

| Monthly Net Floor Brokerage Income | Assessment                    |
|------------------------------------|-------------------------------|
| First \$0—\$300,000 .....          | 5.5%.                         |
| Next \$300,001—\$500,000 .....     | 6.5% (excess over \$300,000). |
| Balance Over \$500,001 .....       | 7.5% (excess over \$500,000). |

#### *Monthly Cap: \$100,000.*

The tiered rate amount is applied to each tier of monthly net floor brokerage income separately; for instance, if the monthly net floor brokerage income is \$400,000, then the first \$300,000 is assessed at a rate of 5.5%, and the remainder (\$99,999) is assessed at the rate of the next tier—6.5%.

The Exchange believes that the proposed tiered Assessment Fee structure is reasonable and equitable because the amount a floor broker is assessed is directly related to such floor broker's monthly net floor brokerage income, which roughly correlates to such floor broker's overall activity on the Exchange. Therefore, those floor brokers who use a greater percentage of the Exchange's resources are assessed at a higher level. In order to balance the increase in the Assessment Fee, the Exchange intends to cap such assessment at \$100,000 per month.

#### 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 is an equitable allocation of reasonable dues, fees, and other charges among Exchange members.

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

The Exchange does not believe that the proposed rule change will 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 either solicited or received.

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

The foregoing rule change establishes or changes a due, fee, or charge imposed by the Exchange and, therefore, has become effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>12</sup> and Rule 19b-4(f)(2) thereunder.<sup>13</sup> At any

time within 60 days of the filing of the 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 purpose of the Act.

#### 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-Phlx-2002-81 and should be submitted by January 23, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-33120 Filed 12-31-02; 8:45 am]

BILLING CODE 8010-01-P

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-47087; File No. SR-Phlx-2002-80]

#### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Index Option Charges

December 23, 2002.

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> notice is hereby given that on December 18, 2002, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its schedule of dues, fees and charges by: (1) increasing the Registered Option Trader ("ROT") Index Option Transaction Charge from \$0.14 per contract to \$0.19 per contract;<sup>3</sup> and (2) assessing an Index Option Book Charge of \$1000 per month on Phlx specialists in the Exchange's Sector Index Options ("Index Options"), except for the KBW Bank SectorSM ("BKXSM"), the Oil Service SectorSM ("OSXSM"), the Semiconductor SectorSM ("SOXSM") and the Gold and Silver SectorSM ("XAUSM"), which will be assessed a \$2,000 per month Index Option Book Charge.<sup>4</sup> Any newly-listed Index Options will be assessed at \$1,000 per

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

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

<sup>3</sup> The \$0.03 per contract Index Option Comparison Charge will continue to apply to ROT transactions.

<sup>4</sup> The Index Option Transaction Charge for Specialists will remain at \$1.14 per contract. The ROT Index Option Transaction Charge and the Index Option Book Charge will be eligible for the monthly credit of up to \$1,000 to be applied against certain fees, dues and charges and other amounts owed to the Exchange by certain members. See Securities Exchange Act Release No. 44292 (May 11, 2001), 66 FR 27715 (May 18, 2001) (SR-Phlx-2001-49).

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

month, beginning with the first full month of trading.

The \$0.19 per contract ROT Index Option Transaction Charge is scheduled

to be implemented on transactions settling on or after January 2, 2003. The Index Option Book Charge is scheduled to become effective on January 2, 2003.

The text of the proposed rule change is set forth below. New text is in italics. Deleted text is in brackets.

#### SUMMARY OF INDEX OPTION CHARGES

|                                                                                                                                                                                                                    |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Option Comparison Charge I (Applicable to All Trades—except specialist trades):                                                                                                                                    |                          |
| Registered Option Trader .....                                                                                                                                                                                     | \$ .03 per contract      |
| Firm (Proprietary and Customer Executions) .....                                                                                                                                                                   | \$ .04 per contract      |
| Option Transaction Charge I:                                                                                                                                                                                       |                          |
| Customer Executions                                                                                                                                                                                                |                          |
| Market value less than \$1.00* .....                                                                                                                                                                               | \$ .20 per contract      |
| Market value \$1.00 or over* .....                                                                                                                                                                                 | \$ .40 per contract      |
| Firm** .....                                                                                                                                                                                                       | \$ .10 per contract      |
| Registered Option Trader [and Specialist] .....                                                                                                                                                                    | \$[.14] .19 per contract |
| Specialist .....                                                                                                                                                                                                   | \$ .14 per contract      |
| Option Book Charge I:                                                                                                                                                                                              |                          |
| KBW Bank Sector <sup>SM</sup> .....                                                                                                                                                                                | \$2,000 per month        |
| Oil Service Sector <sup>SM</sup> .....                                                                                                                                                                             |                          |
| Semiconductor Sector <sup>SM</sup> .....                                                                                                                                                                           |                          |
| Gold and Silver Sector <sup>SM</sup> .....                                                                                                                                                                         |                          |
| All other Index Options .....                                                                                                                                                                                      | \$1,000 per month        |
| Option Floor Brokerage Assessment I: 5% of net floor brokerage income.                                                                                                                                             |                          |
| Floor Brokerage Transaction Fee I: \$.05 per contract, for floor brokers executing transactions for their own member firms.                                                                                        |                          |
| Real-time Risk Management Fee I: \$.0025 per contract for firms/members receiving information on a real-time basis See Appendix A for additional fees. I denotes fee eligible for monthly credit of up to \$1,000. |                          |

\*Block transaction for customer executions of 500 to 999 contracts and 1000 contracts and more are eligible for a discount to such charges of 15% and 25% respectively from the stated rates upon submission to the PHLX of a customer option block discount request form with supportive documentation within thirty (30) days of monthly billing date.

