

securities exchange,<sup>10</sup> and, in particular section 6(b)(5) of the Act.<sup>11</sup> As discussed above, by the Exemption Letter the Division has extended and expanded upon the relief granted by the Initial Exemption Letter. The Commission believes that the proposed rule change should provide protection to customer limit orders in the subpenny trading environment by helping to ensure that such orders will continue to have access to market liquidity ahead of Exchange Specialists in appropriate circumstances.

The Commission finds good cause for approving the proposed rule change on a pilot basis prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission believes that granting accelerated approval to the proposed rule change will allow the Exchange to provide uninterrupted protection to customer limit orders in subpenny increments in Nasdaq securities and expedite the protection of customer limit orders in subpenny increments in listed securities.

## V. Conclusion

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act,<sup>12</sup> that the proposed rule change (SR-CSE-2002-12) is hereby approved on an accelerated basis for a pilot period through December 1, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

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

[FR Doc. 02-25223 Filed 10-3-02; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-46566; File No. SR-NYSE-2001-24]

### Self Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change and Amendments Nos. 1 and 2 Thereto Amending Exchange Rule 97 Which Limits Member Trading Because of Block Positioning

September 27, 2002.

On August 17, 2001, the New York Stock Exchange, Inc. ("NYSE" or

"Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend NYSE Rule 97 (Limitation on Member Trading Because of Block Positioning) so that it applies only to transactions executed at or near the end of the trading day, and to provide exceptions to the rule for member organizations that establish the requisite internal information barriers and for certain hedging transactions. The Exchange filed Amendment No. 1 to the proposed rule change on April 17, 2002.<sup>3</sup> The Exchange filed Amendment No. 2 to the proposed rule change on June 28, 2002.<sup>4</sup>

The proposed rule change, as amended, was published for comment in the **Federal Register** on July 19, 2002.<sup>5</sup> The Commission received no comments on the proposal.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange<sup>6</sup> and, in particular, the requirements of Section 6 of the Act<sup>7</sup> and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with Section 6(b)(5) of the Act<sup>8</sup> because it is designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

Currently, NYSE Rule 97 prohibits a member firm that holds any part of a long position in its trading account, which resulted from a block transaction with a customer, from purchasing for an account in which such member firm has an interest, additional shares of such stock on a "plus" or "zero plus" tick for the remainder of the trading day under certain conditions. NYSE Rule 97 is

intended to address concerns that a member firm might engage in manipulative practices by attempting to "mark-up" the price of a stock to enable the member firm to liquidate a position it acquired during a block transaction it effected with a customer at a profit, or to maintain the market at the price at which the position was acquired.

Under the proposed rule change, NYSE Rule 97 would prevent a member organization that holds a long position in a security that resulted from a block transaction with a customer from effecting within twenty minutes of the close of trading on the Exchange, a purchase on a "plus" tick in that security at a price higher than the lowest price at which any block was acquired in a previous transaction on that day, if the person responsible for the entry of such order to purchase the security had knowledge of the block position.<sup>9</sup> The proposed rule change would also add an exception to permit a member firm to make an otherwise prohibited purchase during the last twenty minutes of the trading day to hedge a position that is economically equivalent to a short position that the firm acquired in the course of facilitating a customer order. Under this exception, the hedge must be clearly related to transaction that created the short position and the size of the hedge must be commensurate with the number of shares required to hedge such position.

The Commission believes that the proposal to limit the restrictions on purchasing stock when a firm holds a long position that resulted from a block facilitation to the last twenty minutes of the trading day is consistent with the Act. The Commission believes it is appropriate for the NYSE to restrict such trading activities during this time of the trading day. However, the Commission notes that purchases executed during any time of the trading day continue to be subject to the anti-manipulative provisions of the Act. Accordingly, the Commission expects the NYSE to continue to surveil the activities of firms that trade while holding positions that result from block transactions with customers to ensure that they are not engaging in manipulative acts and practices during the entire trading day.

<sup>9</sup>NYSE Rule 97 only applies to transactions on the NYSE. However, NYSE Rule 97 would apply to transactions on the NYSE regardless of where the member firm acquired the block position. Telephone conversation between Jeffrey Rosenstock, Senior Special Counsel, NYSE, and Christopher Solgan, Attorney, Division, Commission, on September 13, 2002.

<sup>10</sup> In granting approval of the proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> 15 U.S.C. 78s(b)(2).

<sup>13</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See letter from Richard P. Bernard, Executive Vice President and General Counsel, NYSE, to Nancy J. Sanow, Assistant Director, Division of Market Regulation ("Division"), Commission, dated April 16, 2002 ("Amendment No. 1").

