

submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Exchange Act"), an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information ("Plan"). The proposed amendment revises the Dial-Up Market Data Service Rider ("Rider") to OPRA's vendor agreement to accommodate a third party vendor's provisions of dial-up service to customers of an OPRA subscriber.

The proposed amendment was published for comment in the **Federal Register** on October 2, 1997.² No comments were received on the proposal. This order approves the proposal.

II. Description and Purpose of the Amendment

The purpose of the amendment is to add provisions to OPRA's Rider to the vendor agreement to accommodate the situation in which an OPRA vendor provides a dial-up service to the customers of an OPRA subscriber, rather than to its own customers. According to OPRA, several vendors and broker-dealer subscribers have recently expressed interest in such an arrangement. As this arrangement is not currently contemplated under the Rider, the proposal would amend the Rider to address the one significant difference between the traditional situation of a firm providing a dial-up service to its own customers and the recent proposals for firms to arrange for third-party vendors to provide a dial-up service for the firms' customers. In the former case, there is a direct contractual relationship between the vendor, a party to the Rider, and the vendor's customers. In the latter case, however, the vendor's subscriber, rather than the vendor, has a contractual relationship with the customer.

In its current form, the Rider imposes certain obligations on vendors who provide a dial-up service. These obligations require that contracts between vendors and their customers contain specific provisions, for the benefit of OPRA, relating to proprietary rights to OPRA data, non-retransmission of data, the absence of any guarantee of the data and a disclaimer of liability. The proposed amendment to the Rider would mandate that vendors require

comparable provisions to be included in contracts between subscribers and their customers who receive a dial-up service from a third-party vendor.³

Other than as described above, OPRA proposes no change in the way in which dial-up services may be offered to investors. OPRA represents that no new or additional OPRA fees will result from this proposed amendment and the amendment will not make any new parties subject to OPRA's existing fee. OPRA proposes to phase in the revised form of the Rider to take the place of the existing Rider.

III. Discussion

After careful review, the Commission finds that the proposed amendment is consistent with the requirements of the Act and the rules and regulations thereunder.⁴ Specifically, the Commission believes that the proposed amendment, which accommodates the provision of OPRA data through third-party vendors, is consistent with Rule 11Aa3-2 in that it will contribute to the maintenance of fair and orderly markets and remove impediments to and perfect the mechanisms of a national market system.

The Commission notes that the proposed amendment will require third party vendors that provide a dial-up service to the customers of OPRA subscribers to obtain an agreement from the subscribers, in writing, that the subscribers will include provisions for the benefit of OPRA in the subscribers' written agreements with its customers. The Commission believes that it is reasonable for OPRA to extend its existing contractual protections to situations in which a third party vendor provides a dial-up service to the customers of an OPRA subscriber. The Commission notes that the proposed amendment also provides OPRA

³ The proposal would require vendors to obtain a written agreement from each OPRA subscriber whose customers will be provided the dial-up service from the vendor that the subscriber will: (1) obtain from each of its customers to whom the vendor furnishes the service an agreement that the customer will: (a) receive OPRA data only for such person's use, (b) not retransmit the data to anyone else, and (c) acknowledge that OPRA data is the property of the respective exchange or market in which a reported transaction occurred or a reported quotation was entered; (2) provide to the vendor a current list of customers entitled to receive the service from the vendor and to certify that each named customer has entered into the required agreement; (3) maintain the same customer records required to be maintained by the vendor with respect to customers; and (4) acknowledge the absence of any guarantee and the disclaimer of liability on the part of OPRA, OPRA's processor and each participating exchange.

⁴ In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

subscribers with alternatives for the provision of the dial-up service to their customers. Accordingly, the Commission believes that the proposed amendment will provide additional flexibility to OPRA subscribers while providing OPRA with the contractual protections that it requires.

IV. Conclusion

It is therefore ordered, pursuant to Rule 11Aa3-2 of the Act, that the proposed amendment (SR-OPRA-97-4) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁵

Margaret H. McFarland,
Deputy Secretary.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. RE-97-57]

Petitions for Exemption Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. 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 December 3, 1997.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC. 20591.

OPRA Plan are the American Stock Exchange ("AMEX"); the Chicago Board Options Exchange ("CBOE"); the New York Stock Exchange ("NYSE"); the Pacific Exchange ("PCX"); and the Philadelphia Stock Exchange ("Phlx").

² See Exchange Act Release No. 39137 (September 26, 1997) 62 FR 51707.

⁵ 17 CFR 200.30-3(a)(29).

Comments may also be sent electronically to the following internet address: 9-NPRM-CMNTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC, 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Heather Thorson, (202) 267-7470 or Angela Anderson (202) 267-9681 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, D.C., on November 6, 1997.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 29038.

Petitioner: GE Varig.

Sections of the FAR Affected: 14 CFR 145.47(b).

