

parties to explain this process, and will endeavor to provide additional information on its website.

At the same time, PCX will notify industry parties in all pending California cases that they must waive the California Standards if the investor agrees to a waiver (or associated person, in the circumstances described above). Industry parties in such cases will be required to execute waiver agreements. However, their failure to do so will not stop the cases from moving forward.<sup>9</sup> An industry party's failure to sign the waiver as required by the proposed rule change will be referred for disciplinary action.

If all parties waive the California Standards as permitted by the proposed Rule change, PCX will immediately commence the arbitrator appointment process using the PCX Rules regarding arbitrator disclosures, and not the California Standards.

PCX requests that this Rule change become effective immediately, for a six-month pilot period. If the outcome of NASD's and NYSE's lawsuit is that the California Standards do not apply to SROs, the waivers will no longer be necessary. Cases that had already been empanelled pursuant to a waiver would continue to conclusion with the existing panel. If the lawsuit has not concluded by the expiration of the initial six-month period, PCX may request an extension.

## 2. Statutory Basis

PCX believes that this proposal is consistent with section 6(b)<sup>10</sup> of the Act, in general, and furthers the objectives of section 6(b)(5),<sup>11</sup> in particular, in that it is designed to facilitate transactions in securities; to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and in general, to protect investors and the public interest. PCX believes that expediting the appointment of arbitrators under the proposed waiver, at the request of customers and associated persons with

claims of statutory employment discrimination, will allow those parties to exercise their contractual rights to proceed in arbitration in California, notwithstanding the confusion and uncertainty caused by the California Standards.

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

PCX does not believe that the proposed rule change will impose 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 on the proposed rule change were neither solicited nor received.

## III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 PCX. All submissions should refer to File No. SR-PCX-2002-71 and should be submitted by December 20, 2002.

## IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6 of the Act.<sup>12</sup> Specifically, the Commission finds that the proposal is consistent

with section 6(b)(5) of the Act, which requires that the rules of a national securities exchange be designed to promote just and equitable principles of trade, as well as to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.<sup>13</sup> The Commission further finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice thereof in the **Federal Register**. Accelerated approval is necessary to protect investors in that the rules are designed to help address the backlog of cases created by the confusion over the new California Standards, are designed to provide them with a mechanism to help resolve their disputes with broker-dealers in a more expedited manner, and are designed to help ensure the certainty and finality of arbitration awards. Additionally, the proposed rule change will become effective as a pilot program for six months, from November 21, 2002 to May 22, 2003, during which time the Commission and the Exchange will monitor the status of the previously discussed litigation.

## V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>14</sup> that the proposed rule change (SR-PCX-2002-71) is hereby approved on an accelerated basis through May 22, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

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

[FR Doc. 02-30197 Filed 11-27-02; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-46874; File No. SR-Phlx-2002-64]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Change the Exchange's Calculation of Transaction Charges From a Value-Based System to a Share-Based System

November 21, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934

<sup>9</sup>In these situations, PCX will treat the industry parties as having waived the California standards. Telephone conversation between Peter Bloom, Director of Policy Development, PCX, and Andrew Shipe, Division of Market Regulation, SEC, November 21, 2002.

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

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

<sup>12</sup>In approving the proposal, the Commission has considered the rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>13</sup> 15 U.S.C. 78f(b)(5).

<sup>14</sup> 15 U.S.C. 78s(b)(2).

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

("Act"),<sup>1</sup> and rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on October 24, 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, II, and III below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the Phlx under section 19(b)(3)(A)(ii) of the Act,<sup>3</sup> which renders the proposal effective upon filing with the Commission. 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 Phlx proposes to amend its schedule of dues, fees and charges to change its current equity value transaction charge from a transaction value-based method to a share-based method. Equity transaction charges will be assessed on a sliding scale in relation to how many shares are traded per transaction, as opposed to the total value of the transaction. The proposed equity per share transaction charge will continue to exclude specialist trades and PACE trades, and will continue to be subject to a \$50 maximum fee per trade side.<sup>4</sup> The Exchange intends to implement the equity per share transaction charge for transactions settling on or after November 1, 2002.<sup>5</sup>

The text of the proposed rule change is below. Proposed new language is in italics; proposed deletions are in brackets.

