

less susceptible to manipulation. Third, the Exchange clarified the definition of an "institution," committed to prepare a report regarding the number of tape corrections and how they affect the VWAP values calculated by the Exchange, and modified from 4:02 P.M. to 4:01:30 P.M. the cut-off time designed to capture trade reporting run-off and sales that occur at the close of regular trading. Because each of these revisions strengthens the proposal, the Commission believes they are appropriate modifications.

In Amendment No. 4, the Exchange agreed to report pre-opening VWAP volumes for each eligible security in which matches have been effected during the Session. The Commission believes it is appropriate for the Exchange to report VWAP volumes for eligible securities individually before the start of regular trading. Despite the absence of a final price, the Commission believes that pre-opening volume prints will improve transparency and provide valuable information to market participants. The Commission continues to believe that a single, aggregate VWAP volume print encompassing all eligible securities, as previously proposed by the Exchange, provides little benefit to market participants. Amendment No. 4 also provided improved surveillance procedures. Although the surveillance measures cannot be discussed in specific terms because of their confidential nature, the Commission believes the measures will strengthen the oversight of the System and improve the proposal.

Based on the above, the Commission believes good cause exists, consistent with Sections 6(b) and 19(b) of the Act,<sup>58</sup> to accelerate approval of Amendment Nos. 3 and 4 to the proposed rule change.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment Nos. 3 and 4 to the proposal, including whether the proposed rule change as amended is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submissions, all subsequent amendment, 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 persons, 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 Section, 450 Fifth Street, NW., Washington, DC 20549. 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-96-14 and should be submitted by April 22, 1999.

#### V. Conclusion

The Commission believes the Exchange's proposal satisfies the standards of the Act that apply to national securities exchanges. The Commission recognizes that investors desire to trade large blocks of securities anonymously and free of the price movements that often accompany such transactions. By operating a facility that allows investors to anonymously effect block-sized trades at the day's volume weighted average price, the Exchange will be able to better accommodate the needs of investors.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>59</sup> that the proposed rule change (SR-Phlx-96-14), as amended, is approved for a pilot period ending March 24, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>60</sup>

**Margaret H. McFarland,**  
Deputy Secretary.

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. OST-98-3648]

#### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Office of the Secretary, DOT.

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

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. This notice

announces the Department of Transportation's (DOT) intention to request approval of the following collection of 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; (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.

**DATES:** Comments must be received on or before June 1, 1999.

**ADDRESSES:** Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to OST's Docket Management Facility, located on the Plaza Level of the Nassif Building at the U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. The DOT Docket is open to the public from 10 am to 5 pm, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Blane A. Workie, Office of the General Counsel, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, D.C. 20590, (202) 366-4723.

#### SUPPLEMENTARY INFORMATION:

##### Office of the Secretary

*Title:* The DOT Final Rule on Accessibility of Over-the-Road Buses.  
*OMB Control Number:* 2100-NEW.

*Type of Request:* Approval of a New Information Collection.

*Abstract:* The Department of Transportation (DOT), in conjunction with the U.S. Architectural and Transportation Barriers Compliance Board, issued final access regulations for privately-operated over-the-road buses (OTRBs) as required by the Americans with Disability Act (ADA) of 1990. The final rule has four different recordkeeping/reporting requirements. The first has to do with 48 hour advance notice and compensation. The second has to do with equivalent service and compensation. The third has to do with reporting information on ridership on accessible fixed-route buses. The fourth has to do with reporting information on the purchase and lease of accessible and inaccessible new and used buses. The purpose of the information collection requirements is to provide data that the Department can use in its regulatory review and to assist the Department in

<sup>58</sup> 15 U.S.C. 78f(b) and 78s(b).

<sup>59</sup> 15 U.S.C. 78s(b)(2).

<sup>60</sup> 17 CFR 200.30-3(a)(12).

its oversight of compliance by bus companies.

(1)(A) Requirement to fill out a form each time there is an advance notice request.

*Respondents:* Demand-responsive (i.e. charter/tour service) operators. Fixed route companies before fleet becomes fully accessible. Small mixed service operators that choose to provide 48 hour notice.

*Estimated Annual Burden on Respondents:* 3.3 (low estimate) to 5.0 (high estimate) hours for each of the 3,448 respondents.

*Estimated Total Annual Burden:* 11,378 (low estimate) to 17,240 (high estimate) hours.

*Frequency:* 15 times (low estimate) and 23 times (high estimate) in initial year.

(1)(B) Requirement to provide a copy of the form to the passenger when the operator receives a request for accessible bus service.

*Respondents:* Demand-responsive (i.e. charter/tour service) operators. Fixed route companies before fleet becomes fully accessible. Small mixed service operators that choose to provide 48 hour notice.

*Estimated Annual Burden on Respondents:* 3.2 (low estimate) to 4.8 hours (high estimate) for each of the 3,448 respondents.

