

interface with AUTOM ("ROT Access System") on November 11, 2002.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with section 6 of the Act<sup>5</sup> in general, and with section 6(b)(5) of the Act<sup>6</sup> in particular, in that it is designed to perfect the mechanism of a free and open market and the national market system, protect investors and the public interest and promote just and equitable principles of trade.

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

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

### *C. Self-Regulatory Organization's Statement on Comments to 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

Because the proposal effects a change in an existing order-entry or trading system of the Exchange that (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not have the effect of limiting the access to or availability of the system, it has become effective pursuant to section 19(b)(3)(A) of the Act<sup>7</sup> and subparagraph (f)(5) of rule 19b-4<sup>8</sup> thereunder. 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 purposes 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, N.W., 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 Exchange. All submissions should refer to File No. SR-Phlx-2002-74 and should be submitted by December 16, 2002.

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

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 02-29871 Filed 11-22-02; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-46841; File No. SR-Phlx-2001-104]

### **Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 Thereto, and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 2 Thereto, by the Philadelphia Stock Exchange, Inc. Relating to Clerks on the Exchange's Options Floor**

November 15, 2002.

On December 18, 2001, the Philadelphia Stock Exchange, Inc. ("Phlx") 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<sup>2</sup> thereunder, a proposal to adopt Phlx Rule 1090, Clerks, to define and set forth permitted and prohibited activities of Clerks on the Exchange's Options Floor. On June 27, 2002, the Phlx submitted Amendment No. 1 to the proposed rule change.<sup>3</sup> On October 25, 2002, the Phlx submitted Amendment No. 2 to the proposed rule change.<sup>4</sup> On September

25, 2002, notice of the proposed rule change and Amendment No. 1 was published thereto in the **Federal Register**.<sup>5</sup> The Commission received no comments on the proposal. This order approves the proposed rule change and Amendment No. 1, accelerates approval of Amendment No. 2, and solicits comment from interested persons on Amendment No. 2.

The Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>6</sup> In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act<sup>7</sup> which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The Commission believes that the proposed rule change should provide guidance as to the roles and responsibilities of Clerks on the Exchange's Options Floor and should clarify the types of activities in which Clerks may and may not engage. As a result, the Commission believes that the proposed rule change should assist the Exchange in its surveillance for potential violation of Exchange rules.

The Commission finds good cause for approving Amendment No. 2 prior to the 30th day after publication of notice of filing. The Commission notes that Amendment No. 2 makes only a clarification to the proposed rule text.<sup>8</sup> Accordingly, the Commission believes that there is good cause consistent with Section 19(b)(2) of the Act<sup>9</sup> to approve Amendment No. 2 to the proposed rule change on an accelerated basis.

### **Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 2 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission,

Commission, dated October 25, 2002 ("Amendment No. 2"). In Amendment No. 2, Phlx replaces the word "person" with the word "Clerk" in proposed Commentaries .01 and .02 to proposed Phlx Rule 1090.

<sup>5</sup> See Securities Exchange Act Release No. 46505 (September 17, 2002), 67 FR 60273.

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

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> See *supra* note 4.

<sup>9</sup> 15 U.S.C. 78f(b)(5) and 78s(b)(2).

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

<sup>6</sup> 15 U.S.C. 78f(b)(5).

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

<sup>8</sup> 17 CFR 240.19b-4(f)(5)

<sup>9</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 S. Rudolph, Director and Counsel, Phlx, to Nancy J. Sanow, Assistant Director, Division of Market Regulation ("Division"), Commission, dated June 26, 2002 ("Amendment No. 1").

<sup>4</sup> See letter from Richard S. Rudolph, Director and Counsel, Phlx, to Frank Genco, Division,

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 the filing will also be available for inspection and copying at the principal offices of the Phlx. All submissions should refer to File No. SR-Phlx-2001-104 and should be submitted by December 16, 2002.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>10</sup> that the proposed rule change, as amended, (SR-Phlx-2001-104) is approved.

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

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 02-29872 Filed 11-22-02; 8:45 am]

**BILLING CODE 8010-01-P**

**SMALL BUSINESS ADMINISTRATION**

**Reporting and Recordkeeping Requirements Under OMB Review**

**AGENCY:** Small Business Administration.

**ACTION:** Notice of reporting requirements submitted for OMB review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

**DATES:** Submit comments on or before December 26, 2002. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

**COPIES:** Request for clearance (OMB 83-1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

**ADDRESSES:** Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White,

Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline White, Agency Clearance Officer, (202) 205-7044.

**SUPPLEMENTARY INFORMATION:**  
*Title:* Secondary Market Assignment and Disclosure Form.  
*No.:* 1088.

*Frequency:* On occasion.  
*Description of Respondents:* Secondary market participants.  
*Responses:* 5,000.  
*Annual Burden:* 7,500.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 02-29851 Filed 11-22-02; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**Reporting and Recordkeeping Requirements Under OMB Review**

**AGENCY:** Small Business Administration.

**ACTION:** Notice of reporting requirements submitted for OMB review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

**DATES:** Submit comments on or before December 26, 2002. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

**COPIES:** Request for clearance (OMB 83-1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

**ADDRESSES:** Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Officer for Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline White, Agency Clearance Officer, (202) 205-7044.

**SUPPLEMENTARY INFORMATION:**

*Title:* Prime Contracts Program Quarterly Report Part A and B.

*No's:* 843A & 843B.

*Frequency:* On occasion.

*Description of Respondents:*

Procurement center representatives.

*Responses:* 63.

*Annual Burden:* 1020.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 02-29852 Filed 11-22-02; 8:45 am]

**BILLING CODE 8025-01-M**

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3467]**

**State of Ohio**

As a result of the President's major disaster declaration on November 18, 2002, I find that Hancock, Ottawa, Paulding, Putnam, Seneca and Van Wert Counties in the State of Ohio constitute a disaster area due to damages caused by severe storms and tornadoes occurring on November 10, 2002. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on January 17, 2003 and for economic injury until the close of business on August 18, 2003 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Allen, Auglaize, Crawford, Defiance, Hardin, Henry, Huron, Lucas, Mercer, Sandusky, Wood and Wyandot in the State of Ohio; and Adams and Allen counties in the State of Indiana.

The interest rates are:

|  | Percent |
|--|---------|
| For Physical Damage:   |         |
| Homeowners With Credit Available Elsewhere .....   | 5.875   |
| Homeowners Without Credit Available Elsewhere .....  | 2.937   |
| Businesses With Credit Available Elsewhere .....   | 6.648   |
| Businesses and Non-profit Organizations Without Credit Available Elsewhere .....                             | 3.324   |
| Others (Including Non-profit Organizations) With Credit Available Elsewhere .....                            | 5.500   |
| For Economic Injury: Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere ..... | 3.324   |

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

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