

allocation of reasonable dues, fees, and other charges among the Exchange's members. The Commission believes that the proposal should allow the Exchange to more accurately charge LMMs the Exchange's true costs when multiple options issues are transferred. Further, the Commission believes that by making the proposal retroactive to January 1, 2002, the Exchange could make adjustments to past transfers in accordance with the original intent of the fee.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>8</sup> that the proposed rule change (SR-PCX-2005-68) and Amendment No. 1 are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Jonathan G. Katz,**  
Secretary.

[FR Doc. E5-4928 Filed 9-8-05; 8:45 am]

BILLING CODE 8010-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### State Court Decision Affecting Recordation of Artisan Liens

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

**ACTION:** Notice.

**SUMMARY:** Consistent with Agency policy, the Federal Aviation Administration (FAA) gives notice of the holding in *Creation Aviation, Inc., vs. Textron Financial Corporation*, Florida District Court of Appeal, Fourth District, No. 4D04-2178, decided on April 27, 2005. The Court in *Creston* held that Federal law pertaining to recording with the FAA Aircraft Registry did not preempt a Florida statute requiring that an artisan lien for work on an aircraft first be filed in the county where the work was performed in order to enforce the lien under Florida law. Accordingly, the FAA is advising the public that recording an artisan lien with the FAA Aircraft Registry only, may be insufficient to enforce an artisan lien under Florida law.

**FOR FURTHER INFORMATION CONTACT:** Joseph R. Standell, Aeronautical Center Counsel, Monroney Aeronautical Center (AMC-7), Federal Aviation Administration, 6500 S. MacArthur, Oklahoma City, OK 73169; Telephone (405) 954-3296.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 44107, the FAA maintains an aircraft registry that records "conveyances that affect an interest in civil aircraft of the United States."

The FAA published notice in the **Federal Register** that the FAA Aircraft Registry would record artisan liens on aircraft that met the minimum requirements of state statute. The notice stated that, for aircraft, "there is Federal preemption of place of filing: The FAA Aircraft Registry at Oklahoma City." 46 FR 61528, December 17, 1981. The sole purpose of that notice was to set out the criteria for recording artisan liens with the FAA Aircraft Registry.

Florida Statutes, F.S.A. 329.01, requires all liens of affecting civil aircraft to be filed with the Federal Aviation Administration. F.S.A. 329.51 provides that aircraft liens are enforceable provided the lienor records a verified lien notice with the clerk of the circuit court in the county where the aircraft was located when services were furnished.

In *Creston*, a fixed base operator attempted to foreclose a mechanic's lien that had been filed and recorded with the FAA consistent with 49 U.S.C. 44107 and F.S.A. 329.01. However, the Florida Court of Appeal held that the fixed base operator's failure to file a notice of lien in the county where the work was performed rendered the lien unenforceable under state law.

The Florida Court of Appeal did not accept the fixed base operator's argument that state or local filing requirements contained in F.S.A. 329.51 were preempted by Federal law. The Court in *Creston* cited *Holiday Airlines Corporation v. Pacific Propeller, Inc.*, 620 F.2d 731 (1980), which had similar facts. The Court in *Holiday* held that a lien filed with the FAA was enforceable, notwithstanding a lienor's failure to file in the State of Washington. The Court held that the "federal recording statute, and rules implementing it, clearly preempt the filing requirements of Washington law." On the other hand, the Court in *Holiday* held that "matters touching on the validity of liens are determined by underlying State law."

The Florida Court of Appeal accepted the argument that until a lien on a civil aircraft is recorded with the FAA Aircraft Registry, it is valid only against those persons with actual notice and their heirs and devisees and that after the lien is filed with the FAA, it is valid against all persons. However, the Court determined that the State of Florida is not precluded from imposing

requirements, including local filing requirements that affect the enforceability of aircraft liens in Florida.

Interested parties may wish to research state lien statutes to determine if local requirements affect enforceability of artisan liens recorded with the FAA.

Issued in Oklahoma City on September 1, 2005.

**Joseph R. Standell,**

*Aeronautical Center Counsel.*

[FR Doc. 05-17835 Filed 9-8-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2005-53]

#### 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 29, 2005.

**ADDRESSES:** You may submit comments [identified by DOT DMS Docket Number FAA-2005-22172 and FAA-2005-21814] 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 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

<sup>8</sup> 15 U.S.C. 78s(b)(2).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

*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 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

**FOR FURTHER INFORMATION CONTACT:** John Linsenmeyer (202) 267-5174 or Susan 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 September 1, 2005.

