

electronically and can be accessed free of charge. Therefore, the fee will be eliminated.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act,<sup>13</sup> in general, and with Section 6(b)(4) of the Act,<sup>14</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among OTP Holders, OTP Firms,<sup>15</sup>

### B. Self-Regulatory Organization's Statement on Burden on Competition

NYSE Arca does not believe that the proposed rule change will result in 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

Written comments were neither solicited nor received.

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

The foregoing rule change is subject to Section 19(b)(3)(A)(ii) of the Act<sup>16</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder<sup>17</sup> because it establishes or changes a due, fee, or other charge applicable only to a member imposed by the self-regulatory organization. Accordingly, the proposal is effective upon Commission receipt of the filing. 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.

## 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 No. SR-NYSEArca-2006-25 on the subject line.

### Paper Comments

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

All submissions should refer to File No. SR-NYSEArca-2006-25. 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 such filing will also be available for inspection and copying at the principal office of the NYSE Arca. 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 No. SR-NYSEArca-2006-25 and should be submitted on or before September 11, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>18</sup>

**Nancy M. Morris,**  
Secretary.

[FR Doc. E6-13729 Filed 8-18-06; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Pubic Notice for Waiver of Aeronautical Land-Use Assurance; Detroit Metropolitan Wayne County Airport, Detroit, MI

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of intent of waiver with respect to land.

**SUMMARY:** The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the Detroit Metropolitan Wayne County Airport (DTW) from aeronautical use to non-aeronautical use and to authorize the sale of the airport property. The proposal consists of the sale of vacant, unimproved land owned by the Wayne County Airport Authority (WCAA).

The WCAA has requested from FAA a "Release from Federal agreement obligated land covenants" to sell portions of six (6) parcels. The property proposed for release was acquired by the WCAA and FAA Project Numbers: 3-26-0026-1991, 3-26-0026-2292, 3-26-0026-3695, 3-0026-4197, and 3-26-0026-4398.

There are no impacts to the airport by allowing the WCAA to dispose of the vacant property. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before September 20, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. David J. Welhouse, Project Manager, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number (734) 229-2952/FAX Number (734) 229-2950. Documents reflecting this FAA action may be reviewed at this same location or at Detroit Metropolitan Wayne County Airport, Detroit, Michigan.

**SUPPLEMENTARY INFORMATION:** Following is a legal description of the property (portions of Parcels 63 (A&B), 64, 65, 66,

<sup>13</sup> 15 U.S.C. 78f.

<sup>14</sup> 15 U.S.C. 78f(b)(4).

<sup>15</sup> The Exchange removed a reference in the Statutory Basis Section of the filing relating to the applicability of the fees to "other market participants trading options contracts on certain ETFs" via telephone. Conversation between Pete Armstrong, NYSE Arca and Tim Fox, Special Counsel, Commission, on August 10, 2006.

<sup>16</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

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

<sup>18</sup> 17 CFR 200.30-3(a)(12).

67, and 71) located in Romulus, Wayne County, Michigan, and described as follows:

**Description of That Portion of Parcel 63—A Being Released**

Part of the Southwest  $\frac{1}{4}$  of Section 16, T. 3 S., R. 9 E., City of Romulus, Wayne County, Michigan and being more particularly described as follows: Commencing at the Southwest corner of Section 16, T. 3 S., R. 9 E., and running thence South 89 degrees 48 minutes 20 seconds East, along the South line of said Section 16, a distance of 390.64 feet to a point; thence North 00 degrees 10 minutes 20 seconds East, a distance of 439.59 feet to a point on the Westerly Right-Of-Way Line for relocated Vining Road (width varies), said point being the point of beginning of the parcel of land herein being described; proceeding thence from said point of beginning South 30 degrees 29 minutes 17 seconds West, along said right of way line, a distance of 213.94 feet to a point; North 00 degrees 10 minutes 20 seconds East, a distance of 654.13 feet to a point on the center line of the Sexton Kilfoil Drain; thence South 76 degrees 26 minutes 59 seconds East, along the center line of said Sexton Kilfoil Drain, a measured distance of 111.00 feet (described 111.50 feet) to a point; thence South 00 degrees 10 minutes 20 seconds West a distance of 443.76 feet to the point of beginning. Containing 1.361 acres, more or less, of land in area.

