

securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, as well as to protect investors and the public interest, consistent with Section 6(b)(5).

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 solicited or received with respect to the proposed rule change.

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 self-regulatory organization 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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-Phlx-97-04, and should be submitted by February 27, 1997.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.⁴

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97-2912 Filed 2-5-97; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary; Reports, Forms and Recordkeeping Requirements; Proposed Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT), Office of the Secretary (OST).

ACTION: Notice.

SUMMARY: This collection (2105-0517) is resubmitted to the Federal Register because of errors published previously. In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces one information collection request coming up for renewal. Before submitting the renewal package to the Office of Management and Budget (OMB), the Department of Transportation is soliciting comments on specific aspects of the collection as described below. The ICR describes the nature of the information collection and its expected cost and burden. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval.

DATES: Comments must be submitted on or before April 7, 1997.

ADDRESSES: Submit written comments identified by the OMB Control Number 2105-0517, by mail to: Mr. Dave Jordan, M-61, U.S. Department of Transportation, 400 Seventh Street S.W., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Jordan, (202) 366-4265, and refer to OMB Control Number, 2105-0517.

⁴ 17 CFR 200.30-3(a)(12).

SUPPLEMENTARY INFORMATION:

Office of the Secretary (OST)

Title: Amendment to the Transportation Acquisition Regulation (TAR).

Form(s): DOT F 4220.4, DOT F 4220.7, DOT F 4220.43, DOT F 4220.44, DOT F 4220.45, DOT F 4220.46, and Form DD 882.

OMB Control Number: 2105-0517.

Affected Public: Individuals or households and business or other for-profit organizations.

Abstract: The requested extension of the approved control number covers forms DOT F 4220.4, DOT F 4220.7, DOT F 4220.43, DOT F 4220.44, DOT F 4220.45, DOT F 4220.46, and Form DD 882. In addition, the control number includes an amended request to obtain data associated with acquisitions for training services. The Transportation Acquisition Regulation (TAR) 48 CFR 1213.70, 1237.70, 1252.237-71, and 1252.237-72 requires contracting officers to obtain and evaluate, qualification data and other pertinent information when it is necessary to determine whether offerors have the capability to perform training services under a proposed contract.

Annual Estimated Burden: The annual estimated burden is 57,167 hours.

Issued in Washington, DC, on February 3, 1997.

Phillip A. Leach,

Clearance Officer, Department of Transportation.

[FR Doc. 97-2999 Filed 2-5-97; 8:45 am]

BILLING CODE 4910-62-P

Office of the Secretary

Privacy Act; System of Records; General Routine Uses

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of Intended Establishment of General Routine Use.

SUMMARY: DOT intends to establish under the Privacy Act of 1974 a General Routine Use applicable to all DOT systems of records to facilitate implementation of the Brady Handgun Violence Prevention Act. Public comment is invited.

DATES: Comments are due March 10, 1997.

ADDRESSES: Comments should be addressed to Information Resources Management Staff, M-31, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General

Counsel, C-10, Department of Transportation, Washington, DC 20590, telephone (202) 366-9156, FAX (202) 366-9170.

SUPPLEMENTARY INFORMATION: The Brady Handgun Violence Prevention Act (Pub. L. 103-159, November 30, 1993) provides for a national instant criminal background check system that a firearms licensee must contact before transferring any firearm to a nonlicensed individual, in order to determine whether that nonlicensed individual is disqualified from receiving, possessing, shipping, or transporting a firearm. DOT, as an agency of the Federal Government, is required by the statute to provide to the Attorney General of the United States, upon request, any information that it possesses that indicates that a person may be prohibited by the statute from receiving, possessing, shipping, or transporting a firearm. Inter-agency transfers of information of this type are regulated by the Privacy Act; to facilitate compliance with the Brady Act and provide additional notice to the public, DOT proposes to establish a Routine Use Number 10, applicable to all of its Privacy Act Systems of Records. For the convenience of the public, DOT herewith publishes all of its General Routine Uses, including the one we intend to establish under the Brady Act:

General Routine Uses Under the Privacy Act of 1974

The following routine uses apply, except where otherwise noted or where obviously not appropriate, to each system of records maintained by the Department of Transportation (DOT).

1. In the event that a system of records maintained by DOT to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a DOT decision concerning the hiring or retention of an employee, the issuance of a security

clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4.a. *Routine Use for Disclosure for Use in Litigation.* It shall be a routine use of the records in this system of records to disclose them to the Department of Justice or other Federal agency conducting litigation when—

- (a) DOT, or any agency thereof, or
- (b) Any employee of DOT or any agency thereof (including a member of the Coast Guard), in his/her official capacity, or
- (c) Any employee of DOT or any agency thereof (including a member of the Coast Guard), in his/her individual capacity where the Department of Justice has agreed to represent the employee, or

(d) The United States or any agency thereof, where DOT determines that litigation is likely to affect the United States, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or other Federal agency conducting the litigation is deemed by DOT to be relevant and necessary in the litigation, provided, however, that in each case, DOT determines that disclosure of the records in the litigation is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

b. *Routine Use for Agency Disclosure in Other Proceedings.* It shall be a routine use of records in this system to disclose them in proceedings before any court or adjudicative or administrative body before which DOT or any agency thereof, appears, when

- (a) DOT, or any agency thereof, or
- (b) Any employee of DOT or any agency thereof (including a member of the Coast Guard) in his/her official capacity, or (c) Any employee of DOT or any agency thereof (including a member of the Coast Guard) in his/her individual capacity where DOT has agreed to represent the employee, or