Description of Relief Sought: To permit the petitioner to substitute the calibration standards of the Instituto Nacional de Metrologia, Normalização e Qualidade Industrial, Brazil's national standards organization, for the calibration standards of the U.S. National Institute of Standards and Technology to test its inspection equipment.

Docket No.: 29039.

Petitioner: Worldwide Aircraft Services, Inc.

Sections of the FAR Affected: 14 CFR 25.807(g)(1), 25.807(i)(1), and 25.857(e).

Description of Relief Sought: To exempt Worldwide Aircraft Services from the requirements of 14 CFR §§ 25.807(g)(1), 25.807(i)(1), and 25.857(e) for the carriage of supernumeraries on Embraer model 120 airplanes with a Class E cargo compartment.

Docket No.: 26734.

Petitioner: Sierra Industries, Inc.
Sections of the FAR Affected: 14 CFR 91.9(a) and 91.531(a)(1) and (2).

Description of Relief Sought: To permit certain qualified pilots of Cessna Model 500 Citation (CE-500) airplanes with Supplemental Type Certificate (STC) No. SA09377SC to operate those airplanes within a pilot who is designated as second in command.

Docket No.: 29027.

Petitioner: National Business Aviation Association, Inc.

Sections of the FAR Affected: 14 CFR 61.57(b).

Description of Relief Sought: To permit NBAA-member companies to meet night takeoff and landing recent flight experience requirements using a Level C or Level D flight simulator, and to accomplish the required takeoffs and landings every 180 days rather than every 90 days.

Docket No.: 27052.

Petitioner: Petroleum Helicopters, Inc.

Sections of the FAR Affected: 14 CFR 135.143(c).

Description of Relief Sought: To permit the petitioner to continue to operate its Bell Model 206L-1 helicopters (Registration Nos. N2761X, N5005B, N50182, and N50046; and Serial Nos. 45283, 45175, 45242, 45173, respectively) without having a TSO-C112 (Mode S) transponder installed on those aircraft.

Docket No.: 29034.

Petitioner: Eagle Jet Charter, Inc.

Sections of the FAR Affected: 14 CFR 93.316(b).

Description of Relief Sought: To permit the petitioner to continue to operate its Fokker F-27 turboprop aircraft after January 31, 1998, under instrument flight rules in the Grand Canyon National Park Special Flight rules Area at cruise altitudes of 15,000 and 16,000 feet mean sea level without those aircraft being listed on its operations specifications as commercial sightseeing aircraft.

Dispositions of Petitions

Docket No.: 012SW.

Petitioner: Frank D. Robinson.

Sections of the FAR Affected: 14 CFR 27.1(a).

Description of Relief Sought/Disposition: To permit certification of hydraulically boosted controls on the Model R44 helicopter without the necessity of considering the jamming of a control valve as a possible single failure. *Grant, October 17, 1997, Exemption No. 6692.*

Docket No.: 23771.

Petitioner: Cessna Aircraft Company.

Sections of the FAR Affected: 14 CFR 91.9(a) and 91.531(a)(1) and (2).

Description of Relief Sought/Disposition: To permit certain qualified pilots of Cessna Citation Model 550, S550, 552, or 560 aircraft to operate those aircraft without a pilot who is designated as second in command. *Grant, October 28, 1997, Exemption No. 4050J.*

[FR Doc. 97-29902 Filed 11-12-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Flight Standards District Office at Scottsdale, AZ; Certificate Management Office at Phoenix, AZ; Notice of Consolidation

Notice is hereby given that on or about November 10, 1997, the Flight Standards District Office at Scottsdale, Arizona and the Certificate Management Office at Phoenix, Arizona will be consolidated as Arizona Flight Standards District Office. Services to the general public of Arizona will continue to be provided by the new organization at the same physical locations. This information will be reflected in the FAA Organizational Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

Issued in Los Angeles, CA, on October 27, 1997.

Lynore C. Brekke,

Acting Regional Administrator, Western-Pacific Region.

[FR Doc. 97-29903 Filed 11-12-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Sec. 5a Application No. 61]

National Classification Committee—Agreement

AGENCY: Surface Transportation Board, DOT.

ACTION: Request for comments.

SUMMARY: The Surface Transportation Board is commencing a proceeding to determine whether, under 49 U.S.C. 13703(d) and (e), it is in the public interest to renew the bureau agreement of the National Classification Committee, which administers the National Motor Freight Classification. **DATES:** Written notices of intent to participate are due by November 28, 1997. Shortly thereafter, we will serve a preliminary service list and request for written corrections. By December 11, 1997, we will serve any necessary corrections to the service list. Opening comments are due by January 8, 1998. Reply comments are due by February 5, 1998.

ADDRESSES: Send an original and 10 copies of notices of intent to participate and comments, referring to "Section 5a Application No. 61," to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.