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McDonnell Douglas Alert Service Bulletin DC10-78A056, January 19, 1998.	1-15 .....	Original .....	January 19, 1998.
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McDonnell Douglas Alert Service Bulletin DC10-78A056, Revision 01, June 4, 1998.	1-15 .....	01 .....	June 4, 1998.
McDonnell Douglas Alert Service Bulletin DC10-78A057, November 30, 1998.	1-41 .....	Original .....	November 30, 1998.
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McDonnell Douglas Alert Service Bulletin DC10-78A057, Revision 01, February 18, 1999.	1-42 .....	01 .....	February 18, 1999.
Attachment A .....	1-4 .....	01 .....	February 18, 1999.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). Copies may be inspected at the FAA, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(m) This amendment becomes effective on April 25, 2001.

Issued in Renton, Washington, on March 7, 2001.

#### Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-6282 Filed 3-20-01; 8:45 am]

BILLING CODE 4910-13-U

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 200

[Release No. 34-44079]

### Delegation of Authority to the Director of the Division of Market Regulation

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission is amending its rules to

delegate authority to the Director of the Division of Market Regulation to grant exemptions from the provisions of the Quote Rule regarding transactions in listed options and the Trade-Through Disclosure Rule (Rules 11Ac1-1 and 11Ac1-7 under the Securities Exchange Act of 1934, respectively). This delegation of authority will facilitate the timely implementation of the Trade-Through Disclosure Rule and amendments to the Quote Rule.

**EFFECTIVE DATE:** March 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** John Roeser, Attorney, at (202) 942-0762, Office of Market Supervision, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-1001.

**SUPPLEMENTARY INFORMATION:** The Securities and Exchange Commission ("Commission") has adopted an amendment to Rule 30-3 of its Rules of Organization and Program Management governing Delegations of Authority to the Director of the Division of Market Regulation ("Director").<sup>1</sup> The amendment revises paragraph (a)(28) of Rule 30-3 to conform this paragraph to recent amendments to Rule 11Ac1-1 to clarify that the Director continues to have authority to grant exemptions from the provisions of Rule 11Ac1-1.<sup>2</sup> In addition, the amendment adds new paragraph (a)(71) to Rule 30-3 to authorize the Director to grant exemptions from the provisions of Rule 11Ac1-7.<sup>3</sup>

<sup>1</sup> 17 CFR 200.30-3.

<sup>2</sup> 17 CFR 240.11Ac1-1.

<sup>3</sup> 17 CFR 240.11Ac1-7.

Generally, Rule 11Ac1-1 requires exchanges and broker-dealers to publish firm quotes. Rule 11Ac1-1(e) provides that the Commission may exempt from the provisions of this rule, either unconditionally or on specified terms and conditions, any responsible broker or dealer, electronic communications network, exchange, or association if the Commission determines that such exemption is consistent with the public interest, the protection of investors and the removal of impediments to and perfection of the mechanism of a national market system.

Rule 30-3(a)(28) currently authorizes the Director to grant exemptions from the provisions of Rule 11Ac1-1, pursuant to paragraph (d) of Rule 11Ac1-1. The Commission, however, recently amended Rule 11Ac1-1 to include transactions in listed options and, as a result, former paragraph (d) of Rule 11Ac1-1 was redesignated as paragraph (e).<sup>4</sup> To clarify that Rule 30-3(a)(28) authorizes the Director to grant exemptions from Rule 11Ac1-1 including with regard to transactions in listed options, the Commission is now revising Rule 30-3(a)(28) to reference paragraph (e), rather than paragraph (d), of Rule 11Ac1-1.

Rule 11Ac1-7 requires a broker to disclose to its customer when the customer's order for listed options is executed at a price inferior to a better published quote on another market, unless the broker effects the transaction on an exchange that participates in an

<sup>4</sup> See Securities Exchange Act Release No. 43591 (November 17, 2000), 65 FR 75439 (December 1, 2000).

approved linkage plan that includes provisions reasonably designed to limit customers' orders from being executed at prices inferior to a better published price or the customer's order was executed as part of a block trade.

Rule 11Ac1-7(c) provides that the Commission may exempt from the provisions of this rule, either unconditionally or on specified terms and conditions, any broker or dealer if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets, or the removal of impediments to and perfection of the mechanism of a national market system. New paragraph (a)(71) to Rule 30-3 authorizes the Director to grant exemptions under this paragraph (c) of Rule 11Ac1-7.

The delegation of authority to the Director is intended to conserve Commission resources by permitting Division staff to grant exemptions, where appropriate and in a timely manner, from the provisions of Rules 11Ac1-1 and 11Ac1-7. The Commission anticipates that the delegation of authority will facilitate the timely implementation of the rules, particularly Rule 11Ac1-7. Nevertheless, the staff may submit matters to the Commission for consideration as it deems appropriate. The Commission does not expect that exemptions from Rules 11Ac1-1 and 11Ac1-7 will be routinely issued.

The Commission finds, in accordance with Section 553(b)(3)(A) of the Administrative Procedures Act,<sup>5</sup> that these amendments relate solely to agency organization, procedure, or practice, and do not relate to a substantive rule. Accordingly, notice, opportunity for public comment, and publication of the amendment prior to its effective date are unnecessary.

#### List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

#### Text of Amendment

In accordance with the preamble, the Commission hereby amends Title 17, Chapter II of the Code of Federal Regulations as follows:

### PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

#### Subpart A—Organization and Program Management

1. The authority citation for Part 200, subpart A, continues to read, in part, as follows:

**Authority:** 15 U.S.C. 77s, 78d-1, 78d-2, 78w, 78ll(d), 78mm, 79t, 77sss, 80a-37, 80b-11, unless otherwise noted.

\* \* \* \* \*

2. Section 200.30-3 is amended in paragraph (a)(28) by revising the phrase "pursuant to paragraph (d)" to read "pursuant to paragraph (e)" and by adding paragraph (a)(71) to read as follows:

#### § 200.30-3 Delegation of authority to Director of Division of Market Regulation.

\* \* \* \* \*

(a) \* \* \*

(71) Pursuant to paragraph (c) of Rule 11Ac1-7 (17 CFR 240.11Ac1-7), to grant exemptions, conditionally or unconditionally, from any provision or provisions of Rule 11Ac1-7.

\* \* \* \* \*

By the Commission.

Dated: March 15, 2001.

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

[FR Doc. 01-7007 Filed 3-20-01; 8:45 am]

BILLING CODE 8010-01-P

### SECURITIES AND EXCHANGE COMMISSION

#### 17 CFR Part 240

[Release No. 34-44078; File No. S7-17-00]

RIN 3235-AH96

#### Firm Quote and Trade-Through Disclosure Rules for Options

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule; extension of compliance date.

**SUMMARY:** The Securities and Exchange Commission ("Commission") is extending the compliance date for Rule 11Ac1-7 of the Securities Exchange Act of 1934. Rule 11Ac1-7 requires a broker-dealer to disclose to its customer when the customer's order for listed options is executed at a price inferior to a better published quote, unless the transaction was effected on a market that participates in an intermarket linkage plan approved by the Commission. This rule was published on December 1, 2000 (65 FR 75439).

**DATES:** *Effective Date:* The effective date for Rule 11Ac1-7, (§ 240.11Ac1-7) published on December 1, 2000 (65 FR 75439), remains February 1, 2001.

*Compliance Date:* The compliance date for Rule 11Ac1-7 (§ 240.11Ac1-7) is extended from April 1, 2001 to October 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Colihan, Special Counsel, at (202) 942-0735, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-1001.

**SUPPLEMENTARY INFORMATION:** On November 17, 2000, the Commission adopted Rule 11Ac1-7<sup>1</sup> ("Rule") under the Securities Exchange Act of 1934 ("Exchange Act") to require a broker-dealer to disclose to its customer when the customer's order for listed options is executed at a price inferior to a better published quote ("intermarket trade-through"), and to disclose the better published quote available at that time.<sup>2</sup> This disclosure must be made in writing at or before the completion of the transaction, and may be provided in conjunction with the confirmation statement routinely sent to investors. However, a broker-dealer is not required to disclose to its customer an intermarket trade-through if the broker-dealer effects the transaction on an exchange that participates in an approved linkage plan that includes provisions reasonably designed to limit customers' orders from being executed at prices that trade through a better published quote. In addition, broker-dealers will not be required to provide the disclosure required by the Rule if the customer's order is executed as part of a block trade.

In the Adopting Release, the Commission noted that it would reconsider the compliance date if the options exchanges continued to make substantial progress towards implementing a linkage plan.<sup>3</sup> The Commission notes that while progress has been made toward implementing the linkage plan approved by the Commission in July 2000,<sup>4</sup> efforts in this regard have not yet resulted in a linkage that can be implemented before the compliance date of April 1, 2001. Specifically, the options markets have achieved their goal of narrowing the selection of linkage providers to three

<sup>1</sup> 17 CFR 240.11Ac1-7.

<sup>2</sup> See Securities Exchange Act Release No. 43591 (November 17, 2000), 65 FR 75439 (December 1, 2000) ("Adopting Release").

<sup>3</sup> *Id.*

<sup>4</sup> See Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000) ("Linkage Plan").

<sup>5</sup> U.S.C. 553(b)(3)(A).