

is relevant in evaluating a specialist unit's performance and will assist the exchange in maintaining its market.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,⁷ that the proposed rule change (File No. SR-Phlx-2001-50) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁸

Margaret H. McFarland,
Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44601; File No. SR-Phlx-2001-64]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Withdrawing From the Joint-Exchange Options Plan

July 27, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 22, 2001, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Phlx. The Commission is publishing this notice to solicit comments on the proposed rule change from interest persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to withdraw from the Joint-Exchange Options Plan ("JEOP")³ upon the effectiveness of the proposed Options Listing Procedures Plan ("OLPP").⁴

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to effect the Exchange's withdrawal from the current JEOP. The Exchange proposes to make the withdrawal operative upon the approval of the OLPP by the Commission. The Commission approved the OLPP on July 6, 2001.⁵

The Exchange believes that the OLPP satisfies the Commission's mandates concerning procedures for the certification and listing of options. Therefore, the parties no longer need to rely on the JEOP for such procedures, but rather will follow the new procedures set forth in the OLPP.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act⁶ in general and furthers the objectives of Section 6(b)(5)⁷ in particular in that it is designed to promote just and equitable principles of trade, remove impediments to a free and open market and a national market system, and protect investors and the public interest

provisions of the JEOP that prevent a market from commencing to list or take any option listed on another market or an option that another market has expressed an intent to list; and to eliminate any provisions of the JEOP that allow one market to delay the commencement of trading of an option by another market. See Section IV.B.a of the Order Instituting Public Administrative Proceedings Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Sanctions, Securities Exchange Act Release No. 43268 (September 11, 2000) ("Order"). Pursuant to the Order, Amex, CBOE, PCX, and Phlx, along with the International Securities Exchange LLC and the The Options Clearing Corporation, proposed the OLPP, to replace the current JEOP. See Securities Exchange Act Release No. 44287 (May 10, 2001), 66 FR 27184 (May 16, 2001).

⁵ See Securities Exchange Act Release No. 44521 (July 6, 2001), 66 FR 36809 (July 13, 2001).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

by withdrawing the Exchange from the JEOP upon the implementation of the OLPP.

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

The Phlx 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; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate; and the Exchange has given the Commission written notice of its intention to file the proposed rule change at least five business days prior to filing, or such shorter time as designated by the Commission, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁸ and Rule 19b-4(f)(6)⁹ thereunder. 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.

The Exchange has requested that the Commission accelerate the operative date and to waive the five day pre-filing requirement so that the proposed rule change may take effect upon approval of the OLPP by the Commission. The Commission believes that it is consistent with the protection of investors and the public interest and therefore finds good cause to accelerate the operative date of the proposed rule change and to waive the five day pre-filing requirement. Acceleration of the operative date and waiving the pre-filing requirement will permit the Exchange to implement the OLPP without undue delay. For these reasons, the Commission finds good cause to designate that the proposal became

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19-4(f)(6).

⁷ 15 U.S.C. 78(s)(b)(2).

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In September 1991, the Commission approved the JEOP for the selecting, listing, challenging, and arbitrating the eligibility of new standardized equity options filed by the American Stock Exchange LLC ("Amex"), Chicago Board Options Exchange, Inc. ("CBOE"), New York Stock Exchange, Inc., Pacific Exchange, Inc. ("PCX"), and Phlx. See Securities Exchange Act Release No. 29698 (September 17, 1991), 56 FR 48593/4 (September 25, 1991.)

⁴ The Commission directed the Phlx, Amex, CBOE, and PCX to amend the JEOP to eliminate advance notice to other markets of the intention to list a new or existing option; to eliminate any

operative immediately upon Commission approval of the OLPP.¹⁰

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change 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 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 available for inspection and copying at the principal office of the Phlx. All submissions should refer to the File No. SR-Phlx-2001-64 and should be submitted by August 24, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01-19382 Filed 8-2-01; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice: 3737]

Notice of Information Collection Under Emergency Review: Department of State Form DS-3057, Medical Clearance Update (no OMB Control Number)

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

Type of Request: Emergency Review.

¹⁰ 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).

¹¹ 17 CFR 200.30-3(a)(12).

Originating Office: Office of Medical Services M/DGHR/MED.

Title of Information Collection: Medical Clearance Update.

Frequency: Biennially.

Form Number: DS-3057.

Respondents: Candidates for Foreign Service Assignments Abroad and their Eligible Family Members.

Estimated Number of Respondents: 12,000.

Average Hours Per Response: 0.25 (15 minutes).

Total Estimated Burden: 3,000 hours.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review and approval of this collection has been requested from OMB by August 15. If granted, the emergency approval is only valid for 180 days. Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on 202-395-3897.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until 60 days from the date that this notice is published in the **Federal Register**. The agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Carol Dorsey, Office of Medical Services, 2401 E Street, NW., Room 201, U.S. Department of State, Washington, DC 20520-0102, who may be reached on 202-663-1668.

Dated: July 2, 2001.

Gary R. Alexander,

Executive Director, Office of Medical Services, U.S. Department of State.

[FR Doc. 01-19488 Filed 8-2-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Cancellation of Preparation of Environmental Impact Statement for Lihue Airport, Lihue, Kauai, HI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of cancellation of preparation of environmental impact statement.

SUMMARY: The Federal Aviation Administration (FAA) announces that it has decided to discontinue preparation of an Environmental Impact Statement (EIS) for a proposed runway extension project at Lihue Airport, Lihue, Kauai, Hawaii. The FAA's decision to discontinue preparation of the EIS is based upon the decision by the Governor of the State of Hawaii to cancel the proposed runway extension project at Lihue Airport.

FOR FURTHER INFORMATION CONTACT: David J. Welhouse, Project Engineer, HNL-621, Federal Aviation Administration, Honolulu Airports District Office, Box 50244, Honolulu, Hawaii, 96850-0001, Telephone: 808/541-1243.

SUPPLEMENTARY INFORMATION: On October 28, 1998, the Federal Aviation Administration (FAA) issued a Notice of Intent to prepare an Environmental Impact Statement for future development at Lihue Airport, Lihue, Kauai, Hawaii in the **Federal Register**. The need to prepare an Environmental Impact Statement (EIS) was based on the procedures described in FAA Order 5050.4A, Airport Environmental Handbook. The need to prepare a federal EIS was primarily based on the state of Hawaii's proposed extension to Runway 17/35. The State of Hawaii, Department of Transportation—Airports Division's (HDOT), as the owner and operator of Lihue Airport has notified the FAA of the state's decision to discontinue pursuit of the proposed extension to Runway 17/35. The FAA has determined that the other various proposed projects identified in the FAA's October 28, 1998, Notice of Intent for Lihue Airport, are categorically excluded pursuant to FAA Order 5050.4A, Airport Environmental Handbook are therefore, does not