

consistent with Section 6(b)(5) of the Act,<sup>11</sup> because it codifies and clarifies the Exchange's procedures regarding how options trades are to be allocated among crowd participants.

Specifically, the Commission believes that it is reasonable and appropriate to afford priority to customer orders over accounts of broker-dealers. The Commission further believes that it is reasonable and consistent for the Exchange to conform its rules to specify that Enhanced Specialist Participations are entitlements rather than mandatory participations, and to clarify that such entitlements apply only to the Remainder of the Order, after customers have received their allocations. The Commission believes that the proposed rule change sets forth a reasonable method of allocating the Remainder of an Order among the specialist and ROTs, taking into account the Enhanced Specialist Participation, where applicable, and the stated sizes of all participants on parity. Further, the Commission believes that it is reasonable for the Exchange to establish procedures for allocating contracts when a specialist or ROT waives all or part of a trade to which he or she is entitled. The Commission notes, at the same time, that the proposal provides a safeguard against abuse in the waiver process by specifying that a pattern or practice of waiving may be considered conduct inconsistent with just and equitable principles of trade. Finally, the Commission believes that the added prohibitions against agreements among members concerning the allocation of trades, and against members harassing, intimidating, or coercing other members to enter into any waiver, or to make or refrain from making any complaint or appeal, are reasonable and appropriate.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act<sup>12</sup>, that the proposed rule change (File No. SR-Phlx-2001-39) be, and it hereby is, approved.

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

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 03-10786 Filed 4-30-03; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed Between April 7, and April 18, 2003

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Applications filed during week ending: April 11, 2003.

*Docket Number:* OST-2003-14887

*Date Filed:* April 7, 2003

*Parties:* Members of the International Air Transport Association

*Subject:*

PTC2 AFR 0134 dated 14 March 2003

TC2 Africa Policy Group Report

PTC2 AFR 0136 dated 18 March 2003

Mail Vote 276—TC2 Within Africa Resolutions

PTC2 AFR Fares 0046 dated 21 March 2003

Intended effective date: 1 May 2003

*Docket Number:* OST-2003-14902

*Date Filed:* April 8, 2003

*Parties:* Members of the International Air Transport Association

*Subject:*

PTC23 ME-TC3 0172 dated 11 April 2003

Mail Vote 291—Resolution 010f

TC23/123 Middle East-South East Asia Special Passenger Amending Resolution from Chinese Taipei

PTC23 AFR-TC3 0198 dated 11 April 2003

Mail Vote 291—Resolution 010f

TC23/123 Africa-South East Asia Special Passenger Amending Resolution from Chinese Taipei,

Intended effective date: 15 April 2003

Applications filed during week

ending: April 18, 2003.

*Docket Number:* OST-2003-14957

*Date Filed:* April 16, 2003

*Parties:* Members of the International Air Transport Association

*Subject:*

PTC2 ME-AFR 0102 dated 25 March 2003

Mail Vote 284—TC2 Middle East-

Africa Resolutions

Minutes—PTC2 ME-AFR 0100 dated 11 March 2003

Fares—PTC2 ME-AFR Fares 0057 dated 28 March 2003

Intended effective date: 1 May 2003

*Docket Number:* OST-2003-14958

*Date Filed:* April 16, 2003

*Parties:* Members of the International Air Transport Association

*Subject:*

PTC123 0231 dated 18 April 2003

Mail Vote 293—Resolution 010g

TC123 North/Mid/South Atlantic

Special Passenger Amending

Resolution from Korea (Rep. of),

Intended effective date: 1 May 2003

*Docket Number:* OST-2003-14962

*Date Filed:* April 16, 2003

*Parties:* Members of the International

Air Transport Association

*Subject:*

PTC123 0232 dated 18 April 2003

Mail Vote 294—Resolution 010i

TC123 North Atlantic

Special Passenger Amending

Resolution from Korea (Rep. of) to USA

Intended effective date: 1 May 2003

**Dorothy Y. Beard,**

*Chief, Docket Operations & Media*

*Management, Federal Register Liaison.*

[FR Doc. 03-10696 Filed 4-30-03; 8:45 am]

**BILLING CODE 4910-62-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 April 18, 2003

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-2003-14985.