(d) The United States or any agency thereof, where DOT determines that the proceeding is likely to affect the United States, is a party to the proceeding or

has an interest in such proceeding, and DOT determines that use of such records is relevant and necessary in the proceeding, provided, however, that in each case, DOT determines that disclosure of the records in the proceeding is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

5. The information contained in this system of records will be disclosed to the Office of Management and Budget (OMB) in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. In such cases, however, the Congressional office does not have greater rights to records than the individual. Thus, the disclosure may be withheld from delivery to the individual where the file contains investigative or actual information or other materials which are being used, or are expected to be used, to support prosecution or fines against the individual for violations of a statute, or of regulations of the Department based on statutory authority. No such limitations apply to records requested for Congressional oversight or legislative purposes; release is authorized under 49 CFR 10.35(9).

7. One or more records from a system of records may be disclosed routinely to the National Archives and Records Administration in records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

8. Access to all DOT systems of records is authorized to member(s) of the Office of Inspector General where the records are considered ' * * * pertinent to the DOT programs or operations being reviewed. Existing orders or (internal) directives contrary to this provision are hereby superseded.' The Secretary of Transportation by the foregoing has clarified the role of Inspector General personnel 'who have need for the record(s) in the performance of their duties.'

9. DOT may make available to another agency or instrumentality of any government jurisdiction, including State and local governments, listings of names from any system of records in DOT for use in law enforcement activities, either civil or criminal, or to expose fraudulent claims, regardless of the stated purpose for the collection of the information in the system of records. These

enforcement activities are generally referred to as 'matching' programs because two lists of names are checked for match using automated assistance. This routine use is advisory in nature and does not offer unrestricted access to systems of records for such law enforcement and related antifraud activities. Each request will be considered on the basis of its purpose, merits, cost effectiveness and alternatives using 'Instructions on reporting computer matching programs to the Office of Management and Budget (OMB), Congress and the public', published by the Director, OMB, dated September 20, 1989.

10. It shall be a routine use of the information in any DOT system of records to provide to the Attorney General of the United States, or his/her designee, information indicating that a person meets any of the disqualifications for receipt, possession, shipment, or transport of a firearm under the Brady Handgun Violence Prevention Act. In case of a dispute concerning the validity of the information provided by DOT to the Attorney General, or his/her designee, it shall be a routine use of the information in any DOT system of records to make any disclosures of such information to the National Background Information Check System, established by the Brady Handgun Violence Prevention Act, as may be necessary to resolve such dispute.

Public comment is invited on the intention to establish General Routine Use Number 10.

Issued in Washington, DC, on January 30, 1997.

Michael P. Huerta,
Associate Deputy Secretary, Acting Chief
Information Officer.

[FR Doc. 97-3000 Filed 2-5-97; 8:45 am]
BILLING CODE 4910-62-P

Federal Aviation Administration

Proposed Advisory Circular 25.812-XX, Photoluminescent Floor Proximity Emergency Escape Path Marking Systems

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) 25.812-XX and request for comments..

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides guidance material for use in demonstrating compliance with the provisions of part 25 of the Federal

Aviation Regulations (FAR) regarding floor proximity emergency escape path marking (FPEEPM) systems using photoluminescent elements. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before March 10, 1997.

ADDRESSES: Send all comments on proposed AC to: Federal Aviation Administration, Attention: Frank Tiangsing, Regulations Branch, ANM-114, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, WA 98055-4056. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Katherine Burks, Transport Standards Staff, at the address above, telephone (206) 227-2114.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **FOR FURTHER INFORMATION CONTACT**. Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 25.812-XX and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Discussion

Manufacturers of photoluminescent materials have begun marketing FPEEPM systems utilizing such material. These systems do not require electrical power, which has been an integral part of all previous FPEEPM systems. Instead, the elements of these new systems are "Charged" by incident light provided by the normal airplane passenger cabin lighting, including sunlight which enters the cabin when the cabin window shades are open during daylight hours. When the cabin darkens, the elements "discharge the stored energy in the form of a luminescent glow."

Since these systems employ a different technology from those currently installed in airplanes, guidance in the form of an advisory circular is deemed necessary to ensure appropriate procedures are followed in the evaluations of these systems.

Issued in Renton, Washington, on January 30, 1997.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service,
ANM-100.

[FR Doc. 97-2961 Filed 2-5-97; 8:45 am]

BILLING CODE 4910-13-M

Approval of Noise Compatibility Program, McGhee Tyson Airport, Knoxville, TN

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Metropolitan Knoxville Airport Authority under the provision of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) 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 28, 1993, the FAA determined that the noise exposure maps submitted by the Metropolitan Knoxville Airport Authority under Part 150 were in compliance with applicable requirements. On January 17, 1997, the Administrator approved the McGhee Tyson Airport noise compatibility program. All of the recommendations of the program were approved in full or in part. The noise compatibility program updates the original noise compatibility program, approved May 5, 1989, for McGhee Tyson Airport.

EFFECTIVE DATE: The effective date of the FAA's approval of the McGhee Tyson Airport noise compatibility program is January 17, 1997.

FOR FURTHER INFORMATION CONTACT: Peggy S. Kelley, Federal Aviation Administration, Memphis Airports District Office, 2851 Directors Cove, Suite 3, Memphis, Tennessee 38131-0301; Telephone 901-544-3495, Ext. 19. Documents reflecting the FAA action may be reviewed at the same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for McGhee Tyson Airport, effective January 17, 1997.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures