

Federal Register on May 5, 2003.⁸ The Commission received one comment on the proposal.⁹

On May 30, 2003, Phlx submitted Amendment No. 3 to the proposed rule change.¹⁰ Amendment No. 3 replaces Amendments No. 1 and 2 in their entirety.¹¹ This order approves the proposed rule change, and grants accelerated approval to Amendment No. 3. The Commission also solicits comment from interested persons on Amendment No. 3.

Pursuant to the Original Filing, Phlx proposed to charge Exchange members for orders for the principal account of market makers sent to the Exchange through the Linkage from the floor of another exchange ("P Orders") \$.35 per contract executed. In the Original Filing, Phlx stated that its proposed linkage fees were consistent with other fees charged by the Exchange for non-Linkage orders. In Amendment No. 2, Phlx explained that it had amended its fee schedule on April 11, 2003 to modify the fees applicable to broker/dealers for non-AUTO-X trades.¹² Previously, such fee was \$.35 per contract. Now, the fee ranges from \$.35 per contract to \$.20 per contract, depending on the number of contracts.¹³ In Amendment No. 2, Phlx clarified that due to this recent change, the proposed Linkage fee for P Orders would no longer be consistent with other fees charged by the Exchange for non-Linkage orders.

In the ISE Comment Letter, ISE argued that by charging more for Linkage access than for access through regular order-routing systems, the Phlx would be imposing inappropriate barriers to members of other exchanges.¹⁴ ISE also explained that the general consensus and understanding of the parties to the plan implementing the Linkage was that Linkage fees would be no greater than fees charged to professional traders

outside of Linkage and that the other four exchanges have proposed, and the Commission has approved, such limited fees for the other options exchanges.¹⁵ ISE further argued, "Phlx is the only exchange proposing to discourage use of the Linkage through its fee schedule. This will require members on the other exchanges to pay a premium for access to the efficiencies of Linkage," and would "result in 'unfair discrimination' on broker-dealer access."

In Amendment No. 3, Phlx proposes to amend its fee schedule to provide that P Orders would be subject to the same fees as non-Linkage non-AUTO-X broker-dealer orders. Therefore, the proposed fee for P Orders ranges from \$.35 per contract to \$.20 per contract, depending on the number of contracts.¹⁶ Phlx proposes that the fees applicable to P Orders would be implemented as a pilot, expiring on January 31, 2004.

The Commission finds that the proposed rule change, as amended by Amendment No. 3, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange¹⁷ and, in particular, the requirements of Section 6 of the Act.¹⁸ The Commission finds that the proposed rule change, as amended by Amendment No. 3, is consistent with Section 6(b)(4) of the Act,¹⁹ which requires that the rules of an exchange provide equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Commission believes the pilot will give the Exchange and the Commission the opportunity to evaluate whether these fees are appropriate.

The Commission finds good cause, consistent with Section 19(b)(2) of the Act,²⁰ to approve Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission notes that the issues addressed in the comment letter received in response to

Amendment No. 2 related to Phlx's proposal to charge higher fees for Linkage orders than for non-Linkage orders. In Amendment No. 3, Phlx revises its proposal to provide for fees for Linkage orders that would be consistent with fees for non-Linkage orders. Accordingly, the Commission believes good cause exists, pursuant to Sections 6(b)(5) and 19(b) of the Act²¹ to accelerate approval of Amendment No. 3 to the proposed rule change.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 3, including whether it 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-2003-16 and should be submitted by June 27, 2003.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,²² that the proposed rule change (SR-Phlx-2003-16), as amended, is approved on a pilot basis until January 31, 2004, and Amendment No. 3 is also approved on an accelerated basis until January 31, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²³

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 03-14256 Filed 6-5-03; 8:45 am]

BILLING CODE 8010-01-P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

²¹ 15 U.S.C. 78f(b)(5) and 15 U.S.C. 78s(b).

²² 15 U.S.C. 78s(b)(2).

²³ 17 CFR 200.30-3(a)(12).

⁸ See Securities Exchange Act Release No. 47750 (April 28, 2003), 68 FR 23789.

⁹ See letter from Michael J. Simon, Senior Vice President and Secretary, International Securities Exchange, to Jonathan G. Katz, Secretary, Commission, dated May 27, 2003 ("ISE Comment Letter").

¹⁰ See letter from Richard S. Rudolph, Director and Counsel, Phlx to Jennifer Lewis, Attorney, Division, Commission, dated May 29, 2003.

¹¹ Telephone call between Richard S. Rudolph, Director and Counsel, Phlx, and Jennifer Lewis, Special Counsel, Division, Commission, on May 30, 2003.

¹² See Securities Exchange Act Release No. 47715 (April 23, 2003), 68 FR 22446 (April 28, 2003).

¹³ The fee is \$.35 per contract for up to 2,000 contracts, \$.25 per contract for between 2,001 and 3,000 contracts; and \$.20 per contract above 3,001 contracts (with the first 3,000 contracts charged \$.25 per contract).

¹⁴ See ISE Comment Letter, *supra* note 9.

