

necessary for access to the Exchange's systems with respect to the option symbol(s) assigned to the RSQT. Thus, an RSQT could not trade options in which it is not assigned, and could not thereby function as an RSQT in a higher category level without having paid the appropriate RSQT fee.

#### Credits

The RSQT's fees would be subject to credits, based on the amount of permit fees<sup>12</sup> applicable to the RSQT, subject to maximum allowable credit applicable to each RSQT category. Thus, for example, a Category III RSQT would be assessed a monthly RSQT fee of \$4,700, and would be eligible to receive a permit credit against the \$4,700 RSQT fee, depending on the number and type of permits held by the member RSQT. For example, if there is one ROT trading permit held within a member organization, the member organization would receive a permit credit of \$1,200 (the cost of the first ROT permit purchased) against the \$4,700 RSQT fee. If there are two ROT trading permits held within the member organization, the member organization would receive a permit credit of \$2,200 (\$1,200 for the first permit + \$1,000 for the second permit) against the \$4,700 RSQT fee. If the member organization holds two ROT trading permits and one Order Flow Provider permit (allowing the member organization to submit orders to the option trading floor), the member organization would receive a permit credit of \$2,400 (\$1,200 for the first permit + \$1,000 for the second permit + \$200 for the Order Flow Provider permit), etc.<sup>13</sup> The maximum allowable permit credit for a Category III RSQT would be \$3,200, regardless of the number and type of permits held within the member organization.

The maximum allowable credit for each category of RSQT is progressively larger, similar to the progressively higher RSQT fees included in the fee schedule. The highest RSQT fee category, therefore, would receive the highest maximum allowable permit credit.

In addition to the above fees, RSQTs would be subject to the current transaction and other fees applicable to ROTs, as set forth in the Exchange's schedule of fees and charges.

performance and operational readiness of such systems, in addition to user training and validation of user technology as it pertains to such users' interfacing with the Exchange's systems.

<sup>12</sup> See *supra* note 6.

<sup>13</sup> See *supra* note 7.

#### 2. Statutory Basis

The Exchange believes that its proposal to amend its schedule of fees is consistent with Section 6 of the Act,<sup>14</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act,<sup>15</sup> in particular, in that it provides for the equitable allocation of reasonable fees among its members.

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

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

#### 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 establishes or changes a due, fee, or other charge imposed by the Exchange and therefore has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>16</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder.<sup>17</sup> At any time within 60 days of the filing of such 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 purpose of the Act.<sup>18</sup>

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, 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-2005-12 on the subject line.

<sup>14</sup> 15 U.S.C. 78f.

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

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

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

<sup>18</sup> For purposes of calculating the 60-day abrogation period, the Commission considers the proposal to have been filed on March 22, 2005, the date the Phlx filed Amendment No. 2.

#### Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-Phlx-2005-12. 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 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-2005-12 and should be submitted on or before April 20, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>19</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. E5-1394 Filed 3-29-05; 8:45 am]

BILLING CODE 8010-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Membership in the Grand Canyon Working Group of the National Parks Overflights Advisory Group Aviation Rulemaking Committee

**AGENCIES:** Federal Aviation Administration.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) and the National Park Service (NPS) are establishing a

<sup>19</sup> 17 CFR 200.30-3(a)(12).

Grand Canyon Working Group within the National Parks Overflights Advisory Group (NPOAG) to provide advice and recommendations regarding the implementation of the National Parks Overflights Act of 1987 with respect to the Grand Canyon. To the extent that recommendations involve aviation rulemaking, the Working Group will also participate in the development of the rule(s). This notice informs the public of the establishment of the Grand Canyon Working Group, describes its structure and qualifications for membership, and provides for nominations regarding membership in the Working Group.

**FOR FURTHER INFORMATION CONTACT:**

Lynne Pickard, Federal Aviation Administration, Senior Advisor for Environmental Policy, 800 Independence Ave. SW., Washington, DC 20591, telephone (202) 267-8767, E-mail: [lynne.pickard@faa.gov](mailto:lynne.pickard@faa.gov) or Karen Trevino, National Park Service, Natural Sounds Program, 1201 Oakridge Dr., Suite 350, Ft. Collins, CO, 80525, telephone (970) 225-3563, E-mail: [Karen\\_Trevino@nps.gov](mailto:Karen_Trevino@nps.gov).

**DATES:** Those interested in serving on the Grand Canyon Working Group should submit nominations to Ms. Pickard or Ms. Trevino on or before April 20, 2005. Electronic (E-mail) submissions are preferred.

**SUPPLEMENTARY INFORMATION:**

**Background**

The National Parks Overflights Act of 1987 (Pub. L. 100-91) requires actions by the Department of the Interior/National Park Service (DOI/NPS) and the Federal Aviation Administration (FAA) to provide for substantial restoration of the natural quiet and experience of the Grand Canyon National Park and for protection of public health and safety from adverse effects associated with aircraft overflights. The achievement of this mandate has been a challenge technically, as well as practically in terms of generating broad support for the means of accomplishing substantial restoration of natural quiet.

The NPS and the FAA are committed to providing the joint Federal leadership necessary to complete this task with the active participation of engaged stakeholders, including sovereign tribal governments. FAA and NPS envision a collaborative approach to the remaining work using the collective professional knowledge and judgment of interested stakeholders. The NPS and the FAA have engaged the services of the U.S. Institute for Environmental Conflict Resolution and Lucy Moore Associates

to assist the agencies and stakeholders in the development of a final overflights plan for Grand Canyon National Park that will meet the goals of the National Parks Overflights Act of 1987 and be broadly supported by all parties. The National Parks Overflights Advisory Group (NPOAG) is an appropriate forum for bringing agencies, tribal governments, aviation, environmental and other interests together to address this issue. The NPOAG agreed with the establishment of a Grand Canyon Working Group at its meeting on February 23-24, 2005.

The NPS and the FAA, as required by the National Parks Air Tour Management Act of 2000, established the NPOAG in March 2001. By FAA Order No. 1110-138, signed by the FAA Administrator on October 10, 2003, the NPOAG became an Aviation Rulemaking Committee (ARC). The NPOAG was formed to provide continuing advice and counsel to the FAA Administrator and NPS Director with respect to commercial air tour operations over and near national parks and abutting tribal lands. The Administrator and Director may also request the NPOAG's advice and recommendations on safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

The NPOAG is comprised of a balanced group of representatives of general aviation, commercial air tour operators, environmental concerns, and Indian tribes. The Administrator and the Director (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director chair the NPOAG in alternating 1-year terms.

**Structure of the Grand Canyon Working Group**

The Grand Canyon Working Group will be comprised of 11 to 20 members to assure a representative and balanced group of agency, tribal, environmental, aviation and other interests. The Working Group will be co-chaired by a representative of the NPS and a representative of the FAA, and will be facilitated by a third-party neutral contracted through the U.S. Institute for Environmental Conflict Resolution. The Working Group will address issues related to the federal agencies legal mandate to achieve substantial restoration of natural quiet in the Grand Canyon from overflight noise; seek meaningful, realistic and implementable solutions; and achieve as much consensus as possible on an overflights plan among the multiple interests that have a stake in this issue.

The Working Group will be a self-contained group within the NPOAG with specific responsibility for Grand Canyon overflight matters, including but not limited to:

- Review of the overflights noise analysis in order to have confidence in the approach and results.
- Recommendations for a final overflights plan that provides for the substantial restoration of natural quiet and experience of the Grand Canyon National Park, including routes or corridors for commercial air tour operations that employ quiet aircraft technology, and for protection of public health and safety from adverse effects associated with aircraft overflights.
- Participation in the development of aviation regulations necessary to implement the recommendations.

The Working Group will report simultaneously to the NPOAG, the NPS, and the FAA. The products of the Working Group will be available for review by the full NPOAG, but will not be subject to NPOAG revision. The NPOAG as a whole may decide to add support to or express reservations on particular work products or recommendations. Current NPOAG members will not automatically be assigned to the Working Group; rather, they must be nominated. The intent of the NPOAG is to nominate at least two current members to the Working Group to enhance NPOAG support and connectivity.

The Working Group is anticipated to meet quarterly for 1 to 2 days and to review and exchange information and views between meetings via mail, telephone, and Email. Meetings will be held within reasonable geographic proximity to the Grand Canyon to minimize travel time and expenses of most participants. The first meeting is expected to occur in June 2005. The Working Group may be convened for approximately 3 years, assuming the need for aviation rulemaking activity and accompanying National Environmental Policy Act review following the Working Group's recommendations. The final overflights plan shall ensure that the restoration of natural quiet required by the National Parks Overflights Act is completed no later than April 22, 2008, in accordance with the Presidential memorandum of April 22, 1996.

