

Commission finds that the proposed rule is consistent with the requirements of Section 6(b)(5) of the Act¹⁷ because it is designed to facilitate transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

By adopting the proposed exemption, the Exchange removes the specialist's obligation to provide trade-through protection in situations where it will not be permitted to seek satisfaction through ITS from the primary market. This obligation was one the Phlx assumed voluntarily in order to make its market more attractive to sources of order flow, not an obligation the Act imposes on a market. The Commission believes that the business decision to potentially forego order flow by no longer providing print protection is a judgment the Act allows the Phlx to make.¹⁸

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁹ that the proposed rule change (SR-Phlx-2002-49) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²⁰

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02-28427 Filed 11-7-02; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF STATE

[Public Notice 4202]

Culturally Significant Objects Imported for Exhibition Determinations: "Old Master Galleries"

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et*

proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁷ 15 U.S.C. 78f(b)(5).

¹⁸ The Commission notes that the Phlx's proposed rule change will remain in effect only until the expiration of the Commission's ITS Exemption Order on June 4, 2003.

¹⁹ 15 U.S.C. 78f(b)(2).

²⁰ 17 CFR 200.30-3(a)(12).

seq.), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the object to be included in the exhibition "Old Master Galleries," imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit object at The Metropolitan Museum of Art, New York, NY, from on or about November 17, 2002, to on or about November 17, 2004, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit object, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619-6529). The address is U.S. Department of State, SA-44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547-0001.

Dated: November 4, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02-28513 Filed 11-7-02; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 02-04-C-00-BUF To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Buffalo Niagara International Airport, and Use Only at Niagara Falls International Airport, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Buffalo Niagara International Airport and use only at Niagara Falls International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before December 9, 2002.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: FAA, New York Airports District Office, 600 Old Country Road, Suite 446, Garden City, NY 11530.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Vito J. Sportelli, of the Niagara Frontier Transportation Authority at the following address: 181 Ellicott Street, Buffalo, New York 14203.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Niagara Frontier Transportation Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Eleanor Schifflin, PFC Program Manager, Regional Office, 1 Aviation Plaza, Jamaica, New York 11434-4848 at (718) 553-3354. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Buffalo Niagara International Airport and use at Niagara Falls International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On October 9, 2002, the FAA determined that the application to impose and use the revenue from a PFC submitted by Niagara Frontier Transportation Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than January 18, 2003.

The following is a brief overview of the application.

PFC Application No.: 02-04-C-00-BUF.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: May 1, 2006.

Proposed charge expiration date: January 1, 2010.

Total estimated PFC revenue: \$24,561,653.

Brief description of proposed project(s) at Buffalo Niagara International Airport:

- Relocation of Security Checkpoints.
- Perform Runway 14-32 Safety Area Improvements.
- Purchase Safety Equipment—Air Rescue Fire Fighting Vehicles.

—Purchase Snow Removal Equipment (for both Buffalo Niagara International and Niagara Falls International).
 —Purchase Passenger Movement Shuttle Buses.
 —Procurement of Security Vehicles.
 —Upgrade Security Badging System.
 —PFC Planning and Program Administration.
 —Series 1999 Debt Service—East Concourse Terminal Extension, and Apron Expansion, and East Access Improvement.
 Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO) filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional airports office located at: 1 Aviation Plaza, Airports Division, AEA–610, Jamaica, New York, 114.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Niagara Frontier Transportation Authority.

Issued in Jamaica, New York on October, 2002.

Eleanor Schifflin,

PFC Program Manager, Eastern Region.

[FR Doc. 02–28374 Filed 11–06–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; City of Kokomo, Howard County, Tipton County, IN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for highway improvements on U.S. Route 31 corridor in the City of Kokomo, Howard County, and Tipton County, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Dirks, Environmental Engineer, Federal Highway Administration, Room 254, Federal Office Building, 575 North Pennsylvania Street, Indianapolis, Indiana 46204, telephone (317) 226–7492, or email robert.dirks@fhwa.dot.gov; or Mr. James Jjuricic, Manager of the Environmental Assessment Section, Indiana Department of Transportation, Room N848, 100 N. Senate Avenue,

Indianapolis, Indiana 46204, telephone (317) 232–5305, or email jjuricic@indot.state.in.us. Please refer to Project Designation Number 0200094 in any correspondence.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Indiana Department of Transportation (INDOT), will prepare an Environmental Impact Statement (EIS) to identify and evaluate alternatives for improvements to the U.S. Route 31 corridor in the City of Kokomo, Howard County, and the northern end of Tipton County, Indiana. The project's logical termini, or the rational end points for the sufficient review of environmental impacts, are located approximately two miles south of State Road 26 at the southern end of the project and one mile north of U.S. Route 35 at the northern end of the project, a distance of approximately 12 miles. The proposed project is part of the state's effort to provide a Statewide Mobility Corridor between I–465 North Leg in Indianapolis and US 20 in South Bend. Preparation of the EIS follows the completion of the U.S. Route 31 Howard County Major Investment Study (MIS) in May of 1995.

Early Coordination Letters will be distributed with initial project information to the appropriate federal, state, and local agencies. Section 106 Consulting Parties will also be identified and contacted for participation in the project. Following early coordination, the project's purpose and need will be determined and documented based on existing and future traffic congestion, safety, and local and statewide planning.

The range of alternatives under consideration include the no-action alternative; alternatives that use other transportation modes; alternatives that maximize the efficiency of the present transportation system; alternatives that reduce highway capacity needs by reducing travel demand; and different build alternatives that would increase the capacity of U.S. Route 31, including adding lanes to the existing U.S. Route 31 facility; upgrading U.S. Route 31 to a fully access-controlled, multilane highway; and possible relocations of the existing U.S. Route 31 facility. A preliminary alternatives' screening process will be conducted to determine which alternatives will be carried forward for more detailed analysis in the Draft EIS.

The public involvement program for the project will consist of the establishment of a project web site; distribution of three project newsletters; two public meetings; three citizen advisory group meetings, and one

public hearing following the distribution of the Draft EIS.

Three interagency review meetings will be held at project milestones in order to provide project information to the appropriate Federal, State, and local agencies and to obtain their input and comments. Meetings and coordination with the Section 106 Consulting Parties will be conducted.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205 Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities apply to this program.)

Issued on: November 1, 2002.

Robert Dirks,

Environmental Engineer, FHWA, Indianapolis, Indiana.

[FR Doc. 02–28406 Filed 11–7–02; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2002–13746]

Application of Foreign Underwriters To Write Marine Hull Insurance

The Maritime Administration (MARAD) has received an application under 46 CFR Part 249 from AXIS Specialty Ltd. of Bermuda, to write marine hull insurance on Title XI program vessels.

In accordance with 46 CFR 249.7(b), interested persons are hereby afforded an opportunity to bring to MARAD's attention any discriminatory laws or practices relating to the placement of marine hull insurance which may exist in the applicant's country of domicile.

Comments regarding this information collection should refer to the docket number which appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted by electronic means via the internet at <http://dmses.dot.gov/submit>. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., EST