

December 2002 should encourage future use of the PACE system and will reimburse members who were charged the equity transaction value charge when the application of this charge may not have been clear, as it relates to PACE trades and inbound ITS commitments. Also, the Exchange believes that going forward, for trades settling on or after January 2, 2003, there should be no charge for these PACE trades due to the fact that the method of execution of these trades is outside of the customer's control.

The purpose of renaming the equity transaction charge is to make the title of the charge consistent with recent changes to this fee.<sup>9</sup>

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,<sup>10</sup> in general, and furthers the objectives of section 6(b)(4) of the Act,<sup>11</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

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

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

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

Written comments were neither solicited nor received.

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

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act<sup>12</sup> and rule 19b-4(f)(2) thereunder,<sup>13</sup> as establishing or changing a due, fee, or other charge. At any time within 60 days of the filing of such 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.<sup>14</sup>

<sup>9</sup> See supra note 4.

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(4).

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>13</sup> 17 CFR 240.19b-4(f)(2).

<sup>14</sup> See section 19(b)(3)(C) of the Act, 15 U.S.C. 78s(b)(3)(C).

## 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 File No. SR-Phlx-2002-88 and should be submitted by February 21, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

**Margaret H. McFarland,**  
Deputy Secretary.

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## SMALL BUSINESS ADMINISTRATION

### Public Federal Regulatory Enforcement Fairness Hearing; Small Business Administration, Region IX Regulatory Fairness Board

The Small Business Administration Region IX Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a Public Hearing on Thursday, February 6, 2003 at 1:30 p.m. (Local Time) at the Cameron Center, 95 Mahalani Street, Wailuku, Maui, HI 96793, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Ann Murata in writing or by fax, in order to be put on the agenda. Ann Murata, U.S. Small Business Administration, Hawaii District Office, 300 Ala Moana

<sup>15</sup> 17 CFR 200.30-3(a)(12).

Boulevard, Room 2-235, Honolulu, HI 96850, phone (808) 541-2992, fax (202) 481-0267, e-mail [ann.murata@sba.gov](mailto:ann.murata@sba.gov).

For more information, see our Web site at <http://www.sba.gov/ombudsman>.

Dated: January 24, 2003.

**C. Edward Rowe III,**

*Counsel, Office of the National Ombudsman.*

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## SMALL BUSINESS ADMINISTRATION

### Public Federal Regulatory Enforcement Fairness Hearing; Small Business Administration, Region IX Regulatory Fairness Board

The Small Business Administration Region IX Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a Public Hearing on Tuesday, February 4, 2003 at 9 a.m. (Local Time) at the Prince Jonah Kuhio Kalaniana'ole (PJKK) Federal Building, 300 Ala Moana Boulevard, Room 5-208, Honolulu, HI 96850-4981, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Ann Murata in writing or by fax, in order to be put on the agenda. Ann Murata, U.S. Small Business Administration, Hawaii District Office, 300 Ala Moana Boulevard, Room 2-235, Honolulu, HI 96850, phone (808) 541-2992, fax (202) 481-0267, e-mail [ann.murata@sba.gov](mailto:ann.murata@sba.gov).

For more information, see our Web site at <http://www.sba.gov/ombudsman>.

Dated: January 24, 2003.

**C. Edward Rowe III,**

*Counsel, Office of the National Ombudsman.*

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## DEPARTMENT OF STATE

[Public Notice 4257]

### 30-Day Notice of Proposed Information Collection: Form DS-158, Contact Information and Work History for Nonimmigrant Visa Applicant; OMB Control Number 1405-0144

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for