

CTA and CQ Plans," and the contracts need not be amended to cause them to govern the receipt and use of the Exchange's data.³⁴³ The Exchange maintains that because "the terms and conditions of the CTA/CQ contracts *do not* change in any way with the addition of the Exchange's market data * * * there are no changes for the industry or Commission to review."³⁴⁴

The Commission believes that the Exchange may use the CTA/CQ Vendor and Subscriber Agreements to govern the distribution of NYSE Arca Data.³⁴⁵ It notes that the NYSE used the CTA Vendor Agreement to govern the distribution of its OpenBook and Liquidity Quote market data products.³⁴⁶ Moreover, the Exchange represents that, following consultations with vendors and end-users, and in response to client demand:

[The Exchange] chose to fold itself into an existing contract and administration system rather than to burden clients with another set of market data agreements and another market data reporting system, both of which would require clients to commit additional legal and technical resources to support the Exchange's data products.³⁴⁷

In addition, the Exchange has represented that it is "not imposing restrictions on the use or display of its data beyond those set forth" in the existing CTA/CQ Vendor and Subscriber Agreements.³⁴⁸ The Commission

therefore does not believe that the Exchange is amending or adding to such agreements.

A commenter also stated that the Exchange has not recognized the rights of a broker or dealer, established in Regulation NMS, to distribute its order information, subject to the condition that it does so on terms that are fair and reasonable and not unreasonably discriminatory.³⁴⁹ In response, the Exchange states that the CTA/CQ Vendor and Subscriber Agreements do not prohibit a broker-dealer member of an SRO participant in a Plan from making available to the public information relating to the orders and transaction reports that it provides to the SRO participant.³⁵⁰ Accordingly, the Commission believes that the Exchange has acknowledged the rights of a broker or dealer to distribute its market information, subject to the requirements of Rule 603(a) of Regulation NMS.

A commenter also stated that the Exchange has failed to consider the administrative burdens that the proposal would impose, including the need for broker-dealers to develop system controls to track ArcaBook access and usage.³⁵¹ In response, the Exchange represents that it has communicated with its customers to ensure system readiness and is using "a long-standing, well-known, broadly-used administrative system" to minimize the amount of development effort required to meet the administrative requirements associated with the proposal.³⁵² Accordingly, the Commission believes that NYSE Arca has reasonably addressed the administrative requirements associated with the Proposal.

VII. Conclusion

It is therefore ordered that the earlier action taken by delegated authority, Securities Exchange Act Release No. 54597 (October 12, 2006) 71 FR 62029 (October 20, 2006), is set aside and, pursuant to section 19(b)(2) of the Exchange Act, the Proposal (SR-NYSEArca-2006-21) is approved.

By the Commission.

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8-28908 Filed 12-8-08; 8:45 am]

BILLING CODE 8011-01-P

³⁴⁹ SIFMA I at 7.

³⁵⁰ NYSE Arca Response I at 4.

³⁵¹ SIFMA I at 8.

³⁵² NYSE Arca Response I at 4-5.

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11514 and #11557]

Arkansas Disaster Number AR-00026

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arkansas (FEMA-1804-DR), dated 10/22/2008.

Incident: Tropical Storm Ike.

Incident Period: 09/13/2008 through 09/23/2008.

DATES: *Effective Date:* 11/28/2008.

Physical Loan Application Deadline Date: 12/22/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 07/22/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Arkansas, dated 10/22/2008, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Clark, Montgomery, Nevada, Pike.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8-29115 Filed 12-8-08; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11541 and #11542]

California Disaster Number CA-00132

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of California (FEMA-1810-DR), dated 11/18/2008.

Incident: Wildfires.

Incident Period: 11/13/2008 and continuing through 11/28/2008.

³⁴³ NYSE Arca Response I at 3.

³⁴⁴ NYSE Arca Response I at 3 (emphasis in original).

