

2. Statutory Basis

The Phlx believes the proposed rule change is consistent with Section 6 of the Act⁸ in general and Section 6(b)(5)⁹ in particular in that it is designed to perfect the mechanisms of a free and open market and a national market system, and to protect investors and the public interest, by requiring diligence on the part of off-floor member firms for which the Exchange is the DEA in examining the financing and investment arrangements of their affiliated traders and trading entities, and by requiring off-floor member firms to report the results of such examinations to the Exchange. The Exchange believes that the proposal will help ensure that the rules and provisions of the Act that are designed to promote customer protection and the financial soundness of broker-dealers are followed, and should facilitate the Exchange's examination and enforcement functions.

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

The Phlx does not believe that the proposed rule change would 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 solicited or received.

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

Within 35 days of the date of publication of this notice in the **Federal Register** or with such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and

exception of clearing arrangements; (2) any direct equity investment or profit sharing arrangement; (3) any consideration over the amount of \$5000 that constitutes a gift, loan, salary, or bonus; and (4) the guarantee of a trading account with the exception of clearing arrangements. The proposed rules would apply to financial arrangements of affiliated traders and trading entities of the off-floor trading firms, and to the requirement of off-floor trading firms to conduct examinations of such affiliated traders and trading entities, and to report thereon to the Exchange. To the extent that an off-floor member firm has made a report of a financial arrangement pursuant to Rule 783 which is identical to a report required under the proposed rules, no such identical report would be required by the off-floor member firm. This would eliminate the unnecessary duplication of reporting by the off-floor member firm. Notwithstanding this exception, off-floor member firms subject to these proposed rules would be responsible for any other disclosure, examination, or other reporting required by the proposed rules.

⁸ 15 U.S.C. 78f.

⁹ 15 U.S.C. 78f(b)(5).

publishes its reasons for so finding, or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

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 filings will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-00-92 and should be submitted by January 2, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 00-31382 Filed 12-8-00; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice No. 3493]

Shipping Coordinating Committee; Renewal of the Shipping Coordinating Committee

The Department of State is renewing the Shipping Coordinating Committee to solicit the view of interested members of the public and government agencies on maritime policy issues, for the guidance of U.S. delegations to international meetings on these matters. The Under Secretary for Management has determined that the committee is necessary and in the public interest.

Membership includes representatives from the maritime industry, labor

unions, environmental groups and government bureaus and agencies. The Committee will follow the procedures prescribed by the Federal Advisory Committee Act (FACA). Meetings will be open to the public unless a determination is made in accordance with the FACA Section 10(d), 5 U.S.C.

Any questions concerning this committee should be referred to the Executive Secretary, Stephen M. Miller at (202) 647-6961.

Dated: December 6, 2000.

Mira Piplani,

International Transportation and Commercial Officer.

[FR Doc. 00-31583 Filed 12-7-00; 2:26 pm]

BILLING CODE 4710-07-P

DEPARTMENT OF STATE

[Public Notice No. 3470]

Shipping Coordinating Committee; Subcommittee on Stability of Load Lines and on Fishing Vessels Safety; Notice of Meeting Cancellation

On November 15, 2000, 65 FR 69118, the United States Coast Guard published Notice #3466 to announce a meeting of the Shipping Coordinating Committee to be held on Monday, December 11, 2000. The purpose of this meeting was to review the agenda items to be considered at the forty-fourth session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF 44) of the International Maritime Organization (IMO).

This notice is to announce that the meeting is cancelled.

For further information, please contact Mr. Paul Cojeen, U.S. Coast Guard Headquarters, Commandant (G-MSE-2), room 1308, 2100 Second Street, SW., Washington, DC 20593-0001 or by calling (202) 267-2988.

Dated: December 6, 2000.

Mira Piplani,

International Transportation and Commercial Officer.

[FR Doc. 00-31584 Filed 12-7-00; 2:26 pm]

BILLING CODE 4710-07-P

DEPARTMENT OF STATE

[Public Notice No. 3469]

Shipping Coordinating Committee; Subcommittee on Standards of Training and Watchkeeping; Notice of Meeting Cancellation

On November 15, 2000, 65 FR 69118, the United States Department of State published notice #3467 to announce a meeting of the Shipping Coordinating

¹⁰ 17 CFR 200.30-3(a)(12).

Committee to be held on Thursday, December 14, 2000. The purpose of this meeting was to review the agenda items to be considered at the thirty-second session of the Subcommittee on Standards of Training and Watchkeeping (STW 32) of the International Maritime Organization (IMO).

This notice is to announce that the meeting is cancelled.

For further information, please contact Chief, Office of Operating and Environmental Standards, U.S. Coast Guard Headquarters, Commandant (G-MSO), room 1210, 2100 Second Street, SW, Washington, DC, 20593-0001 or by calling LCDR Luke Harden at: (202) 267-1838.

December 6, 2000.

Mira Piplani,

International Transportation and Commercial Officer.

