

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, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing will also 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 No. SR-NYSEArca-2008-117 and should be submitted on or before November 26, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Florence E. Harmon,
Acting Secretary.

[FR Doc. E8-26345 Filed 11-4-08; 8:45 am]
BILLING CODE 8011-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Kenosha Regional Airport, Kenosha, WI

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 authorize the release of 1.38 acres of the airport property at the Kenosha Regional Airport, Kenosha, WI. The Wisconsin Department of Transportation (WisDOT) is seeking airport property to improve the intersection of Interstate 94 and State

Trunk Highway 158. The WisDOT issued an environmental Finding of No Significant Impact on September 11, 1996.

The acreage being released is not needed for aeronautical use as currently identified on the Airport Layout Plan. The acreage comprising this parcel 24 and 24A were originally acquired under Grant Nos. AIP-01-1984 and AIP-02-1985. The City of Kenosha (Wisconsin), as airport owner, has concluded that the subject airport land is not needed for expansion of airport facilities. There are no impacts to the airport by allowing the airport to dispose of the property. The airport will receive the appraised fair market value of \$89,700 for the land. 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 December 5, 2008.

ADDRESSES: Ms. Sandra E. DePottey, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450-2706. Telephone Number (612) 713-4350/ FAX Number (612) 713-4364. Documents reflecting this FAA action may be reviewed at this same location or at the Wisconsin Department of Transportation, 4802 Sheboygan Ave., Room 701, Madison, WI 53707.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra E. DePottey, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450-2706. Telephone Number (612) 713-4350/FAX Number (612) 713-4364. Documents reflecting this FAA action may be reviewed at this same location or at the Wisconsin Department of Transportation, 4802 Sheboygan Ave., Room 701, Madison, WI 53707.

SUPPLEMENTARY INFORMATION: Following is a legal description of the subject airport property to be released at Kenosha Regional Airport in Kenosha, Wisconsin and described as follows:

A parcel of land located in Southwest ¼ of the Northwest ¼ of Section 31, T02N, R22E, Town of Somers, Kenosha County, WI.

Said parcel subject to all easements, restrictions, and reservations of record.

Issued in Minneapolis, MN, on August 5, 2008.

Robert A. Huber,

Manager, Minneapolis Airports District Office, FAA, Great Lakes Region.

[FR Doc. E8-26407 Filed 11-4-08; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Tier II Environmental Impact Statement: San Diego County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA, on behalf of the California Department of Transportation (Caltrans) and the General Services Administration (GSA) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for Tier II of a proposed highway project, international port of entry (POE), and possible Commercial Vehicle Enforcement Facility (CVEF) in the East Otay Mesa area of San Diego County, California.

FOR FURTHER INFORMATION CONTACT: Cesar Perez, Senior Transportation Engineer, Federal Highway Administration, 650 Capitol Mall, Suite 4-100, Sacramento, CA 95814, Telephone: (916) 498-5065, or Susanne Glasgow, Deputy District Director, Environmental Division, California Department of Transportation, District 11, 4050 Taylor Street, MS-242, San Diego, CA 92110, Telephone: (619) 688-0100.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), has previously completed a Phase I EIS (Record of Decision dated October 3, 2008) that resulted in the selection of a preferred corridor for State Route 11 (SR-11) and a preferred location for the Otay Mesa POE. Issuance by the U.S. Department of State (DOS) of a conditional Presidential Permit is also an anticipated outcome of this prior environmental process.

At this time, the FHWA, the GSA, and Caltrans will prepare a Tier II EIS that will evaluate design and operational alternatives for future SR-11, the POE, and a potential CVEF, in the previously selected locations in the Otay Mesa area

⁷ 17 CFR 200.30-3(a)(12).

of San Diego County in southern California. This will provide the required environmental documentation for a full Presidential Permit for the POE and allow FHWA/Caltrans and GSA to proceed with acquisition of right-of-way and construction of SR-11 and the Otay Mesa East POE, respectively.

Future SR-11 would begin at approximately the SR-905/SR-125 interchange and proceed easterly approximately 2.1 miles to a new, approximately 100-acre POE. The project will also either determine a route to the existing CVEF that serves the existing Otay Mesa POE to the west or will provide a second CVEF (approximately 20 acres) dedicated to the proposed Otay Mesa East POE. Within the limits of and adjacent to the study area, there are biological resources, planned land uses, paleontological resources, cross-border concerns, and potential traffic management, air quality, and growth issues.