¹⁵ See Securities Exchange Act Release Nos. 47719 (April 23, 2003), 68 FR 22764 (April 29, 2003) (File No. SR-ISE-2003-11); 47822 (May 9, 2003), 68 FR 27115 (May 19, 2003) (File No. SR-Amex-2003-14); 47761 (April 29, 2003), 68 FR 24042 (May 6, 2003) (File No. SR-CBOE-2003-11); and 47786 (May 2, 2003), 68 FR 24779 (May 8, 2003) (File No. SR-PCX-2003-08).

¹⁶ See *supra*, note 13.

¹⁷ In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁸ 15 U.S.C. 78f.

¹⁹ 15 U.S.C. 78f(b)(4).

²⁰ 15 U.S.C. 78s(b)(2).

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before August 5, 2003.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Stephen Kucharski, Financial Assistance Specialist, Office of Financial Assistance, Small Business Administration, 409 3rd Street, SW., Suite 8300, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Stephen Kucharski, Financial Assistance Specialist, 202-205-7551 or Curtis B. Rich, Management Analyst, 202-205-7030.

SUPPLEMENTARY INFORMATION:

Title: "SBAExpress Data Collection; Eligibility Information Required for SBAExpress Submission, SBAExpress Loan Number Request (Parts A & B), PLP/SBAExpress Servicing Checklist, SBA Express & Community Express Borrower Information Form, SBA Express Authorization and Supplementary Loan Guarantee Agreement."

Form Nos.: 1918, 1919, 1920, 2091, 2092, 2232.

Description of Respondents: Participating Lending Institutions with an active lending agreement.

Annual Responses: 20,000.

Annual Burden: 20,000.

Jacqueline White,

Chief, Administrative Information Branch.

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SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before August 5, 2003.

ADDRESSES: Send all comments regarding whether this information

collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Jill Baker, Director of Research, National Women's Business Council, Small Business Administration, 409 3rd Street, SW., 2nd Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Jill Baker, Director of Research, 202-205-6826 or Curtis B. Rich, Management Analyst, 202-205-7030.

SUPPLEMENTARY INFORMATION:

Title: "Alternate Sources of Capital for Women Business Owners."

Form No.: N/A.

Description of Respondents: Women who have completed loan applications with Count Me In, an on-line micro-lender.

Annual Responses: 500.

Annual Burden: 79.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 03-14299 Filed 6-5-03; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF STATE

[Public Notice No. 4350]

Secretary of State's Advisory Committee on Private International Law: Study Group on International Jurisdiction and Judgments; Notice of Meeting

There will be a public meeting of the Study Group on International Jurisdiction and Judgments of the Secretary of State's Advisory Committee on Private International Law, on Monday June 16, from 9 a.m. to 12:30 p.m. at 1300 I Street, NW., Suite 400 West, Washington DC. Registration will be from 9 to 9:30 a.m., with the business meeting beginning promptly at 9:30 a.m.

The Hague Conference on Private International Law has prepared a new draft of a convention on jurisdiction and the enforcement of judgments that would apply only to cases in which business and commercial parties have chosen a forum in their contract. The draft convention would provide for the enforceability of such choice of court agreements and the enforceability of judgments resulting from courts designated in such agreements.

The Department of State has been asked to inform the Hague Conference by early July whether the United States would support convening international negotiations on the basis of the new draft business-business choice of court

convention. It would mean putting aside the more wide-ranging draft convention on jurisdiction and the enforcement of judgments that has been the subject of negotiations at the Hague Conference for more than a decade.

The purpose of the meeting is to hear the views of the private sector on the draft choice of court convention and the possibility of initiating a new round of negotiations on the basis of this text. A copy of the new draft and other documents relevant to the project may be found on the Web site of the Hague Conference (www.hcch.net), or may be requested from Cherise Reid, Office of the Legal Adviser, telephone 202-776-8420, e-mail reidcherised@ms.state.gov.

The Advisory Committee meeting is open to the public up to the capacity of the meeting room. Interested persons are invited to attend and to express their views. Persons who wish to have their views considered may also submit written comments. Written comments should be submitted by e-mail to Jeffrey Kovar at kovarj@ms.state.gov. All comments received will be made available to the public by request to Mr. Kovar via e-mail or by telephone (202-776-8342).

Persons interested in attending the meeting should inform Aaliya K. Bokhari. Interested persons should provide name, affiliation, postal and e-mail addresses, and telephone/telefax numbers to Ms. Bokhari by phone (202-515-2431), fax (202-289-7983) or e-mail (aaliya.k.bokhari@verizon.com), no later than 3 p.m. on Friday June 13. Persons desiring to participate by teleconference should so inform Ms. Bokhari, who will provide call-in information.

Jeffrey D. Kovar,

Assistant Legal Adviser for Private International Law, U.S. Department of State.

[FR Doc. 03-14308 Filed 6-5-03; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket OST-02-11658]

Application of Línea Aérea Puertorriqueña, Inc. for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2003-5-37) Docket OST-02-11658.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should