*Estimated Total Annual Burden:* 11,034 (low estimate) to 16,550 (high estimate) hours.

*Frequency:* 15 times (low estimate) and 23 times (high estimate) in initial year.

(1)(C) Requirement to provide a copy of the form to the passenger on the scheduled date of trip if the requested accessible bus was not provided.

*Respondents:* Demand-responsive (i.e. charter/tour service) operators. Fixed route companies before fleet becomes fully accessible. Small mixed service operators that choose to provide 48 hour notice.

*Estimated Annual Burden on Respondents:* 0.3 (low estimate) to 0.5 hours (high estimate) for each of the 3,448 respondents.

*Estimated Total Annual Burden:* 1034 (low estimate) to 1724 (high estimate) hours.

*Frequency:* 1 time (low estimate) to 2 times (high estimate) in initial year.

(1)(D) Requirement to retain one copy of the form for 5 years.

*Respondents:* Demand-responsive (i.e. charter/tour service) operators. Fixed route companies before fleet becomes fully accessible. Small mixed service operators that choose to provide 48 hour notice.

*Estimated Annual Burden on Respondents:* 1.9 (low estimate) to 2.9

(high estimate) hours for each of the 3,448 respondents.

*Estimated Total Annual Burden:* 6,551 (low estimate) to 9,999 (high estimate) hours.

*Frequency:* 15 times (low estimate) and 23 times (high estimate) in initial year.

(1)(E) Requirement to submit a summary of its form to DOT.

*Respondents:* Demand-responsive (i.e. charter/tour service) operators. Fixed route companies before fleet becomes fully accessible. Small mixed service operators that choose to provide 48 hour notice.

*Estimated Annual Burden on Respondents:* 35.4 hours for each of the 3,448 respondents.

*Estimated Total Annual Burden:* 122,059 hours.

*Frequency:* Submit summary to DOT annually.

(2)(A) Requirement to fill out a form each time fixed route operator provides equivalent service.

*Respondents:* Small fixed route operators who choose to provide equivalent service to passengers with disabilities.

*Estimated Annual Burden on Respondents:* 4.0 (low estimate) to 6.3 (high estimate) hours for each of the 215 respondents.

*Estimated Total Annual Burden:* 860 (low estimate) to 1,355 (high estimate) hours.

*Frequency:* 18 times (low estimate) and 28 times (high estimate) in initial year.

(2)(B) Requirement to provide one copy of the form to the passenger.

*Respondents:* Small fixed route operators who choose to provide equivalent service to passengers with disabilities.

*Estimated Annual Burden on Respondents:* 3.8 (low estimate) to 5.9 (high estimate) hours for each of the 215 respondents.

*Estimated Total Annual Burden:* 409 (low estimate) to 1269 (high estimate) hours.

*Frequency:* 18 times (low estimate) and 28 times (high estimate) in initial year.

(2)(C) Requirement to retain copy for 5 years.

*Respondents:* Small fixed route operators who choose to provide equivalent service to passengers with disabilities.

*Estimated Annual Burden on Respondents:* 2.3 (low estimate) to 3.6 (high estimate) hours for each of the 215 respondents.

*Estimated Total Annual Burden:* 494.5 (low estimate) to 774 (high estimate) hours.

*Frequency:* 18 times (low estimate) and 28 times (high estimate) in initial year.

(2)(D) Requirement to submit a summary of its form to DOT.

*Respondents:* Small fixed route operators who choose to provide equivalent service to passengers with disabilities.

*Estimated Annual Burden on Respondents:* 35.4 hours for each of the 215 respondents.

*Estimated Total Annual Burden:* 7,611 hours.

*Frequency:* Submit summary to DOT annually.

(3) Requirement to submit a report to DOT on ridership on accessible fixed route buses.

*Respondents:* Fixed route operators. *Estimated Annual Burden on Respondents:* 35.4 hours for each of the 448 respondents.

*Estimated Total Annual Burden:* 15,859 hours.

*Frequency:* Submit report to DOT annually.

(4) Requirement to submit a report to DOT listing the number of accessible and inaccessible new and used buses it has purchased or leased, as well as the total numbers of buses in operators' fleets.

*Respondents:* All operators. *Estimated Annual Burden on Respondents:* 35.4 hours for each of the 3,448 respondents.

*Estimated Total Annual Burden:* 122,059 hours.

*Frequency:* Submit report to DOT annually.

The estimated total annual burden resulting from the collection of information in the DOT Final Rule on Accessibility of Over-the-Road Buses is between 298,682 hours (low estimate) to 315,001 hours (high estimate).

Issued in Washington, DC, on March 25, 1999.

**Vanester M. Williams,**

*Clearance Officer, United States Department of Transportation.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### RTCA, Inc.; Government Industry Free Flight Steering Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for an RTCA Government/Industry Free Flight Steering Committee meeting to be held