

would remain a wholly-owned subsidiary of Phlx following the NASDAQ OMX Merger and the SCCP By-Laws relating to the selection, composition, powers, and duties of the SCCP board of directors, committees, and officers would remain unchanged. Accordingly, the Commission finds that SCCP's rules would continue to assure the fair representation of its shareholders and participants in the section of SCCP's directors and the administration of SCCP's affairs as required by Section 17A(b)(3)(C).

IV. Accelerated Approval

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,⁸ for approving the proposal, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of filing of Amendment No. 1 in the **Federal Register**.⁹ In Amendment No. 1, SCCP proposed to adopt as rules of SCCP the Certificate of Incorporation and By-Laws of NASDAQ OMX. The Certificate of Incorporation, as filed by the SCCP, was previously approved by the Commission as rules of the NASDAQ.¹⁰ The NASDAQ OMX By-Laws were similarly approved by the Commission.¹¹ As filed by the SCCP, the NASDAQ OMX By-Laws include certain new terminology to reflect the acquisition of Phlx and SCCP by NASDAQ OMX. These changes were filed by NASDAQ Exchange as a proposed rule change, and were published for comment.¹² The Commission received no comments on the proposed changes to the NASDAQ OMX By-Laws.

As discussed more fully in the NASDAQ Stock Market Proposal, certain provisions of NASDAQ OMX's Certificate and By-Laws are designed to facilitate the ability of NASDAQ OMX's SRO subsidiaries, including SCCP, to maintain the independence of each of the SRO subsidiaries' self-regulatory function, enable each SRO subsidiary to operate in a manner that complies with the federal securities laws, and facilitate the ability of each SRO subsidiary and the Commission to fulfill their regulatory and oversight obligations

under the Act.¹³ As stated above, the Commission finds that such provisions are consistent with the Act.¹⁴ Notably, the NASDAQ OMX Certificate of Incorporation and By-Laws are rules of NASDAQ that have been approved previously by the Commission, as noted above, and the changes to the NASDAQ OMX By-Laws were published for notice and comment, as noted above, and the Commission did not receive any comments thereon. Accordingly, the Commission finds good cause for approving SCCP's proposal, as modified by Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1, including whether Amendment No. 1 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-SCCP-2008-01 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-SCCP-2008-01. 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 SCCP. 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-SCCP-2008-01 and should be submitted on or before August 13, 2008.

VI. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.¹⁵ *It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,¹⁶ that the proposed rule change (SR-SCCP-2008-01), as modified by Amendment No. 1 thereto, be and hereby is approved on an accelerated basis.

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

Florence E. Harmon,
Acting Secretary.

[FR Doc. E8-16824 Filed 7-22-08; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program; Orlando Executive Airport, Orlando, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility

¹⁵ In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f). See Securities Exchange Act Release No. 58179, *supra* note 5.

¹⁶ 15 U.S.C. 78s(b)(2).

¹⁷ 17 CFR 200.30-3(a)(12).

⁸ 15 U.S.C. 78s(b)(2).

⁹ Pursuant to Section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), the Commission may not approve any proposed rule change, or amendment thereto, prior to the thirtieth day after the date of publication of the notice thereof, unless the Commission finds good cause for so doing.

¹⁰ See Securities Exchange Act Release No. 51328 (January 13, 2006), 71 FR 3550 (January 23, 2006) (order approving the application of NASDAQ for registration as a national securities exchange).

¹¹ See *id.*

¹² See Securities Exchange Act Release No. 57761, *supra* note 3.

¹³ In addition to the NASDAQ OMX Merger, NASDAQ OMX entered into an agreement with the Boston Stock Exchange ("BSE"), pursuant to which NASDAQ OMX would acquire all of the outstanding membership interests in BSE ("BSE Acquisition"). See Securities Exchange Act Release Nos. 57757 (May 1, 2008), 73 FR 26159 (SR-BSE-2008-23) (notice of proposed rule change related to BSE Acquisition) and 57782 (May 6, 2008), 73 FR 27583 (May 13, 2008) (SR-BSECC-2008-01) (notice of proposal to amend the articles of organization and by-laws of the Boston Stock Exchange Clearing Corporation to reflect its proposed acquisition by NASDAQ OMX).

