

*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-Phlx-2006-81 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 No. SR-Phlx-2006-81. 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 at <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 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 No. SR-Phlx-2006-81 and should be submitted on or before January 8, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**Florence E. Harmon,**  
*Deputy Secretary.*

[FR Doc. E6-21449 Filed 12-15-06; 8:45 am]

BILLING CODE 8011-01-P

**SOCIAL SECURITY ADMINISTRATION**

[Docket No. SSA 2006-0104]

**Rescission of Social Security Ruling 88-10c, Bowen v. Galbreath**

**AGENCY:** Social Security Administration.

**ACTION:** Notice of Rescission of Social Security Ruling.

**SUMMARY:** In accordance with 20 CFR 402.35(b)(1), the Commissioner of Social Security gives notice of the rescission of Social Security Ruling SSR 88-10c.

**EFFECTIVE DATE:** December 18, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Marg Handel, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 965-4639 or TTY 410-966-5609, for information about this notice. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:** Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability and supplemental security income programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, and other policy interpretations of the law and regulations.

On June 23, 1988 we issued SSR 88-10(c) to reflect the Supreme Court's decision in *Galbreath v. Bowen*, 485 U.S. 74 (1988), in which the Court held that the relevant statutes did not permit withholding past-due Supplemental Security Income benefits for attorney's fees in title XVI cases. As the Court noted at the end of its decision, the earlier Congressional decision not to extend attorney fee withholding to title XVI would stand "[u]ntil Congress [saw] fit to override its original decision, by amending Title XVI in a way that manifests an intent to allow withholding."

In the Social Security Protection Act of 2004 (SSPA), Public Law 108-203, Congress enacted such legislation. Section 302 of the SSPA amended section 1631(d)(2) of the Social Security Act to extend the attorney fee withholding and direct payment procedures to claims under title XVI. We began paying fees directly to attorneys in title XVI cases effectuated on or after February 28, 2005, the date the amendments made by section 302 took effect. While this provision will only be effective for 5 years, we believe that SSR 88-10(c) should be rescinded for this period and we will later determine if there is a need to reinstate it.

(Catalog of Federal Domestic Assistance Programs No. 96.006, Supplemental Security Income)

Dated: December 12, 2006.

**Jo Anne B. Barnhart,**

*Commissioner of Social Security.*

[FR Doc. E6-21484 Filed 12-15-06; 8:45 am]

BILLING CODE 4191-02-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Approval of Noise Compatibility Program for McClellan Palomar Airport, Carlsbad, CA**

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by San Diego County, California under the provisions of Title I of the Aviation Safety and Noise Abatement Act, as amended, (Public Law 96-193) (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 April 26, 2005, the FAA determined that the noise exposure maps submitted by San Diego County under Part 150 were in compliance with applicable requirements.

**EFFECTIVE DATE:** The effective date of the FAA's approval of the Noise Compatibility Program for McClellan Palomar Airport is December 5, 2006.

**FOR FURTHER INFORMATION CONTACT:** Victor Globa, Environmental Protection Specialist, Los Angeles Airports District Office, Airport Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Hawthorne, California, 90261, Mailing Address: P.O. Box 92007, Los Angeles, California 90009-2007. Telephone: 310/725-3637. 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 McClellan Palomar Airport, effective April 7, 2004. Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979, as amended (herein after referred to as the "Act") [recodified as 49 U.S.C. § 47504], an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise

<sup>11</sup> 17 CFR 200.30-3(a)(12).

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 judgement for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of 14 CFR Part 150 program recommendations is measured according to the standards expressed in 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 under the Airport and Airway Improvement Act of 1982, as amended. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Hawthorne, California.

San Diego County submitted to the FAA on September 13, 2004, the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from December 1, 2002 through March 24, 2006. The McClellan Palomar Airport Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on April 26, 2005. Notice of this determination was published in the **Federal Register** on May 10, 2005 (70 FR 24671).

The McClellan Palomar Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from (2004 to beyond the year 2009). It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in 49 U.S.C. § 47504 (formerly section 104(b) of the Act). The FAA began its review of the program on June 20, 2006, 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 thirty-two (32) proposed actions for noise abatement, land use management and program management 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 was approved, by the Manager of the Airports Division, Western-Pacific Region, effective December 5, 2006.

Outright approval was granted for seven (7) of the 10 noise abatement measures, all six (6) land use management measures and twelve (12) program management measures. The approved measures included such items as: Continue the existing published air traffic pattern altitudes; Continue the existing published "Alpha Departure" voluntary noise abatement procedure (VNAP); Continue the existing VNAP, as

