

do not agree to provide price improvement in a security have to provide manual double-up/double-down price protection in any instance where the bid/ask of the PACE Quote is $\frac{1}{8}$ or greater for equities trading in fractions, or \$.05 or greater for equities trading in decimals.¹⁰

The Exchange believes that extension of the Pilot through August 31, 2001 would be conducive to the proper implementation of decimal pricing, and should facilitate the transition to decimal pricing.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act¹¹ in general, and in particular, with Section 6(b)(5),¹² in that it promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitates transactions in securities, removes impediments to and perfects the mechanism of a free and open market and national market system, and, in general, protects investors and the public interest. The Phlx also believes the proposal will facilitate the orderly transition to decimal pricing.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

- (i) Significantly affect the protection of investors or the public interest;
- (ii) Impose any significant burden on competition; and

and offer. See Securities Exchange Act Release No. 43901 (January 30, 2001), 66 FR 8988 (February 5, 2001) (SR-Phlx 01-12).

¹⁰ Double-up/double-down is defined in Supplementary Material .07(c)(ii) to Phlx Rule 229 as a trade that would be at least $\frac{1}{4}$ (up or down) for equities trading in fractions or \$.10 (up or down) for equities trading in decimals from the last regular way sale on the primary market, or, $\frac{1}{4}$ for equities trading in fractions or \$.10 for equities trading in decimals from the regular way sale that was the previous intra-day change on the primary market.

¹¹ 15 U.S.C. 78f.

¹² 15 U.S.C. 78f(b)(5).

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act¹³ and Rule 19b-4(f)(6) thereunder.¹⁴ At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.¹⁵

The Exchange has requested that the Commission accelerate the operative date. The Commission finds good cause to designate the proposal to become operative immediately because such designation is consistent with the protection of investors and the public interest. The Commission believes that the proposal should be effective and operative immediately upon filing to ensure there is no lapse in the Pilot's effectiveness. For these reasons, the Commission finds good cause to designate that the proposal is both effective and operative upon filing with the Commission.¹⁶

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. Copies of the submission, all subsequent amendments, 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 person, 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 Room. Copies of such filing will also be

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 17 CFR 240.19b-4(f)(6).

¹⁵ For purposes of calculating the 60-day abrogation date, the Commission considers the 60-day period to have commenced on April 13, 2001, the date of the Phlx filed Amendment No. 1.

¹⁶ For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f). The Commission accepted the Phlx's initial filing on March 1, 2001, as satisfying the five-day pre-filing notice requirement under Rule 19b-4(f)(6)(iii). 17 CFR 240.19b-4(f)(6)(iii).

available for inspection and copying at the principal office of the Exchange. All submissions should refer to file number SR-Phlx-2001-20, and should be submitted by May 14, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁷

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01-9965 Filed 4-20-01; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice No. 3607]

Secretary of State's Advisory Committee on Private International Law: Study Group on Enforcement of Foreign Judgments: Meeting Notice

There will be a public meeting of a study group of the Secretary of State's Advisory Committee on Private International Law on Wednesday, May 16, 2001, to consider the draft Hague Convention on Jurisdiction and the Enforcement of Foreign Judgments. The meeting will be held from 9:30 am to 5:00 pm in room 332 of the Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington DC.

The purpose of the Study Group meeting is to assist the Department of State prepare the U.S. negotiating position for the first diplomatic session of the Hague Conference June 6-20, 2001 in the Hague, the Netherlands.

The last formal negotiating session on the project was in October 1999, which produced a preliminary draft convention text. Due to opposition by the United States and some other delegations to this text, the Hague Conference decided to postpone the final negotiating session from October 2000, and to hold it in two parts. The first part will be in June, and the second part has not yet been scheduled. The Conference decided that the June session would operate on a consensus basis, with the ordinary voting rules suspended. For the last several months, the Hague countries have been engaged in frequent informal meetings to attempt to narrow their differences and prepare the June diplomatic negotiating session.

