

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>

## 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.*

[FR Doc. 03-2257 Filed 1-30-03; 8:45 am]

**BILLING CODE 8010-01-P**

## 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

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.*

[FR Doc. 03-2271 Filed 1-30-03; 8:45 am]

**BILLING CODE 8025-01-P**

## 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.*

[FR Doc. 03-2272 Filed 1-30-03; 8:45 am]

**BILLING CODE 8025-01-P**

## 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

<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).

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

approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

*Type of Request:* Extension of currently approved collection.

*Originating Office:* Bureau of Consular Affairs, Department of State (CA/VO).

*Title of Information Collection:* Contact Information And Work History For Nonimmigrant Visa Applicant.

*Frequency:* Once per respondent.

*Form Number:* DS-158.

*Respondents:* All nonimmigrant visa applicants seeking to study in the United States and other nonimmigrant visa applicants as determined to be appropriate by the Department of State.

*Estimated Number of Respondents:* 2,500,000.

*Average Hours Per Response:* 1 hour.

*Total Estimated Burden:* 2,500,000 hours.

Public 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 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:**

Copies of the proposed information collection and supporting documents may be obtained from Brendan Mullarkey of the Office of Visa Services at 202-663-1163, 2401 E St., NW., U.S. Department of State, Washington, DC 20520. Public comments and questions 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.

Dated: January 18, 2003.

**Janice L. Jacobs,**

*Deputy Assistant Secretary for Visa Services, Bureau of Consular Affairs, Department of State.*

[FR Doc. 03-2313 Filed 1-30-03; 8:45 am]

BILLING CODE 4710-06-P

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Ex Parte No. 290 (Sub No. 4)]

**Railroad Cost Recovery Procedures—Productivity Adjustment**

**AGENCY:** Surface Transportation Board.

**ACTION:** Proposed adoption of a Railroad Cost Recovery Procedures productivity adjustment.

**SUMMARY:** The Surface Transportation Board proposes to adopt 1.019 (1.9%) as the measure of average change in railroad productivity for the 1997–2001 (5-year) period. The current value of 4.2% was developed for the 1996 to 2000 period.

**DATES:** Comments are due by February 17, 2003.

**EFFECTIVE DATE:** The proposed productivity adjustment is effective 30 days after the date of service.

**ADDRESSES:** Send comments (an original and 10 copies) referring to STB Ex Parte No. 290 (Sub-No. 4) to: Office of the Secretary, Case Control Branch, 1925 K Street, NW., Washington, DC 20423–0001. Parties should submit all pleading and attachments on a 3.5-inch diskette in WordPerfect 6.0 or 6.1 compatible format.

**FOR FURTHER INFORMATION CONTACT:** H. Jeff Warren, (202) 565–1533. Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision, which is available on our Web site <http://www.stb.dot.gov>. To purchase a copy of the full decision, write to, call, or pick up in person from the Board's contractor, Dā-To-Dā Legal, Suite 405, 1925 K Street, NW., Washington, DC 20006, phone (202) 293–7776. [Assistance for the hearing impaired is available through FIRS: 1–800–877–8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: January 24, 2003.

By the Board, Chairman Nober, Vice Chairman Burkes, and Commissioner Morgan.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 03-2194 Filed 1-30-03; 8:45 am]

BILLING CODE 4915-00-P

**DEPARTMENT OF TRANSPORTATION**

**Transportation Security Administration**

**Operation Safe Commerce Cooperative Agreement Program; Request for Application and Establishing the Closing Date for Receipt of Applications Under the Operation Safe Commerce Cooperative Agreement Program**

**AGENCY:** Transportation Security Administration, Department of Transportation.

**ACTION:** Notice inviting applications for the Operation Safe Commerce Cooperative Agreement Program

**SUMMARY:** The Transportation Security Administration working in conjunction with an interagency Executive Steering Committee for Operation Safe Commerce (OSC) requests applications for the OSC Cooperative Agreement Program to fund business drive initiatives to enhance security for the movement of cargo through the supply chain. The goal of OSC is to explore business processes and technology prototypes that protect commercial shipments from threat of terrorist attack, illegal immigration, and contraband while minimizing the economic impact upon the transportation system. The Ports of Los Angeles, Long Beach, Seattle, Tacoma, and the Port Authority of New York and New Jersey are invited to submit proposals for funding consideration under this initiative. Persons and entities representing components of the supply chain may seek funding through these ports. The ports are encouraged to maximize their eligibility for funding by including representatives from all components of the supply chain, including major and minor load centers and feeder locations, their overseas customers and port partners, and the shipping lines serving these locations.

Authority for this program is contained in the fiscal year 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States, Pub. L. 107–206, 116 Stat. 820.

**DATES:** The program announcement and application forms for the Operation Safe Commerce Cooperative Agreement Program are expected to be available on or about January 31, 2003. Applications must be received on or before 4 p.m. e.s.t., Marcy 20, 2003.

**ADDRESSES:** Program Announcement #02MLPA0001 for the Operation Safe Commerce Cooperative Agreement Program will be available through the