

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 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-2007-53 and should be submitted on or August 9, 2007.

#### IV. Commission Findings and Accelerated Approval

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange<sup>14</sup> and, in particular, the requirements of section 6 of the Act.<sup>15</sup> Specifically, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act,<sup>16</sup> which requires, among other things, that the rules of a national securities exchange be designed to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

#### Surveillance

The Commission notes that Exchange has represented that it has an adequate surveillance program in place for options based on Commodity Pool Units. The Exchange may obtain trading information via the Intermarket Surveillance Group ("ISG") from other exchanges who are members or affiliates of the ISG and has entered into numerous comprehensive surveillance sharing agreements with various commodity futures exchanges worldwide. Prior to listing and trading options on Commodity Pool Units, the Exchange represented that it will either have the ability to obtain specific trading information via ISG or through a comprehensive surveillance sharing agreement with the exchange or exchanges where the particular commodity futures and/or options on commodity futures are traded. In addition, the Exchange represented that the addition of Commodity Pool Unit

options will not have any effect on the rules pertaining to position and exercise limits<sup>17</sup> or margin.

#### Listing and Trading of Options on Commodity Pool Units

The Commission notes that, pursuant to the proposed rule change, a Commodity Pool Unit will be subject to the provisions of NYSE Arca Rule 5.3 and 5.4, as applicable. These provisions include requirements regarding initial and continued listing standards, the creation/redemption process for Commodity Pool Units, and trading halts. All Commodity Pool Units must be traded through a national securities exchange or through the facilities of a national securities association, and must be "NMS stock" as defined under Rule 600 of Regulation NMS.<sup>18</sup>

The Commission believes that this proposal is necessary to enable the Exchange to list and trade options on an expanding range of Commodity Pool Units currently approved for trading and that it is reasonable to expect other types of Commodity Pool Units to be introduced for trading in the future. This proposal would help ensure that the Exchange will be able to list options on Commodity Pool Units that have been recently launched as well as any other similar Commodity Pool Units that may be listed and traded in the future<sup>19</sup> thereby offering investors greater option choices.

The Commission finds good cause, pursuant to section 19(b)(2) of the Act,<sup>20</sup> for approving the proposed rule change, as amended, prior to the thirtieth day after the date of publication of notice in the **Federal Register**. The Commission notes that the proposal is consistent with the Exchange's listing and trading standards in NYSE Arca Rules 5.3 and 5.4 and the Commission has recently approved a similar proposal, after publishing it for a full comment period and receiving no comments.<sup>21</sup> The Commission does not believe that the proposed rule change, as amended, raises novel regulatory issues. Consequently, the Commission believes that it is appropriate to permit investors to benefit from the flexibility afforded by trading these products as soon as possible.

Accordingly, the Commission finds that there is good cause, consistent with

section 6(b)(5) of the Act,<sup>22</sup> to approve the proposal, as amended, on an accelerated basis.

#### V. Conclusion

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act,<sup>23</sup> that the proposed rule change (SR-NYSEArca-2007-53), as amended, be, and is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>24</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-13998 Filed 7-18-07; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 5869]

### Notice of Receipt of Application for a Presidential Permit for Pipeline Facilities To Be Constructed, Operated, and Maintained on the Borders of the United States

**AGENCY:** Department of State.

The Department of State has received an application from Eagle Operating Inc. ("Eagle") for a Presidential permit, pursuant to Executive Order 13337 of April 30, 2004, to construct, connect, operate, and maintain a 3-inch diameter water pipeline at the U.S.-Canadian border, at Burke County, North Dakota, for the purpose of transporting water produced in association with crude oil and natural gas production in Saskatchewan, Canada to a disposal facility located in Burke County, North Dakota. Eagle seeks this authorization in connection with its Lakeview Pipeline Expansion Project ("Lakeview"). According to Eagle's application, the new pipeline is designed to transport salt water produced in association with crude oil and natural gas production from Eagle's Florence South Horizontal 5-1-1-1 W2M well ("Florence Well"), and other wells to be drilled in the area, located in the Province of Saskatchewan, Canada, to Eagle's disposal facility at its Schmidt Estate Well #1-36SWD located in Burke County, North Dakota.

Eagle is a corporation organized under the laws of the State of North Dakota. Eagle's business address is P.O. Box 853, Kenmare, North Dakota 58746. According to the application, Eagle operates approximately 193 oil and gas wells located in the State of North

<sup>14</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>15</sup> 15 U.S.C. 78f.

<sup>16</sup> 15 U.S.C. 78f(b)(5).

<sup>17</sup> See NYSE Arca Rules 6.8 and 6.9.

<sup>18</sup> 17 CFR 242.600(b)(47).

<sup>19</sup> 17 CFR 240.19b-4(e).

<sup>20</sup> 15 U.S.C. 78s(b)(2).