**Anthony F. Fazio,**  
*Director, Office of Rulemaking.*

### Petitions for Exemption

*Docket No.:* FAA-2005-22172.

*Petitioner:* Cessna Aircraft Company.

*Section of 14 CFR Affected:* 14 CFR 21.231(a)(1).

*Description of Relief Sought:*

Petitioner seeks an amendment to an exemption adding Delegation Option Authorization (DOA) for type, production, and airworthiness certification of new aircraft to an exemption permitting DOA authorization for derivatives of existing models.

*Docket No.:* FAA-2005-21814.

*Petitioner:* Redline Air Service.

*Section of 14 CFR Affected:* 14 CFR 43.3.

*Description of Relief Sought:* Redline Air Service (Redline) seeks an exemption that would allow a Redline pilot to change engine oil and engine oil filters without a mechanics certificate. Redline is located in a remote area of Alaska; flight time to a repair station for oil changes can represent an economic and sometimes a safety burden. Redline would establish a training program for Redline pilots with a repair station holding an Airframe and Powerplant mechanics certificate.

[FR Doc. 05-17908 Filed 9-8-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2005-55]

### Petitions for Exemption; Dispositions of Petitions Issued

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

**ACTION:** Notice of disposition of prior petition.

**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 the disposition of certain petitions previously received. 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.

**FOR FURTHER INFORMATION CONTACT:** Susan Lender (202) 267-8029 or John Linsenmeyer (202) 267-5174, 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 September 2, 2005.

**Anthony F. Fazio,**  
*Director, Office of Rulemaking.*

### Disposition of Petitions

*Docket No.:* FAA-2004-18676.

*Petitioner:* Quest Diagnostics, Inc.

*Sections of 14 CFR Affected:* 14 CFR 91.207(d)(4).

*Description of Disposition:* Quest Diagnostics, Inc. petitioned to operate certain aircraft without testing the emergency locator transmitter (ELT) for the presence of a sufficient signal radiated from its antenna. The FAA determined that testing the ELT for the presence of a sufficient signal radiated from its antenna is necessary to ensure the ELT functions properly in case of an emergency. The FAA is aware of the potential conflict between 14 CFR 91.207(d)(4) and 47 CFR 87.197. We are researching avenues to enable operators to comply with both rules. We recommended shielding the ELT antenna during testing or suppressing the antenna from emitting a signal. The FAA denied the exemption petition.

*Denial of Exemption, 08/29/2005, Exemption No. 8615.*

[FR Doc. 05-17909 Filed 9-8-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2005 22327]

### Information Collection Available for Public Comments and Recommendations

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval for three years of a currently approved information collection.

**DATES:** Comments should be submitted on or before November 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Rodney McFadden, Maritime Administration, 400 Seventh Street Southwest, Washington, DC 20590. Telephone: 202-366-2647; FAX: 202-493-2180; or E-MAIL: [Rod.McFadden@dot.gov](mailto:Rod.McFadden@dot.gov). Copies of this collection also can be obtained from that office.

### SUPPLEMENTARY INFORMATION:

*Title of Collection:* Information to Determine Seamen's Reemployment Rights—National Emergency.

*Type of Request:* Extension of currently approved information collection.

*OMB Control Number:* 2133-0526.

*Form Numbers:* None.

*Expiration Date of Approval:* Three years from date of approval by the Office of Management and Budget.

*Summary of Collection of Information:* This collection is needed in order to implement provisions of the Maritime Security Act of 1996. These provisions grant reemployment rights and other benefits to certain merchant seamen serving aboard vessels used by the United States during times of national emergencies. The Maritime Security Act of 1996 establishes the procedures for obtaining the necessary MARAD certification for reemployment rights and other benefits.

*Need and Use of the Information:* MARAD will use the information to determine if U.S. civilian mariners are eligible for reemployment rights under the Maritime Security Act of 1996.

*Description of Respondents:* U.S. merchant seamen who have completed designated national service during a time of maritime mobilization need and are seeking reemployment with a prior employer.

*Annual Responses:* 50 responses.

*Annual Burden:* 50 hours.