

and participant organizations would be subject to being terminated for failure to pay; and (iv) make other clarifying amendments. The proposed rule change was published for comment in the **Federal Register** on January 23, 2008.<sup>3</sup> The Commission received no comments on the proposed rule change. This order approves the proposed rule change.

The Exchange proposes to modify the timeframes within which monies owed to the Exchange would become reportable to the Board, and by which Members, Member Organizations, participants, and participant organizations would be subject to a suspension or termination. Specifically, a Member, or Member Organization, participant, or participant organization or employee thereof shall be referred directly to the Board for failure to: (i) Pay fines and/or other monetary sanctions within 30 days after notice thereof; or (ii) pay dues, foreign currency options users' fees, fees, other charges, and/or other monies due, including late charges, within 90 days from the date of the original invoice. The proposed rule change would eliminate the references to the monetary threshold of \$10,000 from both By-Law Article XIV, section 14-5 and Rule 50, so that all past due amounts are reportable to the Board within the specified proposed new timeframes. In addition, the proposed change to By-Law Article XIV, section 14-5 clarifies that the Board also has the power to terminate, not just suspend, any permit or rights and privileges of a foreign currency options participation of any Member, foreign currency options participant, Member Organization or participant organization or employee thereof for failure to pay monies owed to the Exchange.<sup>4</sup>

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange.<sup>5</sup> In particular, the Commission believes that the proposed rule change is consistent with section 6(b)(5) of the Act,<sup>6</sup> in that it is designed to promote just and equitable principles of trade, 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. The Commission believes that the modified timeframes within which past due fines, dues, fees, and other charges owed to the Exchange would become reportable to the Board appear reasonable and continue to allow appropriate notice to the affected parties of any arrearages. In addition, the proposed change will allow the Board to handle collection matters directly without regard to the amount, which should enhance the Exchange's collection efforts.

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act,<sup>7</sup> that the proposed rule change (SR-Phlx-2008-02) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E8-4080 Filed 3-3-08; 8:45 am]

**BILLING CODE 8011-01-P**

---

## SMALL BUSINESS ADMINISTRATION

### National Federal Regulatory Enforcement Fairness Hearing; Region III Regulatory Fairness Board

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix 2, notice is hereby given that the U.S. Small Business Administration (SBA) Region III Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a National Regulatory Fairness Hearing on Wednesday, March 12, 2008, at 10 a.m. The forum is open to the public and will take place at the EPA East Building, Ceremonial Hearing Room, 1201 Constitution Avenue, NW., Room 1153, Washington, DC 20460. The purpose of the meeting is for Business Organizations, Trade Associations, Chambers of Commerce and related organizations serving small business concerns to report experiences regarding unfair or excessive Federal regulatory enforcement issues affecting America's small business.

For further information, please contact Christina Marinos, Special Assistant, Office of the National Ombudsman, 409 3rd Street, Suite 7125, Washington, DC 20416, phone (202) 401-8254 and fax (202) 292-3423, e-mail: [Christina.marinos@sba.gov](mailto:Christina.marinos@sba.gov).

<sup>7</sup> 15 U.S.C. 78s(b)(2).

<sup>8</sup> 17 CFR 200.30-3(a)(12).

For more information, see our Web site at <http://www.sba.gov/ombudsman>.

**Cherylyn LeBon,**

*Assistant Administrator for Intergovernmental Affairs, SBA Committee Management Officer.*

[FR Doc. E8-4101 Filed 3-3-08; 8:45 am]

**BILLING CODE 8025-01-P**

---

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. FHWA-2008-0025]

#### Agency Information Collection Activities: Notice of Request for Renewal of a Previously Approved Information Collection

**AGENCY:** Office of the Secretary (OST), DOT.

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

**SUMMARY:** The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of an extension of a currently approved information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on October 23, 2007. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by April 3, 2008.

**ADDRESSES:** You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC, 20503, or e-mail at [oirasubmission@omb.eop.gov](mailto:oirasubmission@omb.eop.gov), Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA-2008-0025.

**FOR FURTHER INFORMATION CONTACT:** David Walterscheid, 720-963-3073, Office of Real Estate Services, Federal Highway Administration, 12300 West Dakota Ave., Room 175, Lakewood, CO 80228, between 7:30 a.m. to 4:30 p.m.,

<sup>3</sup> See Securities Exchange Act Release No. 57155 (January 15, 2008), 73 FR 4038.