<sup>21</sup> See Securities Exchange Act Release Nos. 55547 (March 28, 2007), 72 FR 16388 (April 4, 2007) (SR-Amex-2006-110) (approval order); and 55187 (January 29, 2007), 72 FR 5467 (February 6, 2007) (SR-Amex-2006-110) (proposing release).

<sup>22</sup> 15 U.S.C. 78s(b)(5).

<sup>23</sup> 15 U.S.C. 78s(b)(2).

<sup>24</sup> 17 CFR 200.30-3(a)(12).

Dakota. As part of these operations, Eagle is the operator of approximately 13 wells utilized for the disposal of salt water produced in association with oil and gas production in the State of North Dakota. Eagle is also the owner of oil and gas leasehold interests located in the Province of Saskatchewan, Canada, including the Florence Well. The Florence Well was completed as a producer of oil and gas on or about August 10, 2006. The Florence Well is operated by Colonia Energy Corp. ("Colonia"). Colonia owns 45 percent of the well and Eagle owns 55 percent of the well. Eagle has asserted in its application that if this application for Presidential permit is approved and the expansion of its existing pipeline is ultimately built, it is likely that Colonia will participate in the line and ownership in the pipeline will be identical to that of the Florence Well (45 percent Colonia and 55 percent Eagle).

According to the description in Eagle's application, the proposed new border crossing would consist of approximately five-hundred (500) feet of 3-inch diameter pipeline on the U.S. side of the international boundary, which would be buried below ground level. The proposed new section of pipe will run from the international boundary to connect to the existing 2-inch diameter pipe connected to the Schmidt Estate #1-36 Well. The new pipeline would become part of the Lakeview Pipeline System.

As required by E.O. 13337, the Department of State is circulating this application to concerned federal agencies for comment. In accordance with Section 102(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) and implementing regulations promulgated by the Council on Environmental Quality (40 CFR parts 1500-1508) and the Department of State (22 CFR part 161), including in particular 22 CFR 161.7(c)(1), the Department of State intends to prepare an environmental assessment (EA) to determine if there are any potential significant impacts and to address alternatives to the proposed action.

**DATES:** The Department of State welcomes public comment and invites those who are interested in submitting comments relative to this proposal to provide such comments, in duplicate, on or before September 17, 2007 to Jeff Izzo, International Energy Commodity Policy, Room 4843, Department of State, Washington, DC 20520, or e-mail to [izzojr@state.gov](mailto:izzojr@state.gov). The application and related documents that are part of the record to be considered by the

Department of State in connection with this application are available for inspection in the Office of International Energy and Commodity Policy during normal business hours.

**FOR FURTHER INFORMATION CONTACT:** Jeff Izzo, Office of International Energy and Commodity Policy (EEB/ESC/IEC/EPC), Room 4843, Department of State, Washington, DC 20520, telephone 202-647-1291, facsimile 202-647-4037, e-mail [izzojr@state.gov](mailto:izzojr@state.gov).

**Stephen J. Gallogly,**

*Director, Office of International Energy and Commodities Policy, Department of State.*

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**BILLING CODE 4710-07-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Agency Information Collection Activity Seeking OMB Approval

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

**ACTION:** Notice.

**SUMMARY:** The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) revision of a current information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 26, 2007, vol. 72, no. 57, pages 14162-14163. The FAA has initiated customer service surveys throughout the agency, requiring that every element have contact with their customers to assure that their needs are being met and that service is improved.

**DATES:** Please submit comments by August 20, 2007.

**FOR FURTHER INFORMATION CONTACT:** Clara Mauney at [Carla.Mauney@faa.gov](mailto:Carla.Mauney@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Federal Aviation Administration (FAA)

*Title:* Federal Aviation Administration, Flight Standards Customer Satisfaction Survey.

*Type of Request:* Revision of a currently approved collection.

*OMB Control Number:* 2120-0568.

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

*Affected Public:* An estimated 5,000 Respondents.

*Frequency:* This information is collected on occasion.

*Estimated Average per Response:* Approximately 10 minutes per response.

*Estimated Annual Burden Hours:* An estimated 542 hours annually.

*Abstract:* The FAA has initiated customer service surveys throughout the agency, requiring that every element have contact with their customers to assure that their needs are being met and that service is improved.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Nathan Lesser, Desk Officer, Department of Transportation/FAA, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) or faxed to (202) 395-6974.

*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 July 12, 2007.

**Carla Mauney,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Opportunity for Public Comment on Surplus Property Release at Golden Triangle Regional Airport, Columbus, MS

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

**ACTION:** Notice of intent to rule on land release request.

**SUMMARY:** Under the provisions of Title 49, U.S.C. Section 47153(c), notice is being given that the FAA is considering a request from the Golden Triangle Regional Airport Authority to waive the requirement that A 2.73± acre parcel of surplus property, located at the Golden Triangle Regional Airport, be used for aeronautical purposes.

**DATES:** Comments must be received on or before August 20, 2007.

**ADDRESSES:** Comments on this notice may be mailed or delivered in triplicate