LIMMT (Dalian) Metallurgy and Minerals Co.; and LIMMT (Dalian FTZ) Economic and Trade Organization, and its sub-units and successors; and Bellamax (China) and its sub-units and successors.

Accordingly, the following sanctions are being imposed on these entities for two years:

(A) Denial of all new individual export licenses for the transfer of MTCR Annex items to the sanctioned entities;

(B) Denial of all U.S. Government contracts relating to MTCR Annex items with the sanctioned entities; and

(C) Prohibition on the importation into the U.S. of all products produced by the sanctioned entities.

Further, a determination was made pursuant to section 73(e) of the Arms Export Control Act (22 U.S.C. 2797b(e)) that it was essential to the national security of the United States to waive the sanctions described above with respect to the activities of the Chinese government described in section 74(a)(8)(B) of the Arms Export Control Act (22 U.S.C. 2797c(a)(8)(B))—that is, activities of the Chinese government relating to the development or production of any missile equipment or

technology and activities of the Chinese government affecting the development or production of electronics, space systems or equipment, and military aircraft.

These measures shall be implemented by the responsible departments and agencies of the United States Government as provided in Executive Order 12851 of June 11, 1993.

Dated: January 21, 2009.

**C.S. Eliot Kang,**

*Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.*

[FR Doc. E9-2178 Filed 1-30-09; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 6500]

### Imposition of Nonproliferation Measures on Three North Korean Entities and One Iranian Entity

**AGENCY:** Bureau of International Security and Nonproliferation, Department of State.

**ACTION:** Notice.

**SUMMARY:** The U.S. Government has determined that four foreign entities have engaged in proliferation activities that warrant the imposition of measures pursuant to Executive Order 12938 of November 14, 1994, as amended by Executive Order 13094 of July 28, 1998 and Executive Order 13382 of June 28, 2005.

**DATES:** *Effective Date:* February 2, 2009.

**FOR FURTHER INFORMATION CONTACT:** On general issues: Pam Durham, Office of Missile Threat Reduction, Bureau of International Security and Nonproliferation, Department of State (202-647-4931). On import ban issues, Rochelle Stern, Director, Policy Planning and Program Management, Office of Foreign Assets Control, Department of the Treasury (202-622-2500). On U.S. Government procurement ban issues: Kim Triplett, Office of the Procurement Executive, Department of State (703-875-4079).

**SUPPLEMENTARY INFORMATION:** Pursuant to the authorities vested in the President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), and Section 301 of title 3, United States Code, and Executive Order 12938 of November 14, 1994, as amended, the U.S. Government determined on January