

operative delay based upon CBOE's representation to the Commission that Lehman Brothers Inc. is seeking to transfer its trading operations on CBOE to Barclays Capital Inc. on an expeditious basis and that the waiver of the foregoing time period will help to facilitate the orderly transfer of these operations and avoid the disruption to those operations and to CBOE's market that would result if those operations needed to be curtailed because Barclays Capital Inc. would not have immediate use of the Interim Trading Permits used to support those operations. Although the foregoing is the impetus for this rule change, going forward any other Interim Trading Permit holder would also be able to avail themselves of the proposed transfer provision if desired. Based on these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and thus designates the proposal effective upon filing.¹¹

At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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 Number SR-CBOE-2008-99 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-CBOE-2008-99. 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 the CBOE. 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-CBOE-2008-99 and should be submitted on or before October 20, 2008.

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

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8-22748 Filed 9-26-08; 8:45 am]

BILLING CODE 8010-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11437 and #11438]

West Virginia Disaster #WV-00010

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of West Virginia dated 09/22/2008.

Incident: Flea Market Fire.

Incident Period: 09/10/2008.

Effective Date: 09/22/2008.

Physical Loan Application Deadline Date: 11/21/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 06/22/2009.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and

Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Cabell.

Contiguous Counties:

West Virginia: Lincoln, Mason, Putnam, Wayne.

Ohio: Gallia, Lawrence.

The Interest Rates are:

	Percent
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) with Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 11437 5 and for economic injury is 11438 0.

The States which received an EIDL Declaration # are West Virginia; Ohio.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: September 22, 2008.

Sandy K. Baruah,

Acting Administrator.

[FR Doc. E8-22774 Filed 9-26-08; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Suspension of Applications for the Small Disadvantaged Business Program

Correction

In notice document E8-22388 appearing on page 54881 in the issue of Tuesday, September 23, 2008, make the following correction:

¹¹ For purposes only of waiving the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹² 17 CFR 200.30-3(a)(12).

In the first column, the subject line should read as set forth above.

[FR Doc. Z8-22388 Filed 9-26-08; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974: System of Records

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice to modify a system of records.

SUMMARY: DOT proposes to modify a system of records under the Privacy Act of 1974. The system is FAA's Aviation Records on Individuals, which is being modified to reflect: (1) Eight new routine uses; (2) additions to the categories of records, (3) clarity to the purpose of the system, (4) changes to the titles of offices within the FAA. This system would not duplicate any other DOT system of records.

DATES: *Effective Date:* November 10, 2008. If no comments are received, the proposal will become effective on the above date. If comments are received, the comments will be considered and, where adopted, the documents will be republished with changes.

ADDRESSES: Address all comments concerning this notice to Carla Mauney, Department of Transportation, Federal Aviation Administration, (AES-200), 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-9895.

FOR FURTHER INFORMATION CONTACT: Habib Azarsina, Departmental Privacy Officer, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE., Washington, DC 20003, 202-366-1965 (telephone), habib.azarsina@dot.gov (Internet address).

SUPPLEMENTARY INFORMATION: The Department of Transportation system of records notice subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, has been published in the **Federal Register** and is available from the above mentioned address.

SYSTEM NUMBER: DOT/FAA 847

SYSTEM NAME:

Aviation Records on Individuals.

SECURITY CLASSIFICATION:

Sensitive, unclassified.

SYSTEM LOCATION:

• Federal Aviation Administration (FAA), Mike Monroney Aeronautical

Center (MMAC), Oklahoma City, Oklahoma 73125; Civil Aerospace Medical Institute, Aerospace Medical Certification Division, AAM-300; Regulatory Support Division, AFS-600; and Civil Aviation Registry, Airmen Certification Branch AFS-760.

• Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Drug Abatement Division, AAM-800 or the local Compliance and Enforcement Centers of the Drug Abatement Division; Office of Security and Hazardous Materials; Flight Standards District Offices (FSDO's); Certificate Management Offices (CMO's); Certificate Management Field Offices (CMFO's); International Field Offices; Office of Security and Hazardous Materials Regional and Field Offices; FAA Regional Offices; and Chief Counsel, Regional Counsel, and Aeronautical Center Counsel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM OF RECORDS:

This system contains information on:

- (1) Current certificated airmen, airmen whose certificates have expired, airmen who are deceased, airmen rejected for medical certification, airmen with special certifications, and others requiring medical certification;
- (2) Air traffic controllers in air route traffic control centers, terminals, and flight service stations, and applicants for these positions;
- (3) Holders of and applicants for airmen certificates, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, and airmen who have had certificates amended, modified, suspended or revoked.

(4) Persons involved in aircraft accidents and incidents, including crewmembers, passengers, persons on the ground, and witnesses.

(5) Individuals performing safety-sensitive functions under FAA's drug and alcohol testing regulations who have (a) tested positive on a Department of Transportation (DOT)-required drug test; (b) tested 0.04 or greater for breath alcohol concentration on a DOT-required alcohol test; or (c) refused to submit to testing under a DOT-required testing program.

(6) Individuals in their commercial capacities who work for companies conducting drug and alcohol testing.

(7) Individuals who witness violations of FAA regulations.

(8) Individuals against whom FAA has initiated informal action, administrative action or legal enforcement action for violating safety

regulations and statutes or orders issued thereunder (see generally 49 U.S.C. 40101 *et. seq.*, 44101 *et. seq.*, 45101 *et. seq.*, 46101 *et. seq.*; FAA regulations, 14 CFR Parts 1-199; hazardous materials regulations, 49 CFR Parts 171-180; and drug and alcohol testing regulations, 49 CFR Part 40).

CATEGORIES OF RECORDS IN THE SYSTEM:

- Name, date of birth, place of residence, mailing address, social security number, and airman certificate number.
- Records that are required to determine the physical or mental condition of an individual with respect to medical standards established by FAA.
- Records concerning drug or alcohol testing, test results, or refusals to submit to testing under a DOT-required testing program.
- Records concerning applications for certification, applications for knowledge examinations, results of knowledge tests, applications for inspection authority, certificates held, ratings, stop orders, and requests for replacement certificates.
- Reports of fatal accidents, autopsies, toxicological studies, aviation medical examiner reports, medical record printouts, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents, physiological autopsy, and consulting pathologist's summary of findings.
- Records of accident investigations, preliminary notices of accident injury reports, engineering analyses, witness statements, investigators' analyses, and pictures of accident scenes.
- Records concerning safety compliance notices, informal actions, warning notices, oral or written counseling, letters of correction, letters of investigation, notices of proposed legal enforcement action, final action legal documents in enforcement actions, and correspondence of Regional Counsels, the Aeronautical Center Counsel, Chief Counsels, and others in enforcement cases.
- All records on individuals within FAA databases for which the Safety Performance Analysis System (SPAS) is a software interface (i.e., inspection, surveillance, and investigation records concerning individuals, in systems including but not limited to: Accident/ Incident Database System (AIDS), Air Transportation Oversight System (ATOS), Enforcement Information System (EIS), National Program Tracking and Reporting System (PTRS), National Vital Information System (VIS), and the Drug Abatement Division's