

proposal to be effective and operative upon filing with the Commission.¹⁹

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such 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.²⁰

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-Phlx-2006-73 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-Phlx-2006-73. 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. Copies of the filing also will be available for inspection and copying at the principal office of the Phlx. 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-Phlx-2006-73 and should be submitted on or before December 12, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²¹

Nancy M. Morris,
Secretary.

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BILLING CODE 8011-01-P

DEPARTMENT OF TRANSPORTATION 4910-22-P

Federal Highway Administration

[Docket No. FHWA-2006-26363]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under Supplementary Information. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 22, 2007.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FHWA-2006-26363 by any of the following methods:

- Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1-202-493-2251
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC, 20590-0001.
- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, S.W., Washington, DC, 20590-0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Docket: For access to the docket to read background documents or

comments received, go to <http://dms.dot.gov> at any time or to Room 401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Michael Koontz, 202-366-2076, or Robert Kafalenos, 202-366-2079, Office of Natural and Human Environment, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC, 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Annual Reporting for the Congestion Mitigation and Air Quality Improvement (CMAQ) Program.

Background: Section 1808 of the Safe, Accountable, Flexible, Efficient Transportation Equity.

Act: A Legacy for Users of 2005 (SAFETEA-LU) calls for an Evaluation and Assessment of CMAQ Projects. The statute calls for the identification and analysis of a representative sample of CMAQ projects and the development and population of a database that describes the impacts of the program both on traffic congestion levels and air quality. To establish and maintain this database, the FHWA is requesting States to submit annual reports on their CMAQ investments that cover projected air quality benefits, financial information, a brief description of projects, and several other factors outlined in the Interim Program Guidance for the CMAQ program. States are requested to provide the end of year summary reports via the automated system provided through FHWA by the first day of February of each year, covering the prior Federal fiscal year.

Respondents: 51; each State DOT, and Washington DC.

Frequency: Annually.

Estimated Average Burden per

Response: 6 hours per annual report.

Estimated Total Annual Burden

Hours: 306 hours.

Public Comments Invited: 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 burdens; (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. The agency will summarize and/or

¹⁹ For the purposes only of accelerating 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).

²⁰ See 15 U.S.C. 78s(b)(3)(C).

²¹ 17 CFR 200.30-3(a)(12).

include your comments in the request for OMB's clearance of this information collection.

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

Issued on: November 15, 2006.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. E6-19683 Filed 11-20-06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Federal Agency Actions on Proposed Transportation Project in Ohio

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, U.S. Route 24, from U.S. Route 6 near the City of Napoleon in Henry County to just west of Interstate Route 475 near the City of Toledo in Lucas County in the State of Ohio. The Federal actions, taken as a result of an environmental review process under the National Environmental Policy Act, 42 U.S.C. 4321-4351 (NEPA), determined certain issues relating to the proposed project. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public that it has made decisions that are subject to 23 U.S.C. 139(l)(1) and are final within the meaning of that law. A claim seeking judicial review of the Federal agency decisions on the proposed highway project will be barred unless the claim is filed on or before May 21, 2007. 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: For FHWA: Mr. Mark L. Vonder Embse, P.E., Senior Transportation Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio, 43215; e-mail: mark.vonderembse@fhwa.dot.gov; telephone: (614) 280-6854; FHWA Ohio Division Office's normal business hours are 8 a.m. to 4:30 p.m. (eastern time).

You also may contact Mr. W. Michael Ligibel, Ohio Department of Transportation, 317 East Poe Road, Bowling Green, Ohio 43402; telephone: (419) 353-8131.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has issued a Record of Decision (ROD) for the following highway project in the State of Ohio: U.S. Route 24, from U.S. Route 6 near the City of Napoleon in Henry County to west of Interstate Route 475 near the City of Toledo in Lucas County. The project will be a 21.8 mile long, four-lane divided limited access highway on new alignment. It will begin east of the existing Napoleon bypass. It will then proceed in an easterly and northeasterly direction passing to the south of the community of Liberty Center and staying north of the existing U.S. Route 24, and west and north of the Village of Waterville. The improvements will end at the existing 4-lane divided section of U.S. Route 24 southwest of the existing U.S. Route 24 and Stitt Road interchange. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Draft Environmental Impact Statement (DEIS) for the project, approved on September 8, 2004, in the Final Environmental Impact Statement (FEIS) for the project, approved on March 31, 2006, in the FHWA Record of Decision (ROD) issued on September 15, 2006, and in other documents in the FHWA administrative record. The DEIS, FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA or the Ohio Department of Transportation at the addresses provided above. The FHWA DEIS, FEIS, and ROD can be viewed at the Toledo-Lucas County Public Library-Maumee Branch, Toledo-Lucas County Public Library-Main Branch, Liberty Center Public Library, Napoleon Public Library, Toledo-Lucas County Public Library, Toledo Metropolitan Area Council of Governments, Henry County Engineer's Office, Lucas County Engineer's Office, and the ODOT District Two Office.

This notice applies to all Federal agency decisions that are final within the meaning of 23 U.S.C. 139(l)(1) as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA), 42 U.S.C. 4321-4351; Federal-Aid Highway Act, 23 U.S.C. 109 and 23 U.S.C. 128.
2. *Air:* Clean Air Act, 42 U.S.C. 7401-7671(q).
3. *Land:* Section 4(f) of the Department of Transportation Act of

1966, 49 U.S.C. 303 and 23 U.S.C. 138; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531-1544 and 1536], Fish and Wildlife Coordination [16 U.S.C. 661-667(d)], Migratory Bird Treaty Act [16 U.S.C. 703-712].

5. *Wetlands and Water Resources:* Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601-4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)-300(j)(6); Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA-21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001-4128.

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(f) *et seq.*; Archeological Resources Protection Act of 1977 [16 U.S.C. 470 (aa)-11]; Archeological and Historical Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

7. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201-4209].

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority : 23 U.S.C. 139(l)(1).

Issued on: October 30, 2006.

Patrick A. Bauer,

Assistant Division Administrator, Columbus, Ohio.

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