

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-2006-56 and should be submitted on or before October 19, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. E6-15926 Filed 9-27-06; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed the Week Ending September 8, 2006

The following Agreements were filed with the Department of Transportation under the sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1382 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST-2006-25785.

*Date Filed:* September 5, 2006.

*Parties:* Members of the International Air Transport Association.

*Subject:*

MAIL VOTE NUMBER S 085, Resolution 743b—Baggage Identification Chart, Intended effective date: February 1, 2007.

*Docket Number:* OST-2006-25789.

*Date Filed:* September 5, 2006.

*Parties:* Members of the International Air Transport Association.

*Subject:*

Composite Passenger Tariff

Coordinating Conference, Composite Resolutions (Memo 1329),

Minutes: Composite Meeting of

Passenger Tariff Coordinating

Conferences, (Memo 1338),

Intended effective date: April 1, 2007.

*Docket Number:* OST-2006-25790.

*Date Filed:* September 5, 2006.

*Parties:* Members of the International Air Transport Association.

*Subject:*

Composite Passenger Tariff

Coordinating Conference, Composite Resolutions 012, 017f (Memo 1330),

Minutes: Composite Meeting of

Passenger Tariff Coordinating

Conferences, (Memo 1338),

Intended effective date: April 1, 2007.

*Docket Number:* OST-2006-25791.

*Date Filed:* September 5, 2006

*Parties:* Members of the International Air Transport Association.

*Subject:*

Composite Passenger Tariff

Coordinating Conference, Composite Resolutions 300, 301 (Memo 1331),

Minutes: Composite Meeting of

Passenger Tariff Coordinating

Conferences, (Memo 1338),

Intended effective date: April 1, 2007.

**Renee V. Wright,**

*Program Manager, Docket Operations,*

*Federal Register Liaison.*

[FR Doc. E6-15945 Filed 9-27-06; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending September 8, 2006

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption

of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-1995-656.

*Date Filed:* September 8, 2006.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* September 29, 2006.

*Description:* Application of US

Airways, Inc. requesting renewal of its certificate of public convenience and necessity for Route 737, which authorizes US Airways to engage in scheduled foreign air transportation of persons, property and mail between Philadelphia, PA, and Boston, MA, on the one hand, and Madrid, Barcelona, Malaga, and Palma de Mallorca, Spain, on the other.

**Renee V. Wright,**

*Program Manager, Docket Operations,*

*Federal Register Liaison.*

[FR Doc. E6-15944 Filed 9-27-06; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 444X)]

#### BNSF Railway Company— Abandonment Exemption—in Flathead County, MT

BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a .42-mile rail line that extends between Engineering Station 189 + 36 and Engineering Station 167 + 00, near Kalispell in Flathead County, MT. The line traverses United States Postal Service Zip Code 59901.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or had been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under

<sup>13</sup> 17 CFR 200.30-3(a)(12).

*Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 28, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 10, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 18, 2006, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Sidney L. Strickland, Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

BNSF has filed a combined environmental report and historic report which addresses the effects, if any, of the abandonment on the environmental and historic resources. SEA will issue an environmental assessment (EA) by October 3, 2006. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,300. See 49 CFR 1002.2(f)(25).

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of notice of consummation by September 28, 2007, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: September 21, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6-15954 Filed 9-27-06; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-868 (Sub-No. 1X); STB Docket No. AB-869 (Sub-No. 1X)]

#### Mississippi Tennessee Holdings, LLC—Abandonment Exemption—in Hardeman County, TN and Tippah and Union Counties, MS; Mississippi Tennessee Railroad, LLC—Discontinuance of Service Exemption—in Hardeman County, TN and Tippah and Union Counties, MS

Mississippi Tennessee Holdings, LLC (MTH) and Mississippi Tennessee Railroad, LLC (MTRR) (collectively, applicants), have jointly filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* for MTH to abandon, and for MTRR to discontinue service over: (1) An approximately 19.4-mile line of railroad between milepost 367.5, which is located approximately 25 feet north of the centerline of Thryson Krump plant entry road in Middleton, Hardeman County, TN, and milepost 348.1, which is located approximately 1,663 feet north of the centerline of Industrial Park Road at the northern end of Ripley, Tippah County, MS; and (2) an approximately 1.36-mile line of railroad between milepost 325.56, which is located approximately 25 feet north of the BNSF Railway Company diamond in New Albany, Union County, MS, and milepost 324.2, which is located approximately one-quarter of a mile south of Interstate Highway 78 in Union County, MS, a total distance of 20.76 miles. The line traverses United States Postal Service Zip Codes 38052, 38652 and 38663.

Applicants have certified that: (1) No traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 28, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 10, 2006. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 18, 2006, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicants' representative: Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle St., Suite 1890, Chicago, IL 60604-1112.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each OFA must be accompanied by the filing fee, which was increased to \$1,300 effective on April 19, 2006. See *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2006 Update*, STB Ex Parte No. 542 (Sub-No. 13) (STB served Mar. 20, 2006).