**Qualifications for Membership in the Grand Canyon Working Group**

The NPS and the FAA seek nominees to the Working Group that have the following qualifications:

- Ability and authority to represent a key constituency

- Ability to participate effectively in the Working Group's responsibilities described in this notice

- Ability to attend meetings and commit time to the working effort

- Ability to generate ideas and options, and to appreciate the needs of others

- Ability to participate with respect for all points of view

- Ability to speak and act with authority when decisions are required

- Willingness to engage in good-faith efforts to seek solutions consistent with the mandate that can gain the broadest consensus

Based on a review of nominations in comparison to these qualifications, the NPS and the FAA will select a balanced group of agency, tribal, aviation, and environmental members.

### Nominations for Working Group Membership

Nominations to serve on the Grand Canyon Working Group should be submitted in writing, either by Email (which is preferred) or regular mail to Ms. Pickard at the FAA or Ms. Trevino at the NPS [see addresses above under **FOR FURTHER INFORMATION CONTACT**], and must be electronically dated or postmarked on or before April 20, 2005. Self-nominations are allowed. Nominations should address the nominee's abilities and experience with respect to the above qualifications and should include the following:

- Current job/position of nominee
- Group/Tribe/interest/constituency the nominee represents and their involvement with Grand Canyon overflights
- Nominee's background and/or expertise related to overflight noise at Grand Canyon
- Confirmation that nominee is prepared to dedicate the necessary time and resources
- Nominee's experience with negotiation and other collaborative processes

Dated: March 23, 2005.

**William C. Withycombe,**

*FAA Western-Pacific Regional Administrator.*  
[FR Doc. 05-6201 Filed 3-29-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[FTA Docket No. FTA-2005-20763]

### Notice of Request for the Extension of Currently Approved Information Collection

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

**ACTION:** Notice of request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to extend the following currently approved annual information collection and approve the addition of the collection of some monthly data requested by Congress: 49 U.S.C. § 5335(a) and (b) National Transit Database.

**DATES:** Comments must be submitted before May 31, 2005.

**ADDRESSES:** All written comments must refer to the docket number that appears at the top of this document and be submitted to the United States Department of Transportation, Central Dockets Office, PL-401, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

**FOR FURTHER INFORMATION CONTACT:** Gary Delorme, National Transit Database Manager, Office of Program Management, (202) 366-1652.

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

*Title:* 49 U.S.C. Section 5335(a) and (b) (OMB Number: 2132-0008).

*Background:* 49 U.S.C. § 5335(a) and (b) require the Secretary of Transportation to maintain a reporting system by uniform categories to

accumulate mass transportation financial and operating information and a uniform system of accounts and records. Twenty years ago, the National Transit Database (NTD) was created by Congress to be the repository of transit data for the nation. For FTA, the NTD is an agency mission critical Information Technology (IT) system. Congress created the NTD to provide validated data to determine the allocations for FTA's major formula grant programs. Each year transit authorities that receive FTA funding submit performance data, via the Internet, to the NTD. For the formula funding, they submit data on vehicle miles, fixed-guideway miles, ridership, and operating costs. These performance data are used in statutory formulae to apportion over \$4 billion in federal funds back to those agencies across the nation.

In addition, Congress provides much of the investment in the capital infrastructure of transit. The NTD reports to Congress on the level of that investment and the condition and performance of the capital assets funded by Congress. It reports each bus and railcar, the average age of the vehicle fleets, as well as the costs, condition and performance of bus and rail systems. All transit safety and security data is reported to the NTD. Since the 9/11 tragedy, the Department of Homeland Defense receives security incident data from the NTD. The National Transportation Safety Board (NTSB), the Department of Transportation (DOT), and the Government Accounting Office (GAO) use NTD safety data. The Department of Justice and DOT use NTD data for compliance with bus and paratransit provisions of the Americans with Disabilities Act of 1990. The Department of Labor uses NTD employment, hours and wage data. In addition, NTD fuel and engine data is used by the Environmental Protection Agency and the Department of Energy. The Federal Highway Administration incorporates transit financial and highway fixed-guideway (HOV) data in their annual reports. In fact, FTA could not fulfill its annual reporting requirements to Congress under the Government Performance and Results Act (GPRA) without NTD data. In addition, federal, state, and local governments, transit agencies/boards, labor unions, manufacturers, researchers, consultants and universities use the NTD for making transit related decisions. State governments also use the NTD in allocating funds under 49 U.S.C. Section 5307 and use NTD data