

Generally, usage of an agency Quote@CHX or Reprice@CHX order by an Institutional Broker should be confined to situations in which it is handling a non-marketable or "not held" limit order on behalf of a customer.<sup>4</sup> There may be limited circumstances in which it could be appropriate for an Institutional Broker handling a market order to submit a Quote@CHX (but not a Reprice@CHX) order. Institutional Brokers handling a customer limit order would be required to enter the limit price into Brokerplex when submitting a Quote@CHX or Reprice@CHX order. In pricing the Quote@CHX and Reprice@CHX orders, Brokerplex will reject any entries if the systematically-generated price would be outside the customer's specified limit price.

Our standard Matching System validations for locked and crossed markets would apply equally to these orders upon receipt. Neither the Quote@CHX nor Reprice@CHX order type would be available for Institutional Brokers submitting orders to destinations other than the CHX Matching System. The Matching System itself will not be eligible to receive these order types. As the owner and operator of the Brokerplex system, the Exchange would collect and maintain all of the order records relating to these two order types required by our rules, although the responsibility for the accurate entry of transaction-related information lies with the Brokerplex user.

Our belief is that these two order types will permit Institutional Brokers to enter displayable orders in a more efficient manner and avoid the delays associated with reentering a rejected order at a new price. This functionality is optional, so an Institutional Broker which does not want its order priced by Brokerplex can simply enter a traditional limit order.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general,<sup>5</sup> and furthers the objectives of Section 6(b)(5) in particular,<sup>6</sup> in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transaction in securities, to remove impediments and perfect the mechanisms of a free and open market, and, in general, to protect investors and

the public interest. In this case, providing Institutional Brokers with the ability to enter display-eligible orders on a more efficient basis protects investors and removes an impediment to a free and open market in that it improves the ability of Institutional Brokers to seek the best execution of the orders which they are handling.

### *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.

## 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 such 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-CHX-2009-10 on the subject line.

### *Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-CHX-2009-10. 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 CHX. 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 publicly available. All submissions should refer to File Number SR-CHX-2009-10 and should be submitted on or before August 25, 2009.

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

**Florence E. Harmon,**

*Deputy Secretary.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Buy America Waiver Notification

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that Buy America waivers are not appropriate for the use of foreign hollow structural section (hollow structural section round A500, Grade C, 10.75 x 0.625 steel pipe) and one-inch diameter stainless steel anchor bolts (1 inch diameter stainless steel, F 593,

<sup>4</sup> A "not held" order is one in which the Institutional Broker has been given price and time discretion by its customer. See Article 1, Rule 2(w).

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

<sup>6</sup> 15 U.S.C. 78f(b)(5).

<sup>7</sup> 17 CFR 200.30-3(a)(12).

Group 6, anchor bolts) for construction of projects by Contra Costa County Public Works, CA, and Vermont Agency of Transportation, respectively. Domestic sources of these materials were identified through FHWA's public notice process.

**DATES:** Since the Buy America waiver is not granted, there is no effective date for the waiver.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via e-mail at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366-4928, or via e-mail at [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

An electronic copy of this document may be downloaded from the **Federal Register's** home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

**Background**

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that Buy America waivers are not appropriate for the use of: (1) The hollow structural section for construction of Iron Horse Trail Pedestrian Overcrossing Project by Contra Costa County Public Works in California, and (2) one-inch diameter stainless steel anchor bolts for the construction of East Montpelier Bridge project #BRF 028-3(36) by the Vermont Agency of Transportation.

In accordance with Division K, section 130 of the "Consolidated Appropriations Act, 2008" (Pub. L. 110-161), the FHWA published the notices of intent to issue the waivers on its Web site for: (1) The hollow structural section (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=34>) on June 10, and (2)

the one-inch diameter stainless steel anchor bolts (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=35>) on June 15.

The FHWA received a comment from Independence Tube Corporation which claimed to have the capacity to manufacture the hollow structural section domestically. Further inquiries confirmed that the hollow structural section can be manufactured domestically. The FHWA received three comments indicating that the one-inch diameter stainless steel anchor bolts are available domestically. The Contra Costa County Public Works and Vermont Agency of Transportation have verified that the hollow structural section and the one-inch diameter stainless steel anchor bolts are available domestically; therefore, FHWA concludes that the materials are available domestically and that Buy America waivers are not appropriate for the hollow structural section and the one-inch diameter stainless steel anchor bolts.

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat.1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is not appropriate for these projects. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the links provided to the California and Vermont waiver pages noted above.

**Authority:** 23 U.S.C. 313; Public Law 110-161, 23 CFR 635.410.

Issued on: July 29, 2009.

**King W. Gee,**

*Associate Administrator for Infrastructure.*

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**BILLING CODE 4910-22-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Fuel Drain Valves**

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

**ACTION:** Notice of re-issuance of Technical Standard Order (TSO) C76, Fuel Drain Valves.

**SUMMARY:** This notice announces the re-issuance of TSO-C76, Fuel Drain Valves, telling manufacturers seeking TSO authorization (TSOA) or letter of design approval (LODA) what minimum performance standard (MPS) their Fuel

Drain Valve must first meet for approval and identification with the appropriate TSO markings. In the event that you feel a need to comment on the re-issuance of TSO-C76, please do so to the address listed below.

**DATES:** Comments must be received on or before September 3, 2009.

**ADDRESSES:** Send all comments regarding the re-issuance of the Fuel Drain Valve TSO to: Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, Technical Programs and Continued Airworthiness Branch, 950 L'Enfant Plaza, SW., 5th Floor, Washington, DC 20024. *Attn.:* Jim Kabbara, AIR-120. You may hand deliver comments to: Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, AIR-100, 950 L'Enfant Plaza, SW., 5th Floor, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Jim Kabbara, AIR-120, Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, AIR-100, 950 L'Enfant Plaza, SW., 5th Floor, Washington, DC 20024. *Telephone:* (202) 385-6335; *Fax:* (202) 385-6475; *or via e-mail at:* [jim.kabbara@faa.gov](mailto:jim.kabbara@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to comment on the re-issuance of the TSO-C76 by submitting written data, views, or arguments to the above-specified address. Your comments should stipulate "Comments, re-issuance of TSO-C76." All comments received may be examined after the comment closing date by visiting Federal Aviation Administration, Aircraft Certification Service, Aircraft Engineering Division, AIR-100, 950 L'Enfant Plaza, SW., 5th Floor, Washington, DC 20024, weekdays except Federal holidays, between 8:30 a.m. and 4 p.m. The Director, Aircraft Certification Service, will consider all comments received on or before the closing date before issuing the final notice of re-issuance.

**Background**

This TSO is being re-issued in its entirety. We have cancelled TSO-C76a because the specific requirements that make up the minimum performance standard necessary to have the Fuel Drain Valves be marked as TOS approved, provided no technical value. Those requirements have resulted in manufacturers seeking TSO approval of their Fuel Drain Valves to experience difficulties in meeting the MPS. We have deemed the requirements to be