**Description of That Portion of Parcel 63—B Being Released**

Part of the South  $\frac{1}{4}$  of Section 16, T. 3 S., R. 9 E., City of Romulus, Wayne County, Michigan and being more particularly described as follows: Commencing at the Southwest corner of Section 16, T. 3 S., R. 9 E., and running thence South 89 degrees 48 minutes 20 seconds East, along the South line of said Section 16, a distance of 260.00 feet to a point; thence North 00 degrees 10 minutes 20 seconds East, a measured distance of 216.11 feet (described 218.66 feet) to a point on the Westerly Right-Of-Way line for relocated Vining Road (120 feet wide), said point being the point of beginning of the parcel of land herein being described; proceeding thence from said point of beginning North 00 degrees 10 minutes 20 seconds East, a measured distance of 1655.43 feet (described 1656.77 feet) to a point on the Southerly line of the Norfolk and Western Railroad Right-Of-Way (100 feet wide); thence North 73 degrees 24 minutes 30 seconds East, along the Southerly line of said Norfolk and Western Railroad Right-Of-Way, a distance of 136.44 feet to a point; thence

South 00 degrees 10 minutes 20 seconds West a distance of 1027.60 feet to a point on the center line of the Sexton Kilfoil Drain; thence North 76 degrees 26 minutes 59 seconds West, along the center line of said Sexton Kilfoil Drain, a measured distance of 111.00 feet (described 111.50 feet) to a point; thence South 00 degrees 10 minutes 20 seconds West a distance of 654.13 feet to a point on said Westerly Right-Of-Way Line for relocated Vining Road; thence South 30 degrees 29 minutes 17 seconds West, along said right of way line, a distance of 44.87 feet to the point of beginning. Containing 3.344 acres, more or less, of land in area.

**Description of That Portion of Parcel 64 Being Released**

Part of the Southwest  $\frac{1}{4}$  of Section 16, T. 3 S., R. 9 E., City of Romulus, Wayne County, Michigan and being more particularly described as follows: Commencing at the Southwest corner of Section 16, T. 3 S., R. 9 E., and running thence South 89 degrees 48 minutes 20 seconds East, along the South line of said Section 16, a distance of 390.64 feet to a point; thence North 00 degrees 10 minutes 20 seconds East, a distance of 439.59 feet to a point on the Westerly Right-of-Way Line for relocated Vining Road (width varies), said point being the point of beginning of the parcel of land herein being described; proceeding thence from said point of beginning North 00 degrees 10 minutes 20 seconds East, a distance of 1471.36 feet to a point on the Southerly line of the Norfolk and Western Railroad Right-of-Way (100 feet wide); thence North 73 degrees 20 minutes 30 seconds East, along the Southerly line of said Norfolk and Western Railroad Right-of-Way, a distance of 171.28 feet to a point; thence South 00 degrees 10 minutes 20 seconds West a distance of 1240.29 feet to a point on said Westerly Right-of-Way Line for relocated Vining Road; thence South 30 degrees 29 minutes 17 seconds West, along said right of way line, a distance of 324.90 feet to the point of beginning. Containing 5.105 acres, more or less, of land in area.

**Description of That Portion of Parcel 65 Being Released**

Part of the Southwest  $\frac{1}{4}$  of Section 16, T. 3 S., R. 9 E., City of Romulus, Wayne County, Michigan and being more particularly described as follows: Commencing at the Southwest corner of Section 16, T. 3 S., R. 9 E., and running thence South 89 degrees 48 minutes 20 seconds East, along the South line of said Section 16, a distance of 826.05 feet to a point; thence North 00 degrees 10 minutes 20 seconds East, a distance of

