

stock option plans will no longer be retained in the Exchange's shareholder approval rules.

Based on these reasons, the Commission has determined that it is consistent with the protection of investors and the public interest that the proposed rule change, which will extend the Pilot through February 28, 2003, or such earlier date as the NYSE's pending rule proposal requiring shareholder approval of equity-compensation plans is approved by the Commission, become operative on December 30, 2002.<sup>27</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 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 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 above-mentioned self-regulatory organization. All submissions should refer to the File No. SR-NYSE-2002-67 and should be submitted by January 21, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>28</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-32922 Filed 12-27-02; 8:45 am]

**BILLING CODE 8010-01-P**

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### SMALL BUSINESS ADMINISTRATION

#### [Declaration of Disaster #3473]

##### State of Alaska; Amendment #1

In accordance with information received from the Federal Emergency Management Agency, the above-numbered declaration is hereby amended to reopen the incident period for this disaster due to additional flooding.

All other information remains the same, *i.e.*, the deadline for filing applications for economic injury is September 4, 2003.

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

Dated: December 23, 2002.

**Allan I. Hoberman,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 02-32931 Filed 12-27-02; 8:45 am]

**BILLING CODE 8025-01-P**

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### SMALL BUSINESS ADMINISTRATION

#### [Declaration of Disaster #3467]

##### State of Ohio; Amendment #2

In accordance with a notice received from the Federal Emergency Management Agency, dated December 20, 2002, the above numbered declaration is hereby amended to include Ashland, Auglaize, Coshocton, Franklin, Henry, Huron, Lorain, Medina, Sandusky, Union, Wayne, and Wood Counties in the State of Ohio as a disaster area due to damages caused by severe storms and tornadoes occurring on November 10, 2002.

In addition, applications for economic injury loans from small businesses located in Champaign, Darke, Delaware, Erie, Fairfield, Fulton, Guernsey, Holmes, Knox, Licking, Logan, Madison, Marion, Muskingum, Pickaway, Richland, Shelby, Tuscarawas, and Williams Counties in the State of Ohio may be filed until the specified date at the previously designated location. All other counties contiguous to the above named primary counties have been previously declared.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is January 17, 2003, and for economic injury the deadline is August 18, 2003.

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

Dated: December 23, 2002.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 02-32932 Filed 12-27-02; 8:45 am]

**BILLING CODE 8025-01-P**

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### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

#### Identification of Countries Under Section 182 of the Trade Act of 1974: Request for Public Comment

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for written submissions from the public.

**SUMMARY:** Section 182 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2242), requires the United States Trade Representatives (USTR) to identify countries that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. (Section 182 is commonly referred to as the "Special 301" provisions in the trade act.) In addition, the USTR is required to determine which of these countries should be identified as Priority Foreign Countries. Acts, policies or practices which are basis of a country's identification as a priority foreign country are normally the subject of an investigation under the Section 301 provisions of the trade act. Section 182 of the Trade Act contains a special rule for the identification of actions by Canada affecting United States cultural industries.

USTR requests written submissions from the public concerning foreign countries' acts, policies, and practices that are relevant to the decision whether particular trading partners should be identified under Section 182 of the Trade Act.

**DATES:** Submissions must be received on or before 12 noon on Friday, February 14, 2003.

**ADDRESSES:** *fr0061@ustr.gov.*

**FOR FURTHER INFORMATION CONTACT:** Kira Alvarez, Director for Intellectual Property (202) 395-6864, Office of the United States Trade Representative; Victoria Espinel or Danial Mullaney, Assistant General Counsels (202) 395-

<sup>27</sup> For purposes only of accelerating the operative date of this proposal, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>28</sup> 17 CFR 200.30-3(a)(12).

7305, Office of the United States Trade Representative.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 182 of the Trade Act, the USTR must identify those countries that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. Those countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies or practices have the greatest adverse impact (actual or potential) on relevant U.S. products are to be identified as Priority Foreign Countries. Acts, policies or practices that are the basis of a country's designation as a Priority Foreign Country are normally the subject of an investigation under the Section 301 provisions of the Trade Act.

USTR may not identify a country as a Priority Foreign Country if it is entering into good faith negotiations, or making significant progress in bilateral or multilateral negotiations, to provide adequate and effective protection of intellectual property rights.