\*\*Non-clearing firm members' proprietary transactions are eligible for the "firm" rate based upon submission of a PHLX rebate request form with supportive documentation within thirty (30) days of invoice date.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The purpose of the proposed rule change is to raise revenue for the Exchange. In addition, there are certain costs associated with the calculation of underlying index values. Because BKX<sup>SM</sup>, OSX<sup>SM</sup>, SOX<sup>SM</sup> and XAU<sup>SM</sup> have the highest trading interest and volume of all of the Exchange's Index Options, these Index Options will be assessed a higher Index Option Book Charge than other Index Options.

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>5</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act,<sup>6</sup> in particular, in that it is an equitable allocation of reasonable dues, fees, and other charges among Exchange members.

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

The Exchange does not believe that the proposed rule change will 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 with respect to the proposed rule change.

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

The foregoing rule change establishes or changes a due, fee, or charge imposed by the Exchange and, therefore, has become effective upon filing pursuant to

Section 19(b)(3)(A)(ii) of the Act<sup>7</sup> and Rule 19b-4(f)(2) thereunder.<sup>8</sup> At any time within 60 days of the filing of the 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 purpose of the Act.

## 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

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

<sup>6</sup> 15 U.S.C. 78f(b)(4).

<sup>7</sup> 15 U.S.C. 78(s)(b)(3)(A)(ii).

<sup>8</sup> 17 CFR 240.19b-4(f)(2).

available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-Phlx-2002-80 and should be submitted by January 23, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

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

[FR Doc. 02-33121 Filed 12-31-02; 8:45 am]

BILLING CODE 8010-01-P

## DEPARTMENT OF STATE

[Public Notice 4246]

### 60-Day Notice of Proposed Information Collection: Form DS-2029, Application for Consular Report of Birth Abroad of a Citizen of the United States of America (Includes SS-5); OMB Control Number 1405-0011

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. This process is conducted in accordance with the Paperwork Reduction Act of 1995.

The following summarizes the information collection proposal to be submitted to OMB:

*Type of Request:* Reinstatement of a previously approved collection.

*Originating Office:* CA/OCS, all U.S. Embassies and Consulates abroad.

*Title of Information Collection:* 1405-0011, Application for Consular Report of Birth Abroad of a Citizen of the United States.

*Frequency:* Occasionally.

*Form Number:* DS-2029.

*Respondents:* Parents or legal guardians of American citizen children born overseas.

*Estimated Number of Respondents:* approximately 46,000 per year.

*Average Hours Per Response:* approximately 20 minutes.

*Total Estimated Burden:* 15,333 hours.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed information collection is necessary for

the Proper performance of the functions of the agency.

- Evaluate the accuracy of the agency's estimate of the burden of the proposed 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:**

Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Michael Meszaros, who may be reached on 202-312-9722.

Dated: December 24, 2002.

**Daniel B. Smith,**

*Assistant Secretary, Acting, Bureau of Consular Affairs, Department of State.*

[FR Doc. 02-33124 Filed 12-31-02; 8:45 am]

BILLING CODE 4710-06-P

## DEPARTMENT OF STATE

[Public Notice 4244]

### Culturally Significant Objects Imported for Exhibition Determinations: "Leonardo da Vinci, Master Draftsman"

**AGENCY:** Department of State.

**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 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 objects to be included in the exhibition "Leonardo da Vinci, Master Draftsman," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, NY, from on or about January 21, 2003, to on or about March 30, 2003, 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 objects, 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, SW, Room 700, Washington, DC 20547-0001.

Dated: December 24, 2002.

**Thomas A. Farrell,**

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

[FR Doc. 02-33125 Filed 12-31-02; 8:45 am]

BILLING CODE 4710-08-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Proposed Advisory Circular; Propeller Instructions for Continued Airworthiness

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability of proposed advisory circular and request for comments.

**SUMMARY:** The Federal Aviation Administration (FAA) announces the availability of proposed Advisory Circular (AC) Number 35.4-1, Propeller Instructions for Continued Airworthiness.

**DATES:** Comments must be received on or before February 14, 2003.

**ADDRESSES:** Send all comments on the proposed AC to the Federal Aviation Administration, Attn: Jay Turnberg, Engine and Propeller Standards Staff, ANE-110, 12 New England Executive Park, Burlington, MA 01803-5299.

**FOR FURTHER INFORMATION CONTACT:** Jay Turnberg, Engine and Propeller Standards Staff, ANE-110, at the above address; telephone: (781) 238-7116; fax: (781) 238-7199; e-mail: [jay.turnberg@faa.gov](mailto:jay.turnberg@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

A copy of the subject AC may be obtained by contacting the person named under **FOR FURTHER INFORMATION CONTACT** or by downloading the proposed AC from the following Internet Web site: <http://www.airweb.faa.gov/rgl>. The FAA invites interested parties to comment on the proposed AC. Comments should identify the subject of the AC and be submitted to the individual identified under **FOR FURTHER INFORMATION CONTACT**. The FAA will consider all

<sup>9</sup> 17 CFR 200.30-3(a)(12).