<sup>4</sup> See letter from Darla C. Stuckey, Corporate Secretary, NYSE, to Nancy J. Sanow, Assistant Director, Division, Commission, dated June 27, 2002 ("Amendment No. 2").

<sup>5</sup> See Securities Exchange Act Release No. 46191 (July 12, 2002), 67 FR 47588.

<sup>6</sup> In approving this proposed rule change, the Commission notes that it has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>7</sup> 15 U.S.C. 78f.

<sup>8</sup> 15 U.S.C. 78f(b)(5).

In addition, the Commission believes that the use of information barriers should ensure that member firms' traders are not executing trades to mark-up or maintain the price of a security it acquired during a block transaction with a customer. Finally, the Commission believes that the hedge exception is consistent with the Act. The Commission believes that the NYSE has tailored the hedge exception to ensure that when a member firm purchases a security to hedge a position that is economically equivalent to a short position, it does so to hedge that short position, not to affect the security's price.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act<sup>10</sup>, that the proposed rule change, as amended, (File No. SR-NYSE-2001-24) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-25224 Filed 10-3-02; 8:45 am]

**BILLING CODE 8010-01-P**

## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster #3449]

#### State of Louisiana

As a result of the President's major disaster declaration on September 27, 2002, I find that Iberia, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa and Terrebonne Parishes in the State of Louisiana constitute a disaster area due to damages caused by Tropical Storm Isidore occurring on September 21, 2002, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 26, 2002 and for economic injury until the close of business on June 27, 2003 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous parishes and counties may be filed until the specified date at the above location: Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Lafayette, St. Helena, St. James, St.

Martin, St. Mary, Vermilion and Washington in the State of Louisiana; Amite, Hancock, Pearl River and Pike counties in the State of Mississippi.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere, .....	6.625
Homeowners without Credit Available Elsewhere, .....	3.312
Businesses with Credit Available Elsewhere, .....	7.000
Businesses and Non-Profit Organizations without Credit Available Elsewhere, .....	3.500
Others (Including Non-Profit Organizations) with Credit Available Elsewhere, .....	6.375
For Economic Injury: Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere, .....	3.500

The number assigned to this disaster for physical damage is 344911. For economic injury the number is 9R8500 for Louisiana; and 9R8600 for Mississippi.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 30, 2002.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 02-25267 Filed 10-3-02; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster #3440, Amdt. #1]

#### State of Wisconsin

In accordance with a notice received from the Federal Emergency Management Agency, dated September 27, 2002, the above numbered declaration is hereby amended to establish the incident period for this disaster as beginning on September 2, 2002 and continuing through September 6, 2002.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is November 12, 2002, and for economic injury the deadline is June 10, 2003.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 30, 2002.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 02-25266 Filed 10-3-02; 8:45 am]

**BILLING CODE 8025-01-P**

## TENNESSEE VALLEY AUTHORITY

### Notice of Publication of Final Report Implementing Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Notice of publication of final report.

**SUMMARY:** On September 28, 2001 the Office of Management and Budget published Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies. In response to those guidelines, the Tennessee Valley Authority (TVA) has posted a final report setting forth its information quality guidelines on its Web site at [www.tva.gov/infoquality](http://www.tva.gov/infoquality). (**Authority:** Section 515, Pub. L. 106-554, 66 FR 49718 (Sept. 28, 2001))

**DATES:** *Effective Date:* October 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** Robin Robinson, Information Quality Officer, 400 West Summit Hill Drive, ET 5D-K, Knoxville, Tennessee 37902. Telephone 865-632-7119.

Dated: September 23, 2002.

**Diane J. Bunch,**

*Chief Information Officer.*

[FR Doc. 02-25262 Filed 10-3-02; 8:45 am]

**BILLING CODE 8120-08-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Request Review and Clearance From the Office of Management and Budget (OMB) of a Proposed One-Time Public Collection of Information

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3510 *et seq.*), this notice announces that the FAA is submitting a proposed information collection request (ICR) to the Office of Management and Budget and requesting that they grant an emergency clearance by October 23, 2002. The information collection abstracted below is a one-time, voluntary questionnaire going out to only 200 potential respondents.

**FOR FURTHER INFORMATION CONTACT:** Judith Street on (202) 267-9895.

**SUPPLEMENTARY INFORMATION:**

<sup>10</sup> 15 U.S.C. 78s(b)(2).

<sup>11</sup> 17 CFR 200.30-3(a)(12).