¹⁴ See *supra* note 7 and accompanying text.

Program submitted by the Greater Orlando Aviation Authority under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On December 31, 2007, the FAA determined that the noise exposure maps submitted by the Greater Orlando Aviation Authority under Part 150 were in compliance with applicable requirements. On June 23, 2008, the FAA approved the Orlando Executive Airport noise compatibility program. All of the recommendations of the program were approved.

DATES: *Effective Date:* The effective date of the FAA's approval of the Orlando Executive Airport Noise Compatibility Program is June 23, 2008.

FOR FURTHER INFORMATION CONTACT: Ms. Lindy McDowell, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Orlando, Florida 32822, phone number: 407-812-6331. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for Orlando Executive Airport, effective June 23, 2008.

Under Section 47504 of the Act, an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport operator with respect to which measure should be recommended for action. The FM's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in FAR Part 150 and the Act, and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport Noise Compatibility Program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, Florida.

Greater Orlando Aviation Authority submitted to the FAA on December 18, 2007, the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from November, 2003, through December, 2006. The Orlando Executive Airport Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on December 31, 2007. Notice of this determination was published in the **Federal Register** on December 31, 2007.

The Orlando Executive Airport study contains a proposed Noise Compatibility Program comprised of

actions designed for phased implementation by airport management and adjacent jurisdictions from the year 2007 to the year 2012. It was requested that FAA evaluate and approve this material as a Noise Compatibility Program as described in Section 47504 of the Act. The FM began its review of the Program on December 31, 2007, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained four (4) proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective June 23, 2008.

Outright approval was granted for all of the specific program elements. Mitigation measures approved include:

Operational Measure

1. Modification of the Current Helicopter Flight Track to and From the North

Currently the helicopter flight corridor north of the Airport passes over residential areas north of Fashion Square Mall. To avoid these residential areas, it is recommended that nonemergency rotorcraft operations to and from the north fly to Colonial Drive (SR 50) then west to I-4 and then turn northbound along the Interstate. All other rotorcraft tracks are recommended to remain in effect with no changes. (NCP, pages 10-2, 13-1; Exhibits D, 11-1; and Tables 10-1A., 13-1, 13-2)

FAA Action: Approved as voluntary measure, subject to traffic, weather, and airspace safety and efficiency.

Land Use Measure

1. Property Acquisition Program

The development of a voluntary acquisition program that allows non-compatible land uses to be removed from high noise exposure areas. It is recommended that residences located within the 2006 baseline 70 DNL and greater contour be considered for voluntary property acquisition through the use of FAA noise funding. (NCP, pages 10-3, 12-1, 12-3; Exhibits F, 12-1; and Tables 13-2)

FAA Action: Approved. Acquisitions are limited to existing non-compatible land uses located within the 65 DNL

noise contour of the approved NEMs, and are consistent with FAA's 1998 remedial mitigation policy (63 FR 16409). The specific identification of structures recommended for inclusion in the program and specific definition of the scope of the program will be required prior to approval for Federal funding.

Program Management Measure

1. Additional Noise Monitoring Equipment

It is recommended that five (5) additional noise monitors be acquired. Potential sites that have been identified for three of the new monitors include three schools located southwest of OEA along the Runway 7 extended centerline. The remaining two new monitors will be used to replace existing outdated monitors. It is also recommended that an Air to Ground Monitoring Tower be acquired to aid in communications. This system provides a scanner which is interfaced into a digital recording server and processed via a software application. (NCP, pages 10-3, 10-6, 13-1; Exhibits 10-2; and Tables 10-1B, 13-1)

FAA Action: Approved. Eligibility for Federal funding of five noise monitors and Air to Ground Monitoring Tower will be determined at the time of application. Fixed noise monitoring equipment is ineligible where the Part 150 noise exposure maps (existing and forecast) show no non-compatible land uses. For purposes of aviation safety, this approval does not extend to the use of monitoring equipment for enforcement purposes by in-situ measurement of any preset noise thresholds and shall not be used for mandatory enforcement of any voluntary measure.

