

(\$ 0.0032 per share) has the most stringent criteria, and is \$0.0001 greater than the Ultra Tier rebate (\$0.0031 per share) and \$0.0002 greater than the Super Tier rebate. (\$0.0030 per share) For example, based on average TCX for September 2010 (7.2 billion), in order for a Member to qualify for the Mega Tier, the Member would have to post 54 million shares on EDGX. In order to qualify for the Ultra Tier, which has less stringent criteria than the Mega Tier, the Member would have to post 36 million shares on EDGX. Finally, the Super Tier has the least stringent criteria. In order for a Member to qualify for this rebate, the Member would have to post 10 million shares on EDGX. In addition, these rebates also result, in part, from lower administrative costs associated with higher volume.

In addition, conforming amendments have been made to place references to footnote "1" on Flags N, W, and 6 since this amendment qualifies these flags by proposing an exception to the \$0.0030 per share charge for each flag. A reference to footnote 1 has also been placed on the \$0.0030 per share default rate for removing liquidity at the table on the top of the fee schedule to signify this exception.

EDGX Exchange proposes to implement these amendments to the Exchange fee schedule on November 1, 2010.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,⁴ in general, and furthers the objectives of Section 6(b)(4),⁵ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. Finally, the Exchange believes that the proposed rates are equitable in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

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

The proposed rule change does not 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

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Act⁶ and Rule 19b-4(f)(2)⁷ thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend 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. Please include File Number SR-EDGX-2010-16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-EDGX-2010-16. 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,⁸ 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 Web site viewing and printing 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 the 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-EDGX-2010-16 and should be submitted on or before November 29, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Florence E. Harmon,
Deputy Secretary.

[FR Doc. 2010-28181 Filed 11-5-10; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2010 0097]

Buy America Waiver Notification

AGENCY: Maritime Administration, DOT.

ACTION: Notice and Request for Comments.

SUMMARY: This notice provides information regarding the Maritime Administration's (MarAd) finding that a Buy American waiver, stated in 23 U.S.C. 313, is appropriate for the purchase of foreign Mobile Harbor Cranes in the Federal-aid/American Recovery and Reinvestment Act of 2009 (ARRA) for the Port of Searsport, Port of Stockton, Port of West Sacramento and the Port of Davisville via the Quonset

⁸ The text of the proposed rule change is available on the Exchange's Web site at <http://www.directedge.com>, on the Commission's Web site at <http://www.sec.gov>, at EDGX, and at the Commission's Public Reference Room.

⁹ 17 CFR 200.30-3(a)(12).

⁴ 15 U.S.C. 78f.

⁵ 15 U.S.C. 78f(b)(4).

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 19b-4(f)(2).

Development Corporation. The waivers for each of these projects involve specific items that are not produced in the United States and deemed necessary for the construction of the project. MarAd has reached out to the steel industry and solicited public comments on the domestic availability of these items. No domestic manufacturers have been located.

DATES: The effective date of the waiver is November 9, 2010. Comments may be submitted up to 15 days after publication.

FOR FURTHER INFORMATION CONTACT:

Anthony Shuler Jr., Office of Infrastructure Development and Congestion Mitigation, Maritime Administration, MAR-510, 1200 New Jersey Ave., SE., Washington, DC 20590. Telephone: (202) 366-6639, or via e-mail at Anthony.L.Shuler@dot.gov. For legal questions, you may contact Murray Bloom, Chief, Division of Maritime Programs, Office of the Chief Counsel, Maritime Administration, MAR-222, 1200 New Jersey Ave., SE., Washington, DC 20590. Telephone: (202) 366-5320, or via e-mail at Murray.Bloom@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register's** home page at: <http://www.archives.gov/federal-register/> and at <http://www.regulations.gov>.