published on the airport Web site; Continue the existing designation of Runway 24 as the calm wind runway as published in the Airport/Facility Directory; Continue the existing policy discouraging jet aircraft training due to noise abatement and traffic congestion as published in the Airport/Facility Directory; Continue the existing VNAP, as published on the airport's Web site; Amend "Quiet Hours" to include all aircraft except emergency flight operations. Approved Land Use Management Measures include: Provide the recommended Noise Information Notification Area (NINA) boundary to San Diego Geographic Information Source (SanGIS) in both electronic and hard copy formats; Provide the updated Noise Exposure Maps to SanGIS in electronic format, notify San Diego County and the City of Carlsbad that updated Noise Exposure Maps are available through SanGIS and encourage their use in updating the Noise Elements fo their General Plans; Rezone the undeveloped area designated E-A (APN 212-040-56) within the 60 CNEL to "P-M Planned Industrial" zone; Real estate disclosure within the CRQ's established Airport Influence Area should continue; Provide the updated NEMs, AIA, and NINA to SanGIS in electronic format, encourage the California Board of Realtors, San Diego North County Board, and the Building Industry Association—Sales and Marketing Council, North County Division to visit SanGIS Web site for the most updated NEMs, AIA and NINA and work with the aforementioned organizations to develop an "Airport Fact Book" for property sales agents; Provide San Diego County Regional Airport Authority (SDCRAA) with copies of the Final NEM and NCP documents.

Approved Program Management measures include: Hire a dedicated Noise Abatement Officer/Appoint a Permanent Environmental Noise Specialist; The Palomar Airport Advisory Committee should continue to act as a forum for discussion of noise abatement actions; update Maps identifying the noise-sensitive areas around the airport; Produce an Airport Noise Information Booklet; Develop an Official Web site to disseminate VNAP and other noise-related information; Continue to coordinate with the Department of Public Works Public Information Officer to disseminate information to the news media; Continue attending and/or participating in aviation association meetings to expand awareness of VNAP and other noise related issues; Coordinate with the

Department of Public Works Public Information officer to periodically distribute VNAP press releases to aviation media; Periodically provide updated VNAP information for distribution by Fixed Base Operators; Erect monument signs on airport property along El Camino Real and Palomar Airport Road to inform drivers of the existence and location of the airport; Produce signs, stickers, etc., using VNAP logo and prominently display and utilize as appropriate; Conduct biannual VNAP training classes and implement the recently adopted "Fly Friendly Program."

FAA disapproved the following Noise Abatement measures: When traffic volume permits, CRQ ATCT should instruct pilots to delay the left turn from Runway 24 until aircraft is west of I-5. This measure would adversely impact the efficiency of navigable airspace at CRQ, further deviation from protected routes would place IFR aircraft at risk. Work with FAA to develop a GPS/RNAV departure procedure to emulate the "Alpha Departure" VNAP. This measure was disapproved pending submission of additional information to make an informed decision. The NCP did not quantify this measure's noise reduction benefits.

FAA took no action on the following Noise Abatement Measure: Consider joining Sound Initiative, A Coalition for Quieter Skies. FAA action on this measure would conflict with anti-lobbying restrictions on Federal agencies.

FAA disapproved the following Program Management Measures: Upgrade GEMS software to ANOMS8 and upgrade computer hardware as necessary to support operations of ANOMS8. If eligible for AIP funding, hardware should be upgraded at existing NMTs and two additional NMTs should be installed at CRQ. This measure was disapproved for the purposes of part 150 with respect to Airport Improvement Program funding. Section 189 of Public Law 108-176, Vision 100-Century of Reauthorization Act of 2003 specifically prohibits FAA approval of part 150 program measures that require AIP funding to mitigate aircraft noise outside of DNL (CNEL) 65 through Fiscally Year 2007; When Feasible, CRQ ATCT should encourage the use of the VNAP. This measure was disapproved because implementation of this measure by the ATCT would adversely affect air traffic workload and efficiency; Conduct the recommended workload study. This measure was disapproved because it is outside of the scope of 14 CFR part 150.

These determinations are set forth, in detail, in the Record of Approval signed by the Manager of the Airports Division, Western-Pacific Region, on December 5, 2006. 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 offices of the San Diego County Public Works Department. The Record of Approval will be available online at: [http://www.faa.gov/airports\\_airtraffic/airports/environmental/airport\\_noise/part\\_150/states/](http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/).

Issued in Hawthorne, California on December 11, 2006.

**Mark A. McClardy,**

*Manager, Airports Division, Western-Pacific Region, AWP-600.*

[FR Doc. 06-9740 Filed 12-15-06; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Exposure Map Notice: Receipt of Noise Compatibility Program and Request for Review

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Saint Louis County for Spirit of St. Louis Airport under the provisions of 49 U.S.C. 47501 et. seq (Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Spirit of St. Louis Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before June 10, 2007. **DATES:** The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is December 12, 2006. The public comment period ends February 10, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Mark H. Schenkelberg, 901 Locust, Kansas City, MO 64106, 816-329-2645. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds

that the noise exposure maps submitted for Spirit of St. Louis Airport are in compliance with applicable requirements of Part 150, effective December 12, 2006. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before June 10, 2007. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C., section 47503 (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

St. Louis County submitted to the FAA on November 6, 2006, noise exposure maps, descriptions and other documentation that were produced during the FAR Part 150 Airport Noise Compatibility Study. It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by St. Louis County. The specific documentation determined to constitute the noise exposure maps includes:

1. Existing Noise Exposure Map (2001).
2. Future Noise Exposure Map (2009).

The FAA has determined that these maps for Spirit of St. Louis Airport are in compliance with applicable requirements. This determination is effective on December 12, 2006. FAA's