1275.17 feet to a point on the Westerly Right-of-Way Line for relocated Vining Road (width varies), said point being the point of beginning of the parcel of land herein being described; proceeding thence from said point of beginning thence South 25 degrees 54 minutes 51 seconds West, along said right of way line, a distance of 574.08 feet to an angle point is said right-of-way line; thence South 30 degrees 29 minutes 17 seconds West, containing along said right of way line, a distance of 43.82 feet to a point; thence North 00 degrees 10 minutes 20 seconds East, a distance of 1240.29 feet to a point on the Southerly line of the Norfolk and Western Railroad Right-of-Way (100 feet wide); thence North 73 degrees 24 minutes 30 seconds East, along the Southerly line of said Norfolk and Western Railroad Right-of-Way, a distance of 283.50 feet to a point; thence South 00 degrees 10 minutes 20 seconds West a distance of 767.12 feet to the point of beginning. Containing 6.278 acres, more or less, of land in area.

**Description of That Portion of Parcel 66 (West  $\frac{1}{2}$ ) Being Released**

Part of the Southwest  $\frac{1}{4}$  of Section 16, T. 3 S., R. 9 E., City of Romulus, Wayne County, Michigan and being more particularly described as follows: Commencing at the Southwest corner of Section 16, T. 3 S., R. 9 E., and running thence South 89 degrees 48 minutes 20 seconds East, along the South line of said Section 16, a distance of 826.05 feet to a point; thence North 00 degrees 10 minutes 20 seconds East, a distance of 1275.17 feet to a point on the Westerly Right-of-Way Line for relocated Vining road (width varies), said point being the point of beginning of the parcel of land herein being described; proceeding thence from said point of beginning North 00 degrees 10 minutes 20 seconds East, a distance of 767.12 feet to a point on the Southerly line of the Norfolk and Western Railroad Right-of-Way (100 feet wide); thence North 73 degrees 24 minutes 30 seconds East, along the Southerly line of said Norfolk and Western Railroad Right-of-Way, a distance of 139.32 feet to a point; thence South 00 degrees 10 minutes 20 seconds West a distance of 530.64 feet to a point on said Westerly Right-of-Way Line for relocated Vining Road; thence South 25 degrees 54 minutes 51 seconds West, along said right of way line, a distance of 307.15 feet to the point of beginning. Containing 1.987 acres, more or less, of land in area.

**Description of That Portion of Parcel 66 (East  $\frac{1}{2}$ ) Being Released**

Part of the Southwest  $\frac{1}{4}$  of Section 16, T. 3 S., R. 9 E., City of Romulus, Wayne

County, Michigan and being more particularly described as follows: Commencing at the Southwest corner of Section 16, T. 3 S., R. 9 E., and running thence South 89 degrees 48 minutes 20 seconds East, along the South line of said Section 16, a distance of 1092.89 feet to a point; thence North 00 degrees 10 minutes 20 seconds East, a distance of 1828.61 feet to a point on the Westerly Right-of-Way Line for relocated Vining Road (width varies), said point being the point of beginning of the parcel of land herein being described; proceeding thence from said point of beginning South 25 degrees 54 minutes 51 seconds West, along said right of way line, a distance of 307.15 feet to a point; thence North 00 degrees 10 minutes 20 seconds East, a distance of 530.64 feet to a point on the Southerly line of the Norfolk and Western Railroad Right-of-Way (100 feet wide); thence North 73 degrees 24 minutes 30 seconds East, along the Southerly line of said Norfolk and Western Railroad Right-of-Way, a distance of 139.32 feet to a point; thence South 00 degrees 10 minutes 20 seconds West a distance of 294.16 feet to the point of beginning. Containing 1.263 acres, more or less, of land in the area.