Preliminary Alternatives/Design Variations under consideration include: (1) Taking no action; (2) the option to achieve the project's purpose and need through accommodation of pedestrians, cyclists, transit, and other transportation systems/demand management measures alone, without implementation of SR-11 and the new POE; (3) SR-11 toll implementation options; (4) the options of building two interchanges between SR-11 and local roadways, or one interchange only, with the exact locations of the interchanges to be determined after consideration of public input; and (5) the options of utilizing the existing CVEF at the existing Otay Mesa POE to also serve the proposed Otay Mesa East POE versus construction of a new CVEF adjacent to the new POE. For all alternatives/design variations, transportation systems/demand management measures and options to reduce vehicle idling time, and associated air pollutant emissions at the POE will be analyzed.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and Local agencies; Native American organizations; private organizations; and citizens who have previously expressed or are known to have interest in this proposal.

During future project development, prior to draft EIS circulation, a public scoping meeting will be held on December 4, 2008, from 5 p.m. to 7:30 p.m. at Ocean View Hills Elementary School, located at 4919 Del Sol Boulevard, San Diego, California. In addition, a public hearing will be held after publication of the draft EIS. Public

notices will be given regarding the time and place of the meeting and hearing.

To ensure that the full range of issues relating to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the Draft EIS/EIR should be directed to FHWA and/or Caltrans at the addresses provided above.

Issued on: October 30, 2008.

Nancy Bobb,

Director, State Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. E8-26365 Filed 11-4-08; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA-2008-0048]

Notice of Buy America Waiver Request by the Regional Transportation Commission of Southern Nevada for Bus Rapid Transit Rolling Stock

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Buy America waiver request and request for comments.

SUMMARY: The Regional Transportation Commission of Southern Nevada (RTC) has asked the Federal Transit Administration (FTA) to waive its Buy America requirements to permit it to purchase Bus Rapid Transit Vehicles from Wright Group (Wright) to be designed and manufactured in the United Kingdom. This request comes after the RTC awarded a contract to Wright but before the award of an FTA grant to the RTC. The RTC has asked for a waiver on the dual bases of public interest and non-availability. FTA seeks public comment on whether it should grant RTC's request on the basis of non-availability only. This Notice sets forth the RTC's arguments for a non-availability waiver and seeks comment.

DATES: Comments must be received by November 12, 2008. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please submit your comments by one of the following means, identifying your submissions by docket number FTA-2008-0048. All electronic submissions must be made to the U.S. Government electronic site at www.regulations.gov. Commenters should follow the instructions below for mailed and hand-delivered comments.

(1) *Web site:* www.regulations.gov. Follow the instructions for submitting comments on the U.S. Government electronic docket site;

(2) *Fax:* (202) 493-2251;

(3) *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Docket Operations, M-30, Room W12-140, Washington, DC 20590-0001.

(4) *Hand Delivery:* Room W12-140 on the first 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.

Instructions: All submissions must make reference to the "Federal Transit Administration" and include docket number FTA-2008-0048. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties making submissions responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand. Note that all submissions received, including any personal information therein, will be posted without change or alteration to www.regulations.gov. For more information, you may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or visit www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: For questions please contact Jayme L. Blakesley at (202) 366-0304 or jayme.blakesley@dot.gov.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to seek public comment on whether the Federal Transit Administration should waive its Buy America requirements in 49 CFR Part 661 for fifty (50) Bus Rapid Transit vehicles to be manufactured and assembled in the United Kingdom by Wright Group (Wright) for the Regional Transportation Commission of Southern Nevada (RTC). Because the RTC has already awarded a contract to Wright, it has asked for a post-award waiver.

In its request for a waiver, a copy of which has been placed in the Docket, Nevada RTC describes the benefits "of introducing and operating visually attractive, advanced technology, high capacity vehicles." The RTC states that it "has largely foregone more expensive light rail, heavy rail, or monorail alternatives." As an example, Nevada RTC stated that it "converted its Downtown Connector Project into a [Bus Rapid Transit] Project, at a