

## **Appendix D**

### **Federal Register Publication of the Notice of Intent**

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particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among Exchange members.

#### *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*

No written comments were either solicited or received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>15</sup> and Rule 19b-4(f)(2)<sup>16</sup> thereunder, because it establishes or changes a due, fee, or other charge applicable only to a member. Accordingly, the proposal became effective upon filing with the Commission. At any time within 60 days of the filing of such 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.

### 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](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2007-50 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-2007-50. 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 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-Phlx-2007-50 and should be submitted on or before August 15, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>17</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

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**BILLING CODE 8010-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### **Environmental Impact Statement; Buncombe County, NC**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed extension of I-26 from I-40 to US 19-23-70, including widening I-240 from the I-26/I-40/I-240 interchange to US 19-23-74 (Patton Avenue), and

construction on new location from US 19-23-74 (Patton Avenue) across the French Broad River to US 19-23-70 in Buncombe County, North Carolina.

**FOR FURTHER INFORMATION CONTACT:** Clarence W. Coleman, P.E., Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601-1418, Telephone: (919) 856-4350, Extension 133.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposal for extending I-26, partly on new location, from I-40 to US 19-23-70 including the I-26/I-40/I-240 interchange. The project is commonly referred to as the I-26 Connector and is intended to provide a link between existing I-26 and US 19-23-70 north of Asheville, completing a gap in the I-26 corridor through Asheville. The project includes upgrading the I-26/I-40/I-240 interchange and improving I-240 (including the interchanges) north to the I-240/US 19-23-74A/Patton Avenue interchange west of the French Broad River. The project also includes construction of a multilane freeway segment on new location from the I-240/US 19-23-74A/Patton Avenue interchange across the French Broad River, merging into US 19-23-70 south of the existing US 19-23-70 interchange with SR 1781 (Broadway). Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand and improve connectivity between I-26 south of Asheville and US 19-23-70 north of Asheville. In addition, upgrades are needed on existing interstates within the study area to meet current design standards.

Opportunities have been provided for involvement with the public in defining the project purpose and need and determining the range of alternatives to be considered for the project. Further opportunities for the public to comment on the environmental review process will be provided throughout the remainder of the project development process. From 1989 to 1995, the I-26 Connector was studied as part of the Asheville Urban Area Corridor Preservation Pilot Project in order to develop the Asheville Urban Area Thoroughfare Plan, a long-range regional transportation plan. Extensive public involvement was incorporated to identify overall transportation goals, specific projects in the Asheville area that would fulfill those goals (which identified the I-26 Connector as one of

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>16</sup> 17 CFR 240.19b-4(f)(2).

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

those projects) and potential corridors for the I-26 Connector. NCDOT published a final *Phase I Environmental Analysis for the Asheville Urban Area* (Phase I Study) in April 1995.

Prior to the initiation of environmental studies in preparation of an Environmental Impact Statement (EIS), a scoping letter soliciting comments on the proposed project was sent in 1996 to the local, state, and federal agencies, by NCDOT. No further scoping actions are planned.

In 1997, the United States Army Corps of Engineer (USACE), FHWA, and NCDOT signed an Interagency Agreement integrating Section 404 and the National Environmental Policy Act (NEPA) of 1969, known as the Section 404/NEPA Merger Process. The agreement requires the establishment of a project team at the beginning of each transportation project and outlines the coordination process with a series of Concurrence Points in order to promote cooperation and coordination during the study process and to ensure compatibility with local, state and federal planning projects and policies.

In addition to the project merger team providing guidance and input, involvement with the public continued with a Project Educational Forum and a separate Project Design Forum in 2000. In the summer of 2004, public informational meetings were held to receive public comments on the functional alternatives presented. The engineering designs for the project alternatives were then presented at Community Informational Workshops in October 2006. Upon completion of the draft EIS, a public hearing will be held, with public notice of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to the proposed action is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

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

Issued on: July 19, 2007.

**Clarence W. Coleman,**  
P.E., Operations Engineer, Raleigh, North Carolina.  
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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Supplemental Final Environmental Impact Statement; Graham County, NC

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

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a Supplemental Final Environmental Impact Statement (Supp. FEIS) will be prepared for the proposed relocation of U.S. 74 from U.S. 129 in Robbinsville to NC 28 in Stecoah, Graham County, North Carolina. The proposed project would be the construction of a four-lane divided highway approximately 11 miles in length. This project is identified as TIP Project No. A-9 B&C.

**FOR FURTHER INFORMATION CONTACT:** Mr. Clarence W. Coleman, P.E., Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601-1418, telephone: (919) 856-4350, Extension 133.

**SUPPLEMENTARY INFORMATION:** The proposed relocation is part of the North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project No. A-9, which includes four different relocation projects, identified as TIP Project Nos. A-9 A, B, C, & D. The "A" portion of the project begins in Cherokee County with a proposed terminus in Andrews and extends into Graham County with a proposed terminus in Robbinsville. The proposed relocation from Robbinsville to Stecoah is the "B & C" portion of the project. The "D" portion of the project begins in Stecoah and extends east into Swain County, terminating in Almond; most of this segment is complete.

An FEIS for the entire A-9 project was completed in 1984. Federal regulations impose a three-year restriction, commencing from the time a document is signed, for action to be taken on a project. If action is not taken within this period, a reevaluation of the FEIS is required. The Supp. FEIS will serve as this reevaluation (40 CFR 1502.9). The FEIS identified a Preferred Corridor for the entire A, B, C, & D corridor from Andrews to Almond. A

reevaluation was completed for A-9D (a widening project), while A-9 A, B, & C (the new location portion) was subject to further analysis due to the project's potential impacts. The Supp. FEIS and its associated technical memorandum (indirect and cumulative effects report, air analysis, noise analysis, etc.) are being prepared only for the B & C portion of the project. The A portion of the project is currently unfunded. The project includes a tunnel under Stecoah Gap where an easement will be obtained from the U.S. Forest Service. The project corridor follows the existing NC 143 alignment in some areas; however, the majority of the project is on new location, as is the area through Stecoah Gap. The project also includes several new stream crossings including a bridge over Stecoah Creek.

The purpose of this project is to improve the US 74 corridor throughout the state providing better system linkage, economic and social development, highway capacity, and safety resulting in road user savings from a more efficient highway facility. It will also provide better accessibility with highway connections for Graham County. The proposed US 74 relocation is part of the Appalachian Development Highway System (ADHS), which would complete a missing link in the Appalachian Highway Corridor K. In summary, the purpose of the ADHS is to improve the economic conditions of the region by providing the infrastructure necessary for economic and human resource development.

A scoping letter was sent to federal and state resource agencies on December 5, 1995, and an interagency scoping meeting held on January 4, 1996. Additional interagency meetings were held on July 31, 1996, December 9, 1999, January 20, 2004, and September 19, 2006. An interagency meeting is currently scheduled for August 14, 2007. Public involvement has occurred for this project. The first Citizens Informational Workshop was held in two locations to accommodate interests at each end of the entire ABC project study area. The first workshop was held on March 11, 1996, at the Robbinsville High School in Robbinsville; the second was held at the Andrews Community Center in Andrews. The second Citizens Informational Workshop was also held in two locations on subsequent days. The workshop in Robbinsville was held October 28, 1996, at the Robbinsville High School; the second on October 29, 1996, at the Andrews Community Center in Andrews. The third Citizens Informational Workshop was also held on subsequent days in Robbinsville and

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