<sup>4</sup> The Commission notes that By-Law Article XIV, Section 14-1 already gives the Board the power to terminate a permit or participation for failure to pay any fees, dues, or charges owed to the Exchange.

<sup>5</sup> In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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

Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs.

*OMB Control #:* 2105-0508

*Background:* This program implements 42 U.S.C. 4602, concerning acquisition of real property and relocation assistance for displaced persons for Federal and federally-assisted programs. It prohibits the provision of relocation assistance and payments to persons not legally in the United States (with certain exceptions). The information collected consists of a certification of residency status from affected persons to establish eligibility for relocation assistance and payments. Displacing agencies will require each person who is to be displaced by a Federal or federally-assisted project, as a condition of eligibility for relocation payments or advisory assistance, to certify that he or she is lawfully present in the United States.

*Respondents:* Federal agencies, State highway agencies, local government highway agencies, and airport sponsors receiving financial assistance for expenditures of Federal funds on acquisition and relocation payments and required services to displaced persons.

*Estimated Number of Respondents:* 1,460 for file maintenance and 52 state highway agencies for statistical reports.

*Estimated Average Burden per Response:* The average burden per response is 16.5 hours.

*Estimated Total Annual Burden Hours:* 25,000 hours.

*Electronic Access:* Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>, 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: February 28, 2008.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

[FR Doc. E8-4151 Filed 3-3-08; 8:45 am]

**BILLING CODE 4910-22-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Notice of Final Federal Agency Actions on Southtowns Connector/Buffalo Outer Harbor (STC/BOH) City of Buffalo, Erie County, NY**

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

**ACTION:** Notice of Limitation on claims for judicial review of actions by FHWA and other federal agencies.

**SUMMARY:** This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, that includes a series of transportation access improvements centered around the New York Route 5 corridor along the Lake Erie waterfront in the City of Buffalo, City of Lackawanna, and Town of Hamburg in the State of New York, that is commonly referred to as the Southtowns Connector/Buffalo Outer Harbor (STC/BOH) project. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 2, 2008. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey W. Kolb, P.E., Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431-4127 or Alan E. Taylor, P.E., Regional Director, NYSDOT Region 5; 100 Seneca Street, Buffalo NY 14203, Telephone: (716) 847-3238.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the FHWA, and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of New York: Southtowns Connector/Buffalo Outer Harbor (STC/BOH) project in the City of Buffalo, City of Lackawanna, and Town of Hamburg, Erie County. The project will reconstruct/rehabilitate NY Route 5 and Fuhrmann Boulevard (while maintaining them as separate

transportation facilities), reconstruct Ohio Street into a landscaped arterial, construct a new arterial called Tiff Street Arterial connecting I-190 with an improved interchange in the Seneca/Elk/Bailey area and traversing south to Tiff Street, east of the existing CSX railroad corridor and through the former LTV/Republic Steel site. The project will also include the construction of various sidewalks, and multi-use paths, and other landscape and aesthetic enhancements within the project limits. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on May 10, 2006 and in the FHWA Record of Decision (ROD) issued on January 31, 2007. The FEIS, ROD, and other project records are available by contacting the FHWA or the New York State Department of Transportation at the addresses provided above.

This notice applies to all Federal agency decisions related to the Southtowns Connector/Buffalo Outer Harbor (STC/BOH) project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act [42 U.S.C. 4321-4351].
2. Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
3. Clean Air Act [42 U.S.C. 7401-7671(q)].
4. Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
5. Endangered Species Act [16 U.S.C. 1531-1544 and Section 1536].
6. Fish and Wildlife Coordination Act [16 U.S.C. 661-667(d)].
7. Migratory Bird Treaty Act [16 U.S.C. 703-712].
8. Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*].
9. Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)].
10. Farmland Protection Policy Act [7 U.S.C. 4201-4209].
11. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251-1377].
12. Land and Water Conservation Fund [16 U.S.C. 4601-4604].
13. Rivers and Harbors Act of 1899 [33 U.S.C. 401-406].
14. Executive Order 11990 Protection of Wetlands.
15. Executive Order 11988 Floodplain Management.
16. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.