In identifying countries that deny adequate and effective protection of intellectual property rights in 2002, USTR will continue to pay special attention to other countries' efforts to reduce piracy of optional media (music CDs, video CDs, CD-ROMs, and DVDs) and prevent unauthorized government use of computer software. USTR will also focus on countries' compliance with their TRIPS obligations, which came due on January 1, 2000.

Section 182 contains a special rule regarding actions of Canada affecting United States cultural industries. The USTR is obligated to identify any act, policy or practice of Canada which affects cultural industries, is adopted or expanded after December 17, 1992, and is actionable under Article 2106 of the North American Free Trade Agreement (NAFTA). Any such act, policy or practice so identified shall be treated the same as an act, policy or practice which was the basis for a country's identification as a Priority Foreign Country under section 182(a)(2) of the Trade Act, unless the United States has already taken action pursuant to Article 2106 of the NAFTA.

USTR must make the above-referenced identifications within 30 days after publication of the National Trade Estimate (NTE) report, *i.e.*, no later than April 30, 2003.

#### Requirement for Comments

Comments should include a description of the problems experienced and the effect of the acts, policies and

practices on U.S. industry. Comments should be as detailed as possible and should provide all necessary information for assessing the effect of the acts, policies and practices. Any comments that include quantitative loss claims should be accompanied by the methodology used in calculating such estimated losses. Comments must be in English and provided in twenty copies. A submitter requesting that information contained in a comments be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly marked "business confidential" in a contrasting color ink at the top of each page of each copy. A non-confidential version of the comment must also be provided.

All comments should be sent to Sybia Harrison, Staff Assistant to the section 301 committee, at [fr0061@ustr.gov](mailto:fr0061@ustr.gov), and must be received no later than 12 noon on Friday, February 14, 2003.

#### Public Inspection of Submissions

Within one business day of receipt, non-confidential submissions will be placed in a public file, open for inspection at the USTR reading room, Office of the United States Trade Representative, Annex Building, 1724 F Street, NW., Room 1, Washington, DC. An appointment to review the file may be made by calling Tecola Plowden, (202) 395-6186. The USTR reading room is open to the public from 10 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday.

#### Claude Burcky,

*Acting Assistant USTR for Services, Investment and Intellectual Property.*

[FR Doc. 02-32955 Filed 12-27-02; 8:45 am]

**BILLING CODE 3190-01-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for a Waiver of Compliance

In accordance with Title 49, Code of Federal Regulations (CFR), Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of Federal railroad safety regulations. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

### Atlantic & Western Railway, L.P.

(Docket Number FRA-2002-13808)

Atlantic & Western Railway, L.P., (hereafter "ATW") is a short line railroad managed by Rail Management Corporation operating over approximately 10 miles of track in the vicinity of Sanford, North Carolina. The railroad operates with five (5) full-time employees and handles approximately 1500 cars per year. A two-person switching crew works five days a week, Monday through Friday, 8 a.m. to 5 p.m. The railroad interchanges with CSX Transportation at Sanford, North Carolina and with the Norfolk Southern Corporation at Cumnock, North Carolina.

ATW seeks to petition the Federal Railroad Administration (FRA) for a waiver from the requirements of Federal regulations on behalf of Kinder Morgan, a shipper located on the ATW line. ATW proposes to allow Kinder Morgan the use of its trackage to conduct "trans-loading" switching operations near Cumnock, North Carolina. The operation would entail movements from the Kinder Morgan facility, at approximately mile post 126.5, onto ATW trackage for a distance of approximately .25 miles each way by Kinder Morgan employees. The proposed operational limits would be controlled by Kinder Morgan and protected by the placement of stop signs and derails at each end of the limits. The method of operation on this section of track is yard limits (restricted speed not to exceed 10 mph). ATW crews would be required to stop at the stop sign and request permission from Kinder Morgan to proceed through the limits. ATW indicates it would use this track approximately once per day for interchange purposes with Norfolk Southern Corporation. Kinder Morgan plans to work two shifts per day, seven days per week, at its facility using ATW trackage occasionally.

ATW believes that relief from applicable Federal regulations will make the operations economically feasible for Kinder Morgan and more manageable for ATW's limited staff. ATW further believes that, because of its low volume of traffic and its low operating speed (10 mph), granting the waiver request will not jeopardize the safety of its employees or those of Kinder Morgan.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a