

## 2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with section 6(b) of the Act<sup>9</sup> in general and furthers the objectives of Section 6(b)(5)<sup>10</sup> in particular in that it is designed 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, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers. By adopting the proposed exemption, the Exchange avoids burdening specialists with the obligation to fill an order in circumstances where an external event triggered the execution obligation and the specialist could not access trading at that price.

### *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 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 constitutes a stated policy, practice or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange and therefore, has become effective pursuant to section 19(b)(3)(A)(i) of the Act<sup>11</sup> and subparagraph (f)(1) of Rule 19b-4 thereunder.<sup>12</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.

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(5).

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A)(i).

<sup>12</sup> 17 CFR 240.19b-4(f)(1).

## 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 Phlx. All submissions should refer to File No. SR-Phlx-2002-48 and should be submitted by October 8, 2002.

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

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-23533 Filed 9-16-02; 8:45 am]

**BILLING CODE 8010-01-P**

## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster #3440]

#### State of Wisconsin

As a result of the President's major disaster declaration on September 10, 2002, I find that Barron, Burnett, Chippewa, Clark, Dunn, Langlade, Lincoln, Marathon, Polk, Portage, Price, Rusk, Sawyer, Shawano, St. Croix, Taylor, Washburn, Waupaca and Wood Counties in the State of Wisconsin constitute a disaster area due to damages caused by severe storms, tornadoes and flooding occurring on September 2, 2002. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 12, 2002 and for economic injury until the close of business on June 10, 2003 at the address listed below or other locally announced locations: Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

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

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: Adams, Ashland, Bayfield, Brown, Douglas, Eau Claire, Forest, Iron, Jackson, Juneau, Menominee, Oconto, Oneida, Outagamie, Pepin, Pierce, Vilas, Waushara and Winnebago in the State of Wisconsin; Chisago, Pine and Washington counties in the State of Minnesota.

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 344011. For economic injury the number is 9R5100 for Wisconsin; and 9R5200 for Minnesota.

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

Dated: September 11, 2002.

**Allan I. Hoberman,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 02-23598 Filed 9-16-02; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF STATE

### [Public Notice 4122]

#### **Determination Related to Colombian Armed Forces Under Section 567(a)(1) of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations, 2002 (Pub. L. 107-115)**

Pursuant to the authority vested in me as Secretary of State, including under section 567 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law. 107-115) (the "FOAA"), I hereby determine and certify that: (A) "[t]he Commander General of the Colombian Armed Forces

is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups;" (B) "[t]he Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities (including providing requested information, such as the identity of the persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses and relevant military documents and other information), in prosecuting and punishing in civilian courts those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups;" and (C) "[t]he Colombian Armed Forces are taking effective measures to sever links (including by denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary groups, and to execute outstanding orders for capture for members of such groups." The Department of State has consulted with internationally recognized human rights organizations regarding the Colombian Armed Forces' progress in meeting the conditions contained in section 567(a)(1).

This Determination shall be published in the **Federal Register** and copies shall be transmitted to the appropriate committees of Congress.

Dated: September 9, 2002.

**Richard L. Armitage,**

*Deputy Secretary of State, Department of State.*

[FR Doc. 02-23623 Filed 9-16-02; 8:45 am]

**BILLING CODE 4710-29-P**

## DEPARTMENT OF STATE

[Public Notice 4123]

### Determination on Provision of Assistance in Support of the South African Special Protection Unit in Burundi To Help Advance the Burundi Peace Process

Pursuant to the authority vested in me as Secretary of State by the laws and Constitution of the United States, including by section 451 of the Foreign Assistance Act of 1961, as amended, (the "Act") (22 U.S.C. 2261) and section 1-100 of Executive Order 12163, as

amended, I hereby authorize, notwithstanding any other provision of law, the use of up to \$5.0 million in FY 2002 Peacekeeping Operations (PKO) funds made available under Chapter 6 of Part II of the Act, in order to provide assistance authorized by Part I of the Act to support the South African Special Protection Unit to help protect returning opposition leaders participating in the Transitional Government inaugurated in Burundi on November 1, 2001.

This Determination shall be reported to Congress promptly and published in the **Federal Register**.

Dated: September 9, 2002.

**Colin L. Powell,**

*Secretary of State, Department of State.*

[FR Doc. 02-23624 Filed 9-16-02; 8:45 am]

**BILLING CODE 4710-26-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Advisory Circular 23-17A, Systems and Equipment Guide for Certification of Part 23 Airplanes

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

**ACTION:** Notice of issuance and availability.

**SUMMARY:** Advisory Circular (AC) 23-17A, Systems and Equipment Guide for Certification of Part 23 Airplanes provides information and guidance concerning acceptable means, but not the only means of compliance with Title 14 of the Code of Federal Regulations (14 CFR) part 23, subpart D from 23.671 and subpart F, applicable to the systems and equipment installation in normal, utility, acrobatic, and commuter category airplanes. The AC consolidates existing policy documents, and certain AC's that cover specific paragraphs of the regulations, into a single document and adds new guidance. Material in the AC is neither mandatory nor regulatory in nature and does not constitute a regulation.

**DATES:** AC 23-17A was issued by the Small Airplane Directorate, Aircraft Certification Service, on June 27, 2002.

**How to Order:** A copy of AC 23-17A may be purchased from the Superintendent of Documents, Post Office Box 371954, Pittsburgh, PA 15250-7954, or from any of the Government Printing Offices located in major cities throughout the United States. Identify the publication as AC 23-17A, Systems and Equipment Guide for Certification of Part 23 Airplanes,

Stock Number 050-007-01332-9. The cost is \$34.00 per copy for orders mailed within the U.S. and \$44.50 for orders mailed outside of the U.S. Send a check or money order, made payable to Superintendent of Documents, with your request. No c.o.d. orders are accepted. Also, the AC is available on the internet either at [http://www.faa.gov/certification/aircraft/small\\_airplane\\_directorate\\_advisory.htm](http://www.faa.gov/certification/aircraft/small_airplane_directorate_advisory.htm) or at [http://www.faa.gov/certification/aircraft/air\\_index.htm](http://www.faa.gov/certification/aircraft/air_index.htm), then click on "Advisory Circulars" in the left hand frame.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pat Nininger, Standards Office, Small Airplane Directorate, Aircraft Certification Service, Kansas City, Missouri 64106, telephone (816) 329-4129, fax (816) 329-4090.

Issued in Kansas City, Missouri, on August 28, 2002.

**David R. Showers,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 02-23615 Filed 9-16-02; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice for a Change in Use of Aeronautical Property and Manchester Airport, Manchester, NH

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

**ACTION:** Request for public comments.

**SUMMARY:** The FAA is requesting public comment on the City of Manchester, New Hampshire's request to change a portion (10.463 acres) of Airport property from aeronautical use to non-aeronautical use. The property is located at 80-84 Harvey Road (Tax Map 14, Lot 19-1) is currently vacant. The United States Army Reserve will use the property for storage of vehicles and heavy equipment. The property was acquired under FAA Project No. 9-27-0018-C605. In exchange for the subject property, the City of Manchester, New Hampshire will receive a parcel of land of equal value needed for Airport development.

**DATES:** Comments must be received on or before October 17, 2002.

**ADDRESSES:** Documents are available for review by appointment by contacting Mr. Richard Fixler, Assistant Airport Manager, Engineering & Planning at Manchester Airport, One Airport Road, Manchester, New Hampshire 03103, Telephone 603-624-6539 or Donna R.