

trading volume in each non-U.S. security and related non-U.S. security occurs in the U.S. market during the six-month period preceding the date of listing; or (b) three percent of the total shares outstanding of the relevant underlying security worldwide if at least 50 percent of the worldwide trading volume in each non-U.S. security and related non-U.S. security occurs in the U.S. market during the six-month period preceding the date of listing; and (c) five percent of the total shares outstanding of the relevant underlying security worldwide if at least 70 percent of the worldwide trading volume in each non-U.S. security and related non-U.S. security occurs in the U.S. market during the six-month period preceding the date of listing.<sup>6</sup>

#### Additional Technical Changes

The Exchange proposes to correct the numbering of NYSE Arca Equities Rule 5.2(j)(2)(C)(iv) to NYSE Arca Equities Rule 5.2(j)(2)(C)(iii). The Exchange also proposes to change the reference to the Division of Market Regulation to the Division of Trading and Markets in NYSE Arca Equities Rule 5.2(j)(2)(D)(i).

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)<sup>7</sup> of the Exchange Act, in general, and furthers the objectives of Section 6(b)(5),<sup>8</sup> in particular, in that it 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 facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that expanding the listing criteria for ELNs to encompass notes that are linked to the securities of investment companies will provide investors with enhanced investment options and flexibility. The Exchange also believes that the availability of financial information for the underlying securities of 1940 Act registered investment companies, like the Exchange Act reporting companies, have disclosure obligations under the federal securities laws.

#### *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 Exchange 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 Exchange 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.

The Exchange has requested accelerated approval of this proposed rule change prior to the 30th day after the date of publication of the notice in the **Federal Register**.<sup>9</sup>

#### **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 Exchange 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-2008-94 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-NYSE-Arca-2008-94. This

<sup>9</sup> E-mail from Tim Malinowski, Director, NYSE Euronext, to Edward Cho, Special Counsel, Division of Trading and Markets, Commission, dated August 27, 2008.

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 the 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 Number SR-NYSEArca-2008-94 and should be submitted on or before October 6, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Florence E. Harmon,**

*Acting Secretary.*

[FR Doc. E8-21901 Filed 9-18-08; 8:45 am]

BILLING CODE 8010-01-P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Notice of Intent To Request Approval From the Office of Management and Budget of a New Information Collection Activity, Request for Comments; Revisions to Digital Flight Data Recorder Regulations for Boeing 737 Airplanes and for All Part 125 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** The FAA invites public comments about our intention to request the Office of Management and Budget

<sup>6</sup> E-mail from Tim Malinowski, Director, NYSE Euronext, to Edward Cho, Special Counsel, Division of Trading and Markets, Commission, dated September 9, 2008.

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).

<sup>10</sup> 17 CFR 200.30-3(a)(12).

(OMB) to approve a new information collection. The FAA would amend the regulations governing flight data recorders to increase the number of digital flight data recorder parameters for certain Boeing airplanes.

**DATES:** Please submit comments by November 18, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Carla Mauney on (202) 267-9895, or by e-mail at: [Carla.Mauneyfaa.gov](mailto:Carla.Mauneyfaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Federal Aviation Administration (FAA)**

*Title:* Revisions to Digital Flight Data Recorder Regulations for Boeing 737 Airplanes and for All Part 125 Airplanes.

*Type of Request:* Reinstatement, without change, of a previously approved collection.

*OMB Control Number:* 2120-0616.

*Form(s):* There are no FAA forms associated with this collection.

*Affected Public:* A total of 2,960 Respondents.

*Frequency:* This is a passive information collection.

*Estimated Average Burden per Response:* This is a passive information collection activity. Responses are recorded automatically in the aircraft's digital flight data recorder.

*Estimated Annual Burden Hours:* An estimated 1 hour annually.

*Abstract:* The FAA would amend the regulations governing flight data recorders to increase the number of digital flight data recorder parameters for certain Boeing airplanes. This change is based on safety recommendations from the National Transportation Safety Board following its investigations of two accidents and several incidents involving 737s.

*Addresses:* Send comments to the FAA at the following address: Ms. Carla Mauney, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES-200, 800 Independence Ave., SW., Washington, DC 20591.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on September 12, 2008.

**Carla Mauney,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES-200.*

[FR Doc. E8-21812 Filed 9-18-08; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Public Notice for Waiver of Aeronautical Land-Use Assurance; Mansfield Lahm International Airport, Mansfield, OH**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of intent of waiver with respect to land.

**SUMMARY:** The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to non-aeronautical use and to authorize the sale of the airport property. The proposal consists of the sale of two areas adjacent to one another of vacant land with few trees remaining along old property lines and at the edge of the approach surface, and owned by the City of Mansfield. The Parcels (#47 and 0-1) is approximately 21.571 acres. There are no impacts to the airport by allowing the airport to dispose of the property. The proposed land for release is vacant and not required for future airport development. The intended land use is for the expansion of the Gorman-Rupp Company along Harrington Memorial Road. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before October 20, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Stephanie Swann, Program Manager, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus,

Michigan 48174. Telephone Number: (734) 229-2945/FAX Number: (734) 229-2950. Documents reflecting this FAA action may be reviewed at this same location or at Mansfield Lahm International Airport, Mansfield, Ohio.

**SUPPLEMENTARY INFORMATION:** Following is a legal description of both properties situated in the State of Ohio, County of Richland, City of Mansfield, located in the Northeast Quarter of Section 3, Township 21 North, Range 18 West, and described as follows:

(Legal Description of Property).

**Parcel 0-1**

Beginning at a concrete monument found at the Southwest corner of said Northeast Quarter of Section 3, said being the Northeasterly corner of a parcel of land now owned by The Gorman-Rupp Company of record in Official Record Volume 514, Page 50;

Thence North 01°28'00" West, a distance of 1270.74 feet along the westerly line of said Northeast Quarter of Section 3, to a concrete monument found on the Southerly right-of-way line of Airport Road South;

Thence the following two (2) courses and distances along and southerly right-of-way line of Airport Road South:

1. Thence North 89°01'07" East, a distance of 10.88 feet to an iron pin;

2. Thence South 66°22'53" East, a distance of 29.86 feet to a point at the northwesterly center of the 4.586 acre tract (clear zone);

Thence South 34°30'27" East, a distance of 1133.89 feet along the southwesterly line of said 4.586 acre tract to a point on a curve in the westerly right-of-way line of State Route 13, at the southerly corner of said 4.586 acre tract;

Thence along said westerly right-of-way line of State Route 13, with a curve to the right, having a radius of 2850.96 feet, a central angle of 06°29'06" an arc length of 322.68 feet, the chord to which bears South 16°45'09" West, a chord distance of 322.51 feet to an iron pin;

Thence South 88°25'00" West, a distance of 555.32 feet to the Point of Beginning, containing 11.870 acres, more or less, being subject to all legal highways and easements of record.

**Parcel 47**

Being known as a part of the Northwest Quarter of Section No. 3, Township 21 North, Range 18 West and more fully described as follows:

Commencing at a concrete monument found at the Southeast corner of the Northwest Quarter of Section No. 3, said concrete monument also being at the Southeast corner of a parcel of land now owned by The Gorman-Rupp Company,