A copy of the preliminary draft convention is available on the website of the Hague Conference, along with a detailed explanatory report by Peter Nygh and Fausto Pocar. These documents, together with other background documents on the negotiations may be found at

¹⁷ 17 CFR 200.30-3(a)(12).

www.hcch.net/e/workprog/jdgm.html. Persons interested in the work of the study group or in attending the May 16 study group meeting may also request copies from Ms. Rosie Gonzales by fax at 202-776-8482, by telephone at 202-776-8420 (you may leave your request, name, telephone number, email, or mailing address on the answering machine), or by email at <gonzaler@ms.state.gov>. Email is the quickest and most efficient way to transmit the documents.

The study group meeting is open to the public up to the capacity of the meeting room. Persons wishing to attend should contact Ms. Gonzales by telephone, fax, or email, providing their name, affiliation, telephone and fax numbers, and email address. Any person who is unable to attend, but wishes to have his or her views considered, may send comments to Ms. Gonzales at the above fax number or email address, or may address them to Jeffrey D. Kovar, Assistant Legal Adviser for Private International Law (L/PIL), Suite 203, South Building, 2430 E Street, NW., Washington, DC 20037-2851.

Jeffrey D. Kovar,

Assistant Legal Adviser for Private International Law, Department of State.

[FR Doc. 01-10006 Filed 4-20-01; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications of Brendan Air, LLC d/b/a Brendan Airways d/b/a USA 3000 for New Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2001-4-22). Dockets OST-00-8029 and OST-00-8030.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue orders (1) finding Brendan Air, LLC d/b/a Brendan Airways and d/b/a USA 3000 fit, willing, and able, and (2) awarding it certificates of public convenience and necessity to engage in interstate and foreign scheduled air transportation of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than May 2, 2001.

ADDRESSES: Objections and answers to objections should be filed in Dockets OST-00-8029 and OST-00-8030 and addressed to the Department of

Transportation Dockets (SVC-124, Room PL-401), US Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathy Lusby Cooperstein, Air Carrier Fitness Division (X-56, Room 6401), US Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2337.

Dated: April 17, 2001.

Susan McDermott,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 01-9996 Filed 4-20-01; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG-2001-9188]

Proposed Decommissioning and/or Excessing of the Remaining 180-foot Seagoing Buoy Tender Class, and the Proposed Excessing of the Vessel, FIR (WLM 212)

AGENCY: U.S. Coast Guard, DOT.

ACTION: Notice of availability and request for public comments.

SUMMARY: The U.S. Coast Guard announces the availability of a draft Programmatic Environmental Assessment on its proposal to decommission and/or declare excess the remaining vessels in the 180-foot seagoing buoy tender fleet and the proposed excessing of the former United States Coast Guard Cutter, FIR (WLM-212). Comments on the Assessment are encouraged.

DATES: Comments and related material must reach the Docket Management Facility on or before June 7, 2001.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit by only one of the following means:

(1) By mail to the Docket Management Facility, (USCG-2001-9188), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By delivery 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. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as the draft Programmatic Environmental Assessment (PEA), will become part of this docket and will be available for inspection or copying in 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. You may also find this docket, including the PEA, on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, the proposed project, or the associated assessment, call David Reese, U.S. Coast Guard, telephone 202-267-1942. If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

Comments and related material on the draft PEA are encouraged. Please provide the name and address of the comment originator, identify the docket number for this notice (USCG-2001-9188), and provide background support for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. When submitting by mail or hand delivery, submit your comments or material in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know if the comments or material has reached the Facility, please enclose a stamped, self addressed postcard or envelope. The Coast Guard will consider all comments and material received during the comment period.

Proposed Action

The U.S. Coast Guard (USCG) proposes to decommission and/or declare excess the remaining vessels in its aging fleet of 180-foot seagoing buoy tenders and declare the former United States Coast Guard Cutter, FIR (WLM-212) excess to its needs. The USCG has determined that the entire class of 180-foot vessels is eligible for listing in the National Register of Historic Places