

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 the filing will also be available for inspection and copying at the principal office of the self-regulatory organization. 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-FINRA-2008-68 and should be submitted on or before January 29, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Florence E. Harmon,**  
*Acting Secretary.*

[FR Doc. E9-83 Filed 1-7-09; 8:45 am]

BILLING CODE 8011-01-P

**SOCIAL SECURITY ADMINISTRATION**

**Agency Information Collection Activities: Proposed Request and Comment Request**

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L.) 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes a revision to an OMB-approved information collection.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and the SSA Reports Clearance Officer to the addresses or fax numbers listed below.

(OMB) Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* 202-395-6974, *e-mail address:* *OIRA\_Submission@omb.eop.gov.*  
(SSA) Social Security Administration, DCBFM, *Attn:* Reports Clearance Officer, 1332 Annex Building, 6401 Security Blvd., Baltimore, MD 21235,

*Fax:* 410-965-6400, *e-mail address:* *OPLM.RCO@ssa.gov.*

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. Therefore, your comments would be most helpful if you submit them to SSA within 60 days from the date of this publication. Individuals can obtain copies of the collection instrument by calling the SSA Reports Clearance Officer at 410-965-3758 or by writing to the e-mail address listed above.

*Administrative Review Process for Adjudicating Initial Disability Claims—20 CFR 404.961, 405.330, 405.366, 404.950, 405.332, 404.949, 405.334, 404.957(a), 405.380(a), 405.381, 405.382, 405.425(b), 404.982, 405.505, 404.987, 405.601(b), 404.988 and 405.601(b)—0960-0710.* SSA collects information to establish (1) The claimant's right to administrative review, (2) the severity of the claimant's alleged impairments, and (3) the State Disability Determination Services (DDSs) performance level. SSA uses the information collected by these regulations to determine entitlement and/or eligibility to disability insurance benefits and/or Supplemental Security Income (SSI) and to permit appeals of these determinations. The respondents are applicants for Title II disability insurance benefits and/or SSI payments.

*Type of Request:* Revision of an OMB-approved information collection.

Section No.	Number of respondents	Frequency of response	Average burden per response	Estimated annual burden (hours)
404.961 .....	11,725	1	20 minutes ..	3,908
405.330 .....	396	1	20 minutes ..	132
405.366 .....	99	1	20 minutes ..	33
404.950(d) .....	1,040	1	20 minutes ..	347
404.949 .....	2,868	1	1 hour .....	2,868
405.334 .....	20	1	1 hour .....	20
404.957(a) .....	20,395	1	10 minutes ..	3,399
405.380(a) .....	646	1	10 minutes ..	108
405.381 and 405.382 .....	37	1	30 minutes ..	19
405.425(b) .....	200	1	1 hour .....	200
404.982 .....	1,317	1	30 minutes ..	659
404.987 and 404.988 .....	10,610	1	30 minutes ..	5,305
405.601(b) .....	52	1	30 minutes ..	26
<b>Totals .....</b>	<b>49,405</b>	<b>.....</b>	<b>.....</b>	<b>17,024</b>

II. SSA has submitted the information collections listed below to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this

publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer at 410-965-3758, or by writing to the above listed address.

*Modified Benefit Formula Questionnaire—Foreign Pension—0960-0561.* SSA uses the information collected on Form SSA-308 to determine exactly how much (if any) of a foreign pension may be used to reduce

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

the amount of Title II Social Security retirement or disability benefits under the modified benefit formula. The respondents are applicants for Title II Social Security retirement or disability benefits who have foreign pensions.

*Type of Request:* Revision of an OMB-approved information collection.

*Number of Respondents:* 13,452.

*Frequency of Response:* 1.

*Average Burden per Response:* 10 minutes.

*Estimated Annual Burden:* 2,242 hours.

*This is a correction notice:* SSA inadvertently published the incorrect burden information for this collection on September 17, 2008 at 73 FR 53919.

Dated: January 5, 2009.

**John Biles,**

*Reports Clearance Officer, Center for Reports Clearance, Social Security Administration.*

[FR Doc. E9-129 Filed 1-7-09; 8:45 am]

**BILLING CODE 4191-02-P**

**DEPARTMENT OF STATE**

[Public Notice 6476]

**Certification Related to Libya Under Section 654(b) of the State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Div. J. Pub. L. 110-161)**

*Summary:* The Secretary of State certified to the Committees on Appropriation on December 24, 2008 that Libya has met the requirements stipulated in Section 654(b) of the State, Foreign Operations, and Related Programs Appropriations Act of 2008.

Dated: January 2, 2009.