*Date Filed:* April 18, 2003.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 9, 2003.

*Description:* Application of Boston-Maine Airways Corp., d/b/a Pan Am Clipper Connection ("BMAC"), pursuant to 49 U.S.C. 41102 and subpart B, requesting issuance of a new certificate of public convenience and necessity, and related fitness determination, authorizing BMAC to engage in foreign scheduled passenger operations utilizing 141-passenger B-727-200 aircraft in various foreign city-pair markets, both in conjunction with

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> 15 U.S.C. 78s(b)(2).

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

the interstate and foreign scheduled service operations of its sister carrier, Pan Am, and as separate stand-alone operations.

*Docket Number:* OST-2003-14991.

*Date Filed:* April 18, 2003.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 9, 2003.

*Description:* Application of World Airways, Inc., pursuant to 49 U.S.C. 41101(a), 41102(a) and subpart B, requesting a new or amended certificate of public convenience and necessity for scheduled foreign air transportation of persons, property, and mail and all-cargo from a point or points in the United States and intermediate points to a point or points in Iraq.

*Docket Number:* OST-2003-14992.

*Date Filed:* April 18, 2003.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 9, 2003.

*Description:* Application of North American Airlines, Inc., pursuant to 49 U.S.C. 41101(a), 41102(a), and subpart B, requesting a new or amended certificate of public convenience and necessity for scheduled foreign air transportation of persons, property, and mail from a point or points in the United States and Intermediate points to: (1) A point or points in Switzerland and beyond; (2) Kabul, Afghanistan; (3)

a point or points in Iraq; and, (4) Kuwait City, Kuwait.

**Dorothy Y. Beard,**

*Chief, Docket Operations & Media Management, Federal Register Liaison.*

[FR Doc. 03-10693 Filed 4-30-03; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### Office of Hazardous Materials Safety Notice of Application for Modification of Exemption

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** List of applications for modification of exemptions.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous

materials, packaging design changes, additional modes of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

**DATES:** Comments must be received on or before May 16, 2003. Address comments to: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at <http://dms.dot.gov>.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 25, 2003.

**R. Ryan Posten,**

*Exemptions Program Officer, Office of Hazardous Materials, Exemptions and Approvals.*

Application No.	Docket No.	Applicant	Modification of exemption
6614-M .....		Auto-Chlor System, Memphis, TN (See Footnote 1) .....	6614
8451-M .....		ATK Thiokol, Brigham City, UT (See Footnote 2) .....	8451
10996-M .....		AeroTech, Inc. (Industrial Solid Propulsion, Inc.), Las Vegas, NV (See Footnote 3) .....	10996
11827-M .....		Blue Express, Inc., Osaka, 590-0960, Japan (See Footnote 4) .....	11827
11990-M .....	RSPA-97-3098	Taylor-Wharton, Huntsville, AL (See Footnote 5) .....	11990
12122-M .....	RSPA-98-4313	Atlantic Research Corporation, Knoxville, TN (See Footnote 6) .....	12122
13216-M .....		General Motors Corp./Autoliv ASP, Inc., Ogden, UT (See Footnote 7) .....	13216

<sup>1</sup> To modify the exemption to authorize the transportation of Class 3, Division 5.1 and additional Class 8 materials in non-DOT specification polyethylene bottles placed in a polyethylene crate.

<sup>2</sup> To modify the exemption to authorize the transportation of certain liquid explosives.

<sup>3</sup> To modify the exemption to authorize the transportation of an additional Division 1.4C material in certain rocket motor and rocket motor re-loading kits.

<sup>4</sup> To modify the exemption to authorize the transportation of an additional Division 6.1 material in certain lined DOT Specification portable tanks and UN Standard Intermediate Bulk Containers.

<sup>5</sup> To modify the exemption to authorize the use of non-DOT specification oil well sampling cylinders without pressure relief devices or burst discs and the transportation of additional Division 2.1 materials.

<sup>6</sup> To modify the exemption to eliminate the requirement for the 100% radiographic inspection of the non-DOT specification pressure vessel longitudinal weld seam used as a component of automobile vehicle safety systems.

<sup>7</sup> To reissue the exemption originally issued on an emergency basis for the shipment of "recalled" airbag modules from auto dealerships without general awareness/familiarization training.