³⁴⁵ The Commission is not approving the CTA/CQ Vendor and Subscriber Agreements, which the CTA and CQ Plan Participants filed with the Commission as amendments to the CTA and CQ Plans that were effective on filing with the Commission pursuant to Rule 608(b)(3)(iii) of Regulation NMS (previously designated as Exchange Act Rule 11Aa3-2(c)(3)(iii)). See, e.g., Securities Exchange Act Release No. 28407 (September 6, 1990), 55 FR 37276 (September 10, 1990) (File No. 4-2811) (notice of filing and immediate effectiveness of amendments to the CTA Plan and the CQ Plan). Rule 608(b)(3)(iii) of Regulation NMS (previously designated as Exchange Act Rule 11Aa3-2(c)(3)(iii)) allows a proposed amendment to a national market system plan to be put into effect upon filing with the Commission if the plan sponsors designate the proposed amendment as involving solely technical or ministerial matters.

³⁴⁶ Securities Exchange Act Release Nos. 53585 (March 31, 2006), 71 FR 17934 (April 7, 2006) (order approving File Nos. SR-NYSE-2004-43 and NYSE-2005-32) (relating to OpenBook); and 51438 (March 28, 2005), 70 FR 17137 (April 4, 2005) (order approving File No. SR-NYSE-2004-32) (relating to Liquidity Quote). For the both the OpenBook and Liquidity Quote products, the NYSE attached to the CTA Vendor Agreement an Exhibit C containing additional terms governing the distribution of those products, which the Commission specifically approved. NYSE Arca is not including additional contract terms in the Proposal.

³⁴⁷ NYSE Arca Response I at 4.

³⁴⁸ NYSE Arca Response I at 3.

Effective Date: 11/28/2008.
Physical Loan Application Deadline Date: 01/21/2009.
EIDL Loan Application Deadline Date: 08/18/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of California, dated 11/18/2008 is hereby amended to establish the incident period for this disaster as beginning 11/13/2008 and continuing through 11/28/2008.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8-29116 Filed 12-8-08; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11525 and #11526]

Missouri Disaster Number MO-00033

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Missouri (FEMA-1809-DR), dated 11/13/2008.

Incident: Severe Storms, Flooding, and a Tornado.

Incident Period: 09/11/2008 through 09/24/2008.

EFFECTIVE DATE: 12/02/2008.

Physical Loan Application Deadline Date: 01/12/2009.

EIDL Loan Application Deadline Date: 08/13/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration

for the State of Missouri, dated 11/13/2008 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans):
 Howell, Jefferson

Contiguous Counties: (Economic Injury Loans Only):

Missouri: Oregon, Saint Francois, Sainte Genevieve, Washington
 Arkansas: Fulton

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8-29108 Filed 12-8-08; 8:45 am]

BILLING CODE 8025-01-P

TENNESSEE VALLEY AUTHORITY

Sunshine Act; (Meeting No. 08-06)

TIME AND DATE: 3 p.m. EST, December 11, 2008, TVA Chattanooga Office Complex, 1101 Market Street, Chattanooga, Tennessee.

Agenda

Old Business

Approval of minutes of October 30, 2008, Board meeting.

New Business

1. Report of the Finance, Strategy, Rates, and Administration Committee.

A. Approval of incentive goals.

B. Rate classification for data centers.

For more information: Please call TVA Media Relations at (865) 632-6000, Knoxville, Tennessee. People who plan to attend the meeting and have special needs should call (865) 632-6000.

Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: December 4, 2008.

Maureen H. Dunn,

General Counsel and Secretary.

[FR Doc. E8-29294 Filed 12-5-08; 4:15 pm]

BILLING CODE 8120-01-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Sunshine Act Meeting; Unified Carrier Registration Plan Board of Directors

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

TIME AND DATE: January 13, 2009, from 1 p.m. until 5 p.m., and January 14, 2009, from 8 a.m. until 12 Noon, Central Standard Time.

PLACE: This meeting will take place at the Hilton Garden Inn, 500 North Interstate 35, Austin, TX 78701.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Plan Board of Directors at (505) 827-4565.

Dated: December 3, 2008.

William A. Quade,

Associate Administrator for Enforcement and Program Delivery.

[FR Doc. E8-29195 Filed 12-5-08; 4:15 pm]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Special Approval of Alternate Standard

In accordance with Part 238.21 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for approval of an Alternate Standard of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

American Public Transit Association

[Special Approval Petition Docket Number FRA-2005-20853]

The American Public Transit Association (APTA) seeks approval for use of an alternate standard required to be used in accordance with the Passenger Equipment Safety Standards, 49 CFR Part 238, Section 311, single car test of passenger equipment brakes.