2. Pilot Brochure

Develop a "Pilot Handout" to identify noise abatement procedures associated with OEA. The handout would be provided to FBOs, pilots and others using the facility. The intent of the handout is to make pilots aware of the existing and future voluntary noise mitigation procedures in effect at the Airport. (NCP, pages 10-3, 13-1; and Tables 10-10, 13-1, 13-2)

FAA Action: Approved. Inserts or other information must not be construed as mandatory air traffic procedures. Prior to release, language in the brochure should be reviewed for wording and content by the appropriate FAA office. The content of the brochure is subject to specific approval by appropriate FAA officials outside of the FAR Part 150 process and is not

approved in advance by this determination.

These determinations are set forth in detail in a Record of Approval signed by the FAA on June 23, 2008. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of the Greater Orlando Aviation Authority. The Record of Approval also will be available on-line at: http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/.

Issued in Orlando, Florida on July 10, 2008.

W. Dean Stringer,

Manager, Orlando Airports District Office.

[FR Doc. E8-16509 Filed 7-22-08; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

America's Byways Public Awareness Initiative

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; Request for Statement of Interest.

SUMMARY: The Federal Highway Administration (FHWA), cooperatively with the America's Byways Resource Center (ABRC) in Duluth, Minnesota, invites statements of interest about participating in a domestic, multi-year America's Byways® Partnership Marketing Campaign. As part of this marketing campaign, the ABRC would like to partner with interested parties to establish a national Public Awareness Initiative to elevate the awareness, understanding, and appreciation of the America's Byways collection. This initiative offers an ideal environment for national partners with brand profiles consistent with the National Scenic Byways Program to spotlight their products while raising the awareness of America's Byways. This notice seeks Statements of Interest from parties, such as corporations, associations, nonprofit organizations, and public authorities, who are interested in working with ABRC and FHWA in the Partnership Marketing Campaign.

DATES: Statements of interest should be received on or before September 22, 2008. However, statements received after this date may still be considered depending on available resources.

ADDRESSES: Mail or hand deliver statements of interest to the America's

Byways Resource Center, 394 Lake Avenue South, Suite 600, Duluth, MN 55802, or submit via e-mail to partnerships@byways.org or fax to (218) 625-3333.

FOR FURTHER INFORMATION CONTACT:

Henry Hanka, (218) 625-3306, Special Projects Manager, America's Byways Resource Center, 394 Lake Avenue South, Suite 600, Duluth, MN 55802, or Gary Jensen, (202) 366-2048, Office of Planning, Environment & Realty, HEP-2, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access: An electronic copy of this document may be downloaded by accessing the Office of the Federal Register's home page at <http://www.archives.gov> and from the Government Printing Office's Web page at <http://www.gpoaccess.gov/nara>.

Background: The National Scenic Byways Program was established under the Intermodal Surface Transportation Efficiency Act of 1991, and was reauthorized and amended most recently in 2005 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). It is codified at Title 23, United States Code, section 162. Under the program, the Secretary of Transportation recognizes certain roads as National Scenic Byways or All-American Roads based on their intrinsic qualities—archaeological, cultural, historic, natural, recreational, and scenic qualities. There are 126 such designated byways in 44 States which the FHWA promotes collectively as America's Byways®. It is a program that recognizes and supports outstanding roads while providing resources to help manage the intrinsic qualities within the broader byway corridor. The vision of the FHWA's National Scenic Byways Program is to create a distinctive collection of American roads, their stories and treasured places. The program's mission is to provide resources to the byway community in creating a unique travel experience and enhanced local quality of life through efforts to preserve, protect, interpret, and promote the intrinsic qualities of designated byways.

Partnership Marketing Campaign: In 2005, Congress authorized ABRC to carry out public awareness activities for America's Byways. As a result, the ABRC developed a Partnership Marketing Campaign. Under this Campaign, the ABRC intends to partner