

competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets; (iii) the availability to brokers, dealers, and investors of information with respects to quotations for and transactions in securities; (iv) the practicability of brokers executing investors' orders in the best market; and (v) an opportunity, consistent with the provisions with (i) and (ii) above, for investors' orders to be executed without the participant of a dealer.

The Exchange believes that the proposed rule change also furthers the objectives of Section 6(b)(3) under the Act<sup>216</sup> in that it provides a fair representation on the BCC of persons using XLE, in that Phlx By-law Article X, Section 10–11 is being amended such that the current "equity member" would be replaced by a member or a person associated with a member organization whose business is principally carried out on XLE.

#### *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 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 by the Exchange.

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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

### **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-2006-43 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-2006-43. 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 the 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-2006-43 and should be submitted on or before September 15, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>217</sup>

**Nancy M. Morris,**  
*Secretary.*

[FR Doc. 06-7131 Filed 8-24-06; 8:45 am]

**BILLING CODE 8010-01-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Notice of Availability of the Record of Decision for the Final Environmental Impact Statement, St. George Replacement Airport, St. George, Washington County, UT**

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

**ACTION:** Notice of availability of a record of decision.

**SUMMARY:** The Federal Aviation Administration (FAA) has completed and is making publicly available its Record of Decision (ROD) for the Final Environmental Impact Statement (FEIS) containing a DOT Section 4(f)/303(c) Evaluation of a Proposed Replacement Airport for the City of St. George, Utah, Washington County, Utah.

**FOR FURTHER INFORMATION CONTACT:** Mr. T.J. Stetz, Regional Environmental Protection Specialist, Federal Aviation Administration, Northwest Mountain Region, Airports Division, 1601 Lind Avenue, SW., Suite 315, Renton, Washington 98057-3356; telephone: (425) 227-2611; FAX: (425) 227-1600; and E-mail: [TJ.Stetz@faa.gov](mailto:TJ.Stetz@faa.gov).

**SUPPLEMENTARY INFORMATION:** The FAA has completed and is making publicly available its Record of Decision for the proposed replacement airport at St. George, Utah. The FAA has published a Notice of Availability of the FEIS in the **Federal Register** on May 12, 2006. The FAA prepared the FEIS pursuant to the National Environmental Policy Act of 1969. The FEIS assesses the potential impact of the proposed replacement airport, as well as the "No Action Alternative" of not constructing a new airport. The FAA accepted comments on the FEIS and prepared responses to the comments, both of which are included in an appendix to the ROD.

The FAA selected the proposed replacement airport as the preferred alternative in meeting the purpose and need for improvements for St. George. The proposed replacement airport alternative includes the following federal actions: Construction and operation of a new 9,300-foot runway (01/19), and all support facilities (*i.e.*, taxiways and associated lighting; a passenger terminal, apron, and associated parking; an aircraft rescue and fire-fighting (ARFF) facility; facilities for a fixed-base operator, general and corporate aviation, and air cargo; fuel farm facilities; airport maintenance facilities; and airport access to the Southern Corridor Highway). Also included in the

<sup>216</sup> 15 U.S.C. 78f(b)(3).

<sup>217</sup> 17 CFR 200.30-3(a)(12).

installation of navigational aids, airspace use, and approach and departure procedures.

Copies of the ROD will be available for public review during normal business hours at the following locations:

1. FAA Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW., Suite 315, Renton, WA 98057-3356, (425) 227-2611.
2. FAA, Denver Airports District Office, 26805 East 68th Avenue, Suite 224, Denver, CO 80249-6361, (303) 342-1252.
3. St. George Municipal Building, 175 East 200 North, St. George, UT 84770, (435) 634-5800.
4. St. George Airport, 620 S. Airport Road, St. George, UT 84770, (435) 634-5822.
5. Zion National Park Headquarters, Springdale, UT 84767-1099.
6. Cedar City Library, 303 North 100 East, Cedar City, UT 84720.
7. Hurricane Valley Branch, 36 South 300 West, Huyricane, UT 84737.
8. Santa Clara Branch, 1099 North Lava Flow Drive, St. George, UT 84770.
9. Springdale Branch, 898 Zion Park Blvd, Springdale, UT 84767-0509.
10. Washington County, 50 South Main, St. George, UT 84770.
11. Salt Lake City—Main Library, 210 E 400 S., Salt Lake City, UT 84111.
12. Kanab City Library—374 N. Main Street, Kanab, UT 84741.
13. Las Vegas—Main Branch, 2300 Civic Center Drive, North Las Vegas, NV 89030.
14. Los Angeles County Library—Main Branch, 12700 Grevillea Avenue, Hawthorne, CA 90250.
15. Flagstaff Coconino County—Main Library, 300 W. Aspen Avenue, Flagstaff, AZ 86001.

An electronic copy of the ROD will be available on the project Web site at: <http://www.airportsites.net/squ-eis>, beginning August 21, 2006.

Issued in Renton, Washington, on August 21, 2006.

**Lowell H. Johnson,**

*Manager, Airports Division, Northwest Mountain Region.*

[FR Doc. 06-7141 Filed 8-24-06; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2006-28]

#### Petitions for Exemption; Summary of Petitions Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before September 14, 2006.

**ADDRESSES:** You may submit comments [identified by DOT DMS Docket Number FAA-2001-11080 and FAA-2006-24521] by any of the following methods:

- Web Site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

• Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 am and 5 pm, Monday through Friday, except Federal Holidays.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 am and 5 pm, Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** John Linsenmeyer (202) 267-5174 or Sue Lender (202) 267-8029, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on August 16, 2006.

**Anthony F. Fazio,**

*Director, Office of Rulemaking.*

#### Petitions for Exemption

*Docket No.:* FAA-2001-11080.

*Petitioner:* Experimental Aircraft Association, Inc.

*Section of 14 CFR Affected:* 14 CFR 91.319(h).

*Description of Relief Sought:* To extend the scope of Exemption No. 7162, as amended, to use aircraft certificated under § 21.191(i) for flight training and flight reviews, and to authorize Mr. Charles Burgoon to conduct weight-shift-control (WSC) flight training and practical tests in N394GS, an aircraft certificated as a fixed-wing aircraft.

*Docket No.:* FAA-2006-24521.

*Petitioner:* Aero Sports Connection.

*Section of 14 CFR Affected:* 14 CFR 21.190(b), 21.191(i)(1), 21.191(i)(2)(iii), 21.191(i)(3), and 61.303(b).

*Description of Relief Sought:* To allow certification of certain lighter-than-air aircraft as light-sport aircraft. The petitioner proposes a "community-wide" exemption to operate these aircraft at weights that are higher than those allowed for lighter-than-air aircraft certificated as light-sport aircraft.

[FR Doc. E6-14130 Filed 8-24-06; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### City of Placentia, California,

[Docket Number FRA-2006-24654]

The City of Placentia, California (City) and BNSF Railway Company (BNSF) have petitioned for an extension to the waiver granted on June 21, 2006 in FRA Docket No. FRA-2006-24654. In the June 21, 2006 waiver, FRA agreed to extend the original deadline of June 24, 2006 set forth in 49 CFR 222.42 for continuation of an intermediate partial quiet zone until September 22, 2006. In this current request, the City and BNSF state that they are working towards establishment of a 24-hour new quiet zone, but they will be unable to meet the September 22, 2006 deadline due to technical problems with the radio