corresponding imposition of the $1.00 fee on various transactions in QQQ options, should promote just and
equitable principles to trade, remove impediments to and perfect the
mechanism of a free and open market, and protect investors and public interest
by attracting more order flow to the Phlx, which should result in increased
liquidity, tighter markets, and more competition among exchange members.

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

The Phlx neither solicited nor
received any written comments on this
proposal.

III. Date of Effectiveness of
the Proposed Rule Change and Timing for
Commission Action

Because the Phlx has designated the
proposed rule change as a fee change pursuant to Section 19(b)(3)(A)8 of the
Act and Rule 19b–4(f)(2),9 the proposal has become effective upon filing
with the Commission.10 At any time within
60 days of the filing of the proposed rule
change, the Commission may summarily
abrogate the 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 Phlx. All
submissions should refer to File No.
SR–Phlx–2001–43 and should be

For the Commission, by the Division of
Market Regulation, pursuant to delegated
authority:11
Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 01–11475 Filed 5–7–01; 8:45 am]
BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Applicant No. 99000444]

First Capital Group of Texas III, L.P.;
Notice Seeking Exemption Under
Section 312 of the Small Business
Investment Act, Conflicts of Interest

Notice is hereby given that First
Capital Group of Texas III, L.P., 750 E.
Mulberry, Suite 305, San Antonio,
Texas 78212, an applicant for a Federal
License under the Small Business
Investment Act of 1958, as amended
(“the Act”), in connection with the
financing of a small concern, has sought
an exemption under section 312 of the
Act and section 107.730, Financings
which Constitute Conflicts of Interest of
the Small Business Administration
(“SBA”) rules and regulations (13 CFR
107.730 (2000)). First Capital Group of
Texas III, L.P. proposes to provide
equity/debt security financing to BEI
Group, Inc., 1051 East Nakoma, San
Antonio, Texas 78216. The financing is
contemplated for the purpose of
providing working capital.

The financing is brought within the
purview of Sec. 107.730(a) of the
Regulations because First Capital Group of
Texas II, L.P., an Associate of First
Capital Group of Texas III, L.P.,
currently owns greater than 10 percent of
BEI Group, Inc. and therefore BEI
Group, Inc. is considered an Associate of
First Capital Group of Texas III, L.P.
as defined in Sec. 107.50 of the SBA
Regulations.

Notice is hereby given that any
interested person may submit written
comments on the transaction to the
Associate Administrator for Investment,
U.S. Small Business Administration,
409 Third Street, SW, Washington, DC
20416.


Harry Haskins,
Acting Associate Administrator for
Investment.

[FR Doc. 01–11540 Filed 5–7–01; 8:45 am]
BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaraion of Economic Injury Disaster
##L55]

State of Ohio

Hamilton County and the contiguous
counties of Butler, Clermont and Warren
in the State of Ohio; Dearborn and
Franklin Counties in the State of
Indiana; and Boone, Campbell and
Kenton Counties in the Commonwealth
of Kentucky constitute a disaster area
due to a civil disturbance beginning on
April 9, 2001. Eligible small businesses
and small agricultural cooperatives
without credit available elsewhere may
file applications for economic injury
assistance as a result of this disaster
until the close of business on February
1, 2002 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.

The interest rate for eligible small
businesses and small agricultural
cooperatives is 4 percent.

The number assigned for economic
injury is 9L5500 for the State of Ohio;
9L5600 for the State of Indiana; 9L5700
for the Commonwealth of Kentucky.

(Catalog of Federal Domestic Assistance
Program No. 50002)

Dated: May 1, 2001.

John Whitmore,
Acting Administrator.

[FR Doc. 01–11541 Filed 5–7–01; 8:45 am]
BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 3653]

Culturally Significant Objects Imported
for ExhibitionDeterminations: “Spirit of
An Age: Nineteenth Century Paintings
From the Nationalgalerie, Berlin”

DEPARTMENT: United States Department of
State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following
determinations: Pursuant to
the authority vested in me by the Act of
10 The Phlx has stated that any change to the
category of options to which the payment for order
flow fee applies will be subject of a separate filing
with the Commission pursuant to Section
2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, et seq.), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition “Spirit of an Age: Nineteenth Century Paintings from the Nationalgalerie, Berlin,” imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, DC, from on or about June 10, 2001 to on or about September 3, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619-6981). The address is U.S. Department of State, 5A–44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547-0001.


Helena Kane Finn,
Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 01–11534 Filed 5–7–01; 8:45 am]
BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 3658]

Notice of Proposal To Extend Memorandum of Understanding With Peru

ACTION: Notice.

Pursuant to the authority vested in me under Department of State Delegation of Authority No. 236–2, as amended, and pursuant to 19 U.S.C. 2602(f)(1), I hereby propose extension of the Memorandum of Understanding between the Government of the United States of America and the Government of Peru Concerning the Imposition of Import Restrictions on Archaeological Material from the Prehispanic Cultures and Certain Ethnological Material from the Colonial Period of Peru, signed June 9, 1997. Pursuant to 19 U.S.C. 2602(f)(2), the views and recommendations of the Cultural Property Advisory Committee regarding this proposal will be requested.

A copy of this Memorandum of Understanding, the designated list of restricted categories of material, and related information can be found at the following web site: http://exchanges.state.gov/education/culprop.


Helena Kane Finn,
Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–11666 Filed 5–7–01; 8:45 am]
BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice 3657]

Bureau of Political-Military Affairs; Denial Policy of Munitions Export Licenses to Afghanistan

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that all licenses and other approvals to export or otherwise transfer defense articles or defense services to the territory of Afghanistan under Taliban control will continue to be denied pursuant to section 38 of the Arms Export Control Act (AEC) and in accordance with section 5 of the UN Participation Act (UNPA) and E.O. 12918 and the long standing policy of the United States to deny exports of all defense articles and defense services to Afghanistan.