Background

Congress has enacted a Buy American provision which requires manufactured goods permanently incorporated into a project funded with Federal-aid funds to be produced in the United States. The application of Buy American is triggered by the obligation of Federal funds to a project. Once Federal-aid funds are obligated to a project, then all steel and iron incorporated into the project must be produced in the United States. The specific statutory requirement reads as follows:

Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated to carry out the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) or this title and administered by the Department of Transportation, unless steel, iron, and manufactured products used in such project are produced in the United States.

23 U.S.C. 313(a)

Under 23 U.S.C. 313(b), the Secretary may waive the Buy American

requirements for specific products on a Federal-aid construction project when, Buy American is inconsistent with the public interest; such materials and products are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality; or inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.

The waiver process is initiated by a requesting organization when it believes that a waiver is Warranted pursuant to any of the three waiver provisions under 23 U.S.C. 313(b). Pursuant to Division A, Section 123 of the Consolidated Appropriations Act, 2010 (Pub. L. 111-117), MarAd is required to provide an informal public notice and comment opportunity for a period of 15 days for all waiver requests. MarAd complied with this informal public notice and comment requirement through the establishment of a dedicated Web site for Buy America waiver requests. The Web site MarAd established for this purpose is located at the following address: <http://www.marad.dot.gov>. The waiver notification postings solicited public comments on the intent to issue a waiver for a 15-day period, and all comments received within the 15 day comment period were evaluated and potential domestic sources were verified. During the 15-day comment period, MarAd conducted additional nationwide reviews by coordinating the waiver requests with appropriate industry associations and other potential domestic manufacturers. Following this comment period, and after MarAd's evaluation of the comments and coordination with the industry associations and potential manufacturers, MarAd developed findings and justifications for the waiver and publishes this decision in the **Federal Register**. MarAd's publication of its Buy American decision is required pursuant to the Buy American Act, 2 CFR 176.80(b)(2). The specific statutory requirement reads as follows:

The head of the Federal department or agency shall publish a notice in the **Federal Register** within two weeks after the determination is made, unless the item has already been determined to be domestically non-available. A list of items that are not domestically available is at 48 CFR 25.104(a). The **Federal Register** notice or information from the notice may be posted by OMB to Recovery.gov. The notice shall include — (i) The title "Buy American Exception under the American Recovery and Reinvestment Act of 2009"; (ii) The dollar value and brief description of the project; and (iii) A detailed written justification as to why the restriction is being waived.

2 CFR 176.80(b)(2)

Upon publication of this **Federal Register** notice, the public is afforded an opportunity to submit additional comments on this finding to MarAd's Web site for 15 days following the effective date of the finding.

Authority: 2 CFR 176.80(b)(2), 48 CFR 25.104(a).

Dated: November 2, 2010.

By Order of the Maritime Administrator

Murray Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 2010-28143 Filed 11-5-10; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: St. Louis County, MO

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 (EIS) will be prepared for a proposed highway project generally from the vicinity of Laclede Station Road and Hanley Road southeastward to River Des Peres Boulevard and Lansdowne Avenue in St. Louis County, Missouri.

FOR FURTHER INFORMATION CONTACT: Ms. Peggy J. Casey, Program Development Team Leader, FHWA Division Office, 3220 West Edgewood, Suite H, Jefferson City, MO 65109, Telephone: (573) 636-7104; or Mr. Kevin Keith, Interim Director, Missouri Department of Transportation, P.O. Box 270, Jefferson City, MO 65102, Telephone: (573) 751-2803. Questions may also be directed to the Local Public Agency sponsor by contacting: Mr. John Hicks, Transportation Development Analyst, St. Louis County Department of Highways and Traffic, 121 S. Meramec Avenue, Clayton, Missouri 63105, Telephone: (314) 615-8532.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Missouri Department of Transportation (MoDOT) and St Louis County Department of Highways and Traffic (County), will prepare an EIS for a proposed roadway project in St. Louis County, Missouri. The project corridor begins in the vicinity of Laclede Station Road and Hanley Road, extending from the vicinity of Laclede Station Road and Hanley Road, extending southeastward to River Des Peres Boulevard and Lansdowne Avenue near the