#### **Description of That Portion of Parcel 67 Being Released**

Part of the Southwest ¼ of Section 16, T. 3 S., R. 9 E., City of Romulus, Wayne County, Michigan and being more particularly described as follows: Commencing at the Southwest corner of Section 16, T. 3 S., R. 9 E., and running thence South 89 degrees 48 minutes 20 seconds East, along the South line of said Section 16, a distance of 1092.89 feet to a point; thence North 00 degrees 10 minutes 20 seconds East, a distance of 1828.61 feet to a point on the Westerly Right-of-Way Line for relocated Vining Road (width varies), said point being the point of beginning of the parcel of land herein being described; proceeding thence from said point of beginning North 00 degrees 10 minutes 20 seconds East, a distance of 294.16 feet to a point on the Southerly line of the Norfolk and Western Railroad Right-of-Way (100 feet wide); thence North 73 degrees 24 minutes 30 seconds East, along the Southerly line of said Norfolk and Western Railroad Right-of-Way, a distance of 195.67 feet to the point of intersection of said railroad right-of-way line with the Westerly Right-of-Way Line for said relocated Vining Road, said point being distance South 00 degrees 03 minutes 34 seconds West, a measured distance of 105.88 feet (recorded as 104.83 feet), as measured along the East line of said Section 16

and South 73 degrees 24 minutes 30 seconds West a distance of 1361.68 feet, as measured along the Southerly line of said Norfolk and Western Railroad Right-of-Way from the East ¼ corner of said Section 16; thence South 30 degrees 29 minutes 17 seconds West, along said Westerly Right-of-Way Line for relocated Vining Road, a distance of 206.82 feet to an angle point in said line; thence South 25 degrees 54 minutes 51 seconds West, continuing along said right of way line, a distance of 191.01 feet to the point of beginning. Containing 0.596 acres, more or less, of land in area.

Issued in Romulus, Michigan, on July 28, 2006.

**Irene R. Porter,**

*Manager, Detroit Airports District Office,  
FAA, Great Lakes Region.*

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**BILLING CODE 4910-13-M**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Public Notice for Waiver of Aeronautical Land-Use Assurance; Detroit Metropolitan Wayne County Airport, Detroit, MI**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of intent of waiver with respect to land.

**SUMMARY:** The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the Detroit Metropolitan Wayne County Airport (DTW) from aeronautical use to non-aeronautical use and to authorize the sale of the airport property. The proposal consists of a land exchange between the Wayne County Airport Authority (WCAA) and the City of Romulus (City) for the Romulus Department of Public Works (DPW) property.

The Runway 4L/22R construction project at DTW necessitated the WCAA acquire the City DPW site on Goddard Road (Parcel 65). A Memorandum of Understanding between the WCAA and the City provided that the WCAA construct a replacement DPW facility on surplus airport property West of relocated Wayne Road and then exchange this property (portions of seven parcels) for the former City DPW site. The new DPW facility has been constructed and the WCAA/City desire to complete the property exchange.

The WCAA has requested from FAA a "Release from Federal agreement obligated land covenants" to complete

the land exchange. The property proposed for release was acquired by the WCAA under FAA Project Numbers: 3-26-0026-1991, 3-26-0026-2292, 3-26-0026-3695, 3-26-0026-4197, and 3-26-0026-4398.

There are no impacts to the airport by allowing the WCAA to exchange property with the City. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before September 20, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. David J. Welhouse, Project Manager, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number (734) 229-2952/FAX Number (734) 229-2950. Documents reflecting this FAA action may be reviewed at this same location or at Detroit Metropolitan Wayne County Airport, Detroit, Michigan.

**SUPPLEMENTARY INFORMATION:** Following is a legal description of the property to be exchanged with the City of Romulus for the new DPW facility located in Romulus, Wayne County, Michigan, and described as follows:

#### **Description of That Portion of Parcel 30 Being Released**

Part of the Southeast ¼ of Section 20, T. 3 S., R. 9 E., City of Romulus, Wayne County, Michigan and being more particularly described as follows: Commencing at the Southeast corner of Section 20, T. 3 S., R. 9 E., and running thence North 88 degrees 14 minutes 27 seconds West, along the South line of said Section 20, a distance of 174.09 feet to a point; thence North 01 degree 19 minutes 36 seconds East, a distance of 57.34 feet to the point of beginning of the parcel of land herein being described; proceeding thence from said point of beginning North 01 degree 19 minutes 36 seconds East, a distance of 1243.26 feet to a point; thence South 89 degrees 51 minutes 47 seconds East a distance of 174.12 feet to a point on the