**Jeffrey Feltman,**

*Acting Assistant Secretary of State for Near Eastern Affairs, Department of State.*

[FR Doc. E9-126 Filed 1-7-09; 8:45 am]

**BILLING CODE 4710-31-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

[Docket No. FAA-2008-25755]

**Operating Limitations at New York LaGuardia Airport; Notice of Order**

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

**ACTION:** Notice of amendment to Order.

**SUMMARY:** The Federal Aviation Administration (FAA) is amending the Order Limiting Operations at New York LaGuardia Airport (LGA) that published on December 27, 2006, and was

amended on November 8, 2007, and August 19, 2008. This amendment extends the expiration date to October 24, 2009.

**DATES:** This amendment is effective on January 8, 2009.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this Order contact: Gerry Shakley, System Operations Services, Air Traffic Organization, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *telephone:* (202) 267-9424; *facsimile:* (202) 267-7277; *email:* [gerry.shakley@faa.gov](mailto:gerry.shakley@faa.gov). For legal questions concerning this Order contact: Rebecca B. MacPherson, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; *telephone:* (202) 267-7240; *facsimile:* (202) 267-7971; *email:* [rebecca.macpherson@faa.gov](mailto:rebecca.macpherson@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Availability of Rulemaking Documents**

You may obtain an electronic copy using the Internet by:

- (1) Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);
- (2) Visiting the FAA's Regulations and Policies Web page at [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/); or
- (3) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>.

You also may obtain a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the amendment number or docket number of this rulemaking.

**Background**

Due to LaGuardia's limited runway capacity, the airport cannot accommodate the number of flights that airlines and others would like to operate without causing significant congestion. The FAA has long limited the number of arrivals and departures at LaGuardia during peak demand periods through the promulgation and implementation of the High Density Rule (HDR).<sup>1</sup> By statute enacted in April 2000, the HDR's

<sup>1</sup> 33 FR 17896 (Dec. 3, 1968). The FAA codified the rules for operating at high density traffic airports in 14 CFR part 93, subpart K. The HDR required carriers to hold a reservation, which came to be known as a "slot," for each takeoff or landing under instrument flight rules at the high density traffic airports.

applicability to LaGuardia operations terminated as of January 1, 2007.<sup>2</sup>

In anticipation of the HDR's expiration, the FAA proposed a long-term rule that would limit the number of scheduled and unscheduled operations at LaGuardia.<sup>3</sup> Because the FAA could not complete that rulemaking by January 1, 2007, the FAA issued an Order on December 27, 2006, adopting temporary limits pending the completion of the rulemaking.<sup>4</sup> This Order was amended on November 8, 2007, and August 19, 2008.<sup>5</sup>

Under the Order, as amended, the FAA (1) maintains the current hourly limits on scheduled (75) and unscheduled (three) operations at LaGuardia during peak period; (2) imposes an 80 percent minimum usage requirement for OAs with defined exceptions; (3) provides a mechanism for withdrawal of OAs for FAA operational reasons; (4) provides for a lottery to reallocate withdrawn, surrendered, or unallocated OAs; and (5) allows for trades and leases of OAs for consideration for the duration of the Order. Without the operational limitations imposed by this Order, the FAA expected severe congestion related delays would occur at LGA and at other airports throughout the National Airspace System (NAS) resulting from capacity constraints at LGA.

On October 10, 2008, the FAA published the "Congestion Management Rule for LaGuardia Airport" final rule ("Congestion Management Rule").<sup>6</sup> The Congestion Management Rule would have become effective on December 9, 2008. The Congestion Management Rule imposes limitations on scheduled and unscheduled operations.

Several parties petitioned for review of the Congestion Management Rule and sought a stay of that rule.<sup>7</sup> On December 8, 2008, the United States Court of Appeals for the District of Columbia Circuit stayed the Congestion Management Rule, which rendered it temporarily ineffective. To prevent this Order from expiring prior while the litigation is pending, the FAA has concluded that it is necessary to extend

<sup>2</sup> Aviation Investment and Reform Act for the 21st Century (AIR-21), Public Law 106-181 (Apr. 5, 2000), 49 U.S.C. 41715(a)(2).

<sup>3</sup> 71 FR 51360 (August 29, 2006); Docket FAA-2006-25709. The FAA subsequently published a Supplemental Notice of Proposed Rulemaking, 73 FR 20846 (Apr. 17, 2008).

<sup>4</sup> 71 FR 77854.

<sup>5</sup> 72 FR 63224; 73 FR 48428.

<sup>6</sup> 73 FR 60574; amended by 73 FR 66517, Nov. 10, 2008.

<sup>7</sup> *Port Auth. of New York & New Jersey v. Fed. Aviation Admin.*, No. 08-1329, consolidated with 08-1331, 08-1332, 08-1333, 08-1343, 08-1344, 08-1355, & 08-1371 (D.C. Cir. filed Oct. 10, 2008).