consistent with Section 6(b)(5) of the Act,[11] 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 Exhange 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[12], 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.[13]

Margaret H. McFarland,

Deputy Secretary.

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

BILLING CODE 8010–01–P

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

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 File: 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