

access fees. This will essentially lower their fees from \$5,000 per month to \$60 per month per individual and device. In addition, the "Subscriber" metric should reduce administrative costs, as it should simplify the processes of counting customer entitlements and reporting.

The introduction of the proposed nonprofessional Subscriber Fee, subject to the monthly Maximum Amount payable, will respond to the growing demand from broker-dealers to provide depth-of-book information to their account-holding customers. It will lower the fees payable for NYSE OpenBook data in respect of nonprofessional Subscribers from \$60 per month per individual and device to \$15 per month per individual and device.

The Exchange believes that the nonprofessional Subscriber Fee reflects an equitable allocation of its overall costs to users of its facilities. The Exchange believes that the proposed fee and the Maximum Amount are fair and reasonable and that it is fair and reasonable to charge nonprofessional subscribers lower rates than their professional subscriber counterparts.

(j) *Contracts*. The Exchange will require each nonprofessional Subscriber that receives NYSE OpenBook Realtime or NYSE OpenBook Ultra from a vendor, broker-dealer or other entity to enter into the Network A nonprofessional subscriber agreement or an agreement that incorporates the essential terms of the nonprofessional subscriber agreement.¹⁴

2. Statutory Basis

The bases under the Securities Exchange Act of 1934 (the "1934 Act") for the proposed rule change are the requirement under section 6(b)(4)¹⁵ that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities and the requirements under section 6(b)(5)¹⁶ that the rules of an exchange be 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.

¹⁴ The Network A nonprofessional subscriber agreement has been in effect since the CTA and CQ Plan Participants first filed it with the Commission in 1983. See Release No. 34-20385 (November 17, 1983).

¹⁵ 15 U.S.C. 78f(b)(4).

¹⁶ 15 U.S.C. 78f(b)(5).

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

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

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 Exchange consents, the Commission will:

- (A) By order approve the 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. Please include File No. SR-NYSE-2008-131 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-NYSE-2008-131. 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, 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-NYSE-2008-131 and should be submitted on or before February 2, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁷

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E9-348 Filed 1-9-09; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice 6480]

In the Matter of the Review of the Designation of Mujahedin-e Khalq Organization (MEK), and All Designated Aliases, as a Foreign Terrorist Organization Upon Petition Filed Pursuant to Section 219 of the Immigration and Nationality Act, as Amended

The MEK filed a petition for revocation of its designation as a foreign terrorist organization (the "Petition"). Based upon a review of the Administrative Record assembled in this matter, including the Petition and associated filings by the MEK, pursuant to Section 219(a)(4)(B) of the Immigration and Nationality Act, as amended (8 U.S.C. 1189(a)(4)(B)) ("INA"), and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that the circumstances that were the basis for the 2003 re-designation of the aforementioned organization as a

¹⁷ 17 CFR 200.30-3(a)(12).

foreign terrorist organization have not changed in such a manner as to warrant revocation of the designation and that the national security of the United States does not warrant a revocation.

Therefore, I hereby determine that the designation of the aforementioned organization as a foreign terrorist organization, pursuant to Section 219 of the INA (8 U.S.C. 1189), shall be maintained.

This determination shall be published in the **Federal Register**.

Dated: January 7, 2009.

Condoleezza Rice,

Secretary of State, Department of State.

[FR Doc. E9-474 Filed 1-9-09; 8:45 am]

BILLING CODE 4710-10-P

TRADE AND DEVELOPMENT AGENCY

SES Performance Review Board

AGENCY: U.S. Trade and Development Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the U.S. Trade and Development Agency's Performance Review Board.

FOR FURTHER INFORMATION CONTACT:

Carolyn Hum, Administrative Officer, U.S. Trade and Development Agency, 1000 Wilson Boulevard, Suite 1600, Arlington, VA 22209 (703) 875-4357.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5), U.S.C., requires that each agency establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards. The Board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The following have been selected as acting members of the Performance Review Board of the U.S. Trade and Development Agency: Leocadia Zak, Deputy Director, U.S. Trade and Development Agency; Geoffrey Jackson, Director for Policy and Program, U.S. Trade and Development Agency; Thomas Hardy, Chief of Staff, U.S. Trade and Development Agency; and James Wilderotter, General Counsel, U.S. Trade and Development Agency.

Dated: January 7, 2009.

Carolyn Hum,

Administrative Officer.

[FR Doc. E9-373 Filed 1-9-09; 8:45 am]

BILLING CODE 8040-01-P

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 October 24, 2008, vol. 73, no. 207, page 63541. Information to be collected supports FAA in determining the amount of required liability insurance for a reentry operator after examining the risk associated with a reentry vehicle, its operational capabilities, and its designated reentry site.

DATES: Please submit comments by February 11, 2009.

FOR FURTHER INFORMATION CONTACT:

Carla Mauney at Carla.Mauney@faa.gov.

SUPPLEMENTARY INFORMATION: Federal Aviation Administration (FAA)

Title: Financial Responsibility Requirements for Licensed Reentry Activities.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 2120-0649.

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

Affected Public: An estimated 1 Respondent.

Frequency: This information is collected on occasion.

Estimated Average Burden Per Response: Approximately 300 hours per response.

Estimated Annual Burden Hours: An estimated 300 hours annually.

Abstract: Information to be collected supports FAA in determining the amount of required liability insurance for a reentry operator after examining the risk associated with a reentry vehicle, its operational capabilities, and its designated reentry site.

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 the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to oir_submission@omb.eop.gov, or faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory

Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

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 Jan. 5, 2009.

Carla Mauney,

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

[FR Doc. E9-340 Filed 1-9-09; 8:45 am]

BILLING CODE 4910-13-M

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's) 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 October 24, 2008, vol. 73, no. 207, page 63541. The rule allows experienced pilots who would otherwise qualify as flight instructors or check airmen, but who are not eligible to hold the requisite medical certificate, to perform flight instructor or check airmen functions in a simulator.

DATES: Please submit comments by February 11, 2009.

FOR FURTHER INFORMATION CONTACT:

Carla Mauney at Carla.Mauney@faa.gov.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Training and Qualification Requirements for Check Airmen and Flight Instructors.

Type of Request: Extension without change of a currently approved collection.

OMB Control Number: 2120-0600.