[FR Doc. 00-31585 Filed 12-7-00; 2:26 pm]

BILLING CODE 4710-07-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-00-7740 (PDA-25(R))]

Application by the Kiesel Company for a Preemption Determination as to Missouri Prohibition Against Recontainerization of Hazardous Waste at a Transfer Facility

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of Reopening Period for Public Comment

SUMMARY: RSPA is reopening the period for interested parties to submit comments on an application by The Kiesel Company (Kiesel) for an administrative determination whether Federal hazardous material transportation law preempts a Missouri regulation prohibiting the recontainerization of hazardous waste by a transporter at a transfer facility.

DATES: Additional comments received on or before January 25, 2001, and rebuttal comments received on or before March 12, 2001, will be considered before issuing an administrative ruling on Kiesel's application. Rebuttal comments may discuss only those issues raised previously or by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: The application and all comments received may be reviewed in the Dockets Office, U.S. Department of Transportation, Room PL-401, 400

Seventh Street, SW., Washington, DC 20590-0001. The application and all comments are also available on-line through the home page of DOT's Docket Management System, at "http://dms.dot.gov."

Comments must refer to Docket No. RSPA-00-7740 and may be submitted to the docket either in writing or electronically. Send three copies of each written comment to the Dockets Office at the above address. If you wish to receive confirmation of receipt of your written comments, include a self-addressed, stamped postcard. To submit comments electronically, log onto the Docket Management System website at <http://dms.dot.gov>, and click on "Help & Information" to obtain instructions.

A copy of each comment must also be sent to (1) Kiesel's attorney, Mr. Richard Greenberg, Greensfelder, Hemker & Gale, P.C., 2000 Equitable Bldg., 10 South Broadway, St. Louis, MO 63102-1774, and (2) Mr. Stephen M. Mahood, Director, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102. A certification that a copy has been sent to these persons must also be included with the comment. (The following format is suggested: "I certify that copies of this comment have been sent to Messrs. Greenberg and Mahood at the addresses specified in the **Federal Register**.")

A list and subject matter index of hazardous materials preemption cases, including each Inconsistency Ruling (IR) and Preemption Determination (PD) issued by DOT, are available through the home page of RSPA's Office of the Chief Counsel, at "http://rspa-atty.dot.gov." A paper copy of this list and index will be provided at no cost upon request to Mr. Hilder (see "For Further Information Contact" below).

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001 (Tel. No. 202-366-4400).

SUPPLEMENTARY INFORMATION:

I. Background

In a June 28, 2000 letter, Kiesel applied for a determination that Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, preempts the prohibition against recontainerization of hazardous waste in a regulation of the Missouri Department of Natural Resources (DNR) at 10 CSR 25-6.263(2)(A).10.H:

Recontainerization of hazardous wastes at a transfer facility is prohibited; however, hazardous waste containers may be

overpacked to contain leaking or to safeguard against potential leaking. When containers are overpacked, the transporter shall affix labels to the overpack container, which are identical to the labels on the original shipping container; * * *

In its application, Kiesel stated that it is a licensed hazardous waste transporter that has a rail siding at its facility located within the City of St. Louis, Missouri. Kiesel stated that it has been in discussions regarding the use of the rail siding at its facility to provide a transfer point for the off loading of hazardous waste from rail cars to tankers or vacuum trucks for transport to a disposal site in Illinois licensed to receive and dispose of hazardous waste. The transfer of hazardous waste from the rail car to a trailer or a vacuum truck would constitute recontainerization which is prohibited under Missouri regulations.

Notice of Kiesel's application was published in the **Federal Register** on August 14, 2000, and interested parties were invited to submit comments by September 28, 2000, and rebuttal comments by November 13, 2000. 65 FR 49633. In the August 14, 2000 public notice, RSPA also referred to DNR's regulations on transporters of hazardous waste set forth in 10 CSR 25-6.263; the lack of any general prohibition in the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180, against the transfer of hazardous materials from one container to another; and Kiesel's argument that "an identical regulation" was found to be preempted in PD-12(R), New York Department of Environmental Conservation Requirements on the Transfer and Storage of Hazardous Waste Incidental to Transportation, 63 FR 62517 (Dec. 6, 1995), decision on petition for reconsideration, 65 FR 15970 (Apr. 3, 1997), petition for judicial review dismissed, *New York v. U.S. Dep't of Transportation*, 37 F. Supp. 2d 152 (N.D.N.Y. 1999). 65 FR at 49633. In parts II and III of the August 14, 2000 public notice, RSPA discussed the preemption provisions in 49 U.S.C. 5125 and the procedures for issuing preemption determinations. *Id.* at 49634-35.

II. Comments Received and Request to Withdraw Application

In response to the August 14, 2000 public notice, RSPA has received the following submissions:

—An August 30, 2000 letter from Kiesel clarifying that it had not been advised by DNR that transferring hazardous waste from a rail car to a motor vehicle would constitute a prohibited recontainerization of hazardous waste, contrary to RSPA's understanding from Kiesel's mention