**EQUITY TRANSACTION VALUE CHARGE I**

[Based on total value of monthly transactions with the exception of specialist trades and PACE trades.]

[Monthly transaction value	Rate per \$1,000]
[0—25mm	\$0.14]
[25mm—100mm	0.12]

<sup>1</sup> 15 U.S.C. 78s(b)(1).  
<sup>2</sup> 17 CFR 240.19b-4.  
<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).  
<sup>4</sup> PACE is the acronym for the Phlx's Automated Communication and Execution System. It is the Phlx's order routing, delivery, execution and reporting system for its equity trading floor. See Phlx Rule 229.  
<sup>5</sup> This fee will continue to 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-2002-32).

[Monthly transaction value	Rate per \$1,000]
[100mm—250mm	0.10]
[250mm—500mm	0.05]
[500mm and over	0.015]

*Based on total shares per transaction with the exception of specialist trades and PACE trades.*

Transaction fee	Rate per share
First 500 shares	\$0.00
Next 2,000 shares	0.0075
Next 7,500 shares	0.005
Remaining shares	0.004
\$50 maximum fee per trade side.	
* * * * *	

**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 IV 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 change the Phlx's calculation of transaction charges from a value-based system to a share-based system in order to simplify the Phlx's transaction fee schedule. The Exchange believes a share-based system is easier for a member organization or a member to calculate current, and predict future, costs associated with these transactions. In addition, other exchanges use a share-based system.<sup>6</sup>

**2. Statutory Basis**

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act<sup>7</sup> in general, and furthers the objectives of section 6(b)(4)<sup>8</sup> in particular, in that it provides for the equitable allocation of reasonable

<sup>6</sup> See Securities Exchange Act Release Nos. 36753 (January 22, 1996), 61 FR 2851 (January 29, 1996)(SR-CHX-95-30); and 43664 (December 4, 2000), 65 FR 77952 (December 13, 2000)(SR-NYSE-2000-50).  
<sup>7</sup> 15 U.S.C. 78f(b).  
<sup>8</sup> 15 U.S.C. 78f(b)(4).

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 proposed rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act<sup>9</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder,<sup>10</sup> because it involves a due, fee, or other charge. 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 proposal 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 Exchange. All submissions should refer to file number SR-Phlx-2002-64, and should be submitted by December 20, 2002.

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(ii).  
<sup>10</sup> 17 CFR 240.19b-4(f)(2).

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

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-30196 Filed 11-27-02; 8:45 am]

BILLING CODE 8010-01-P

## SMALL BUSINESS ADMINISTRATION

### User Input to the Procurement Executive Council Socio-Economic Subcommittee

**AGENCY:** Small Business Administration, Interagency Committee on Subcontract Reporting.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Subcontract Reporting Subcommittee of the Socio-Economic Committee of the Procurement Executive Council will hold an Industry Forum on December 16, 2002, at 10 a.m. to 1 p.m. hosted by the Small Business Administration at 409 Third Street, SW., Washington, DC 20416 in the Eisenhower Conference Room. The purpose of the forum is to demonstrate an existing government-owned internet-based electronic reporting system, describe anticipated enhancements necessary to implement government-wide electronic subcontract reporting, and obtain comments from potential industry users. Potential users are other than small businesses required to submit subcontract reports pursuant to Federal Acquisition Regulation 52.219-9. Space is limited so seating is on a first-come basis. Those planning to attend should register at: [SpecialMeeting@sba.gov](mailto:SpecialMeeting@sba.gov).

**DETAILS:** December 16, 2002; Small Business Administration, 10 a.m. to 1 p.m. in the Eisenhower Conference Room. The objective of this meeting is to provide an opportunity for industry users to provide input on plans for implementing a government-wide electronic subcontract reporting system.

**DATES:** The meeting will be held at 10 a.m. to 1 p.m. on December 16, 2002.

**ADDRESSES:** The meeting will be held in the Eisenhower Conference Room at the headquarters of the Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

**TO REGISTER SEND E-MAIL TO:**

[SpecialMeeting@sba.gov](mailto:SpecialMeeting@sba.gov). For further information contact: Ms. Sylvia Boulware, Small Business Administration, 409 Third Street, SW., Washington, DC 20416; telephone number (202) 619-0477 or Fax: (202)

481-5735; or Ms. Janas Jackson, same address, telephone number (202) 205-7493; Fax: (202) 481-2390.

### SUPPLEMENTARY INFORMATION:

#### History

In 2002, the Procurement Executive Council's Socio-Economic Committee established the Subcontract Reporting Subcommittee to explore government-wide electronic subcontract reporting as part of the E-Government initiative. The Subcommittee is chaired by the Deputy Director of the Department of Navy's Office of Small and Disadvantaged Business Utilization and includes stakeholders from the Small Business Administration, Department of Defense, Department of Energy (DOE), Department of Health and Human Services, Department of State, and General Services Administration.

The DOE demonstrated its internet-based electronic subcontract reporting system to the Subcommittee. The Subcommittee is considering recommending adoption of the Department of Energy's system with enhancements for government-wide use to satisfy mandatory subcontract reporting requirements by other than small businesses.

This meeting is the industry forum intended to observe a demonstration of the current electronic reporting system, receive a description of planned enhancements, and provide comments regarding the merit and feasibility of adopting such a system for government-wide subcontract reporting.

#### Meeting Procedures

(a) The meeting will be informal in nature and will be conducted by representatives of the Subcontract Reporting Subcommittee.

(b) The meeting will be open to all persons on a space-available basis. Every effort was made to provide a meeting site with sufficient seating capacity for the expected participation. There will be neither admission fee nor other charge to attend and participate.

(c) DOE personnel present will conduct a demonstration of the current system. Any person will be allowed to ask questions during the demonstration and DOE personnel will clarify any capability of the current system that is not clear.

(d) Other Subcommittee personnel will present a briefing on the specific system enhancements desired. Any person will be allowed to ask questions during the presentation and Subcommittee personnel will clarify any part of the presentation that is not clear.

(e) Any person present may give feedback on the merit and feasibility of the desired enhancements presented. Feedback on the proposed product will be captured through discussion between Subcommittee personnel and any persons attending the meeting. The meeting will not be formally recorded. However, informal tape recordings may be made of the presentations to ensure that each respondent's comments are noted accurately.

(f) An official verbatim transcript or minutes of the informal meeting will not be made. However, a list of the attendees and a digest of discussions during the meeting will be produced. Any person attending may receive a copy of the written information upon request to the information contact, above.

(g) Every reasonable effort will be made to hear each person's feedback consistent with a reasonable closing time for the meeting. Written feedback may also be submitted to Subcommittee personnel for up to 14 days after the close of the meeting.

#### Agenda

(a) Opening Remarks and Discussion of Meeting Procedures.

(b) Demonstration of DOE Subcontract Reporting System.

(c) Briefing on Desired System Enhancements.

(d) Request for User Input.

(e) Closing Comments.

**Linda G. Williams,**

*Associate Administrator for Government Contracting, Small Business Administration.*

[FR Doc. 02-30302 Filed 11-27-02; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF STATE

### Office of the Secretary

[Public Notice 4212]

### Extension of the Restriction on the Use of United States Passports for Travel to, in, or Through Libya

On December 11, 1981, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.73 (a) (3), all United States passports were declared invalid for travel to, in, or through Libya unless specifically validated for such travel. This restriction has been renewed yearly because of the unsettled relations between the United States and the Government of Libya and the possibility of hostile acts against Americans in Libya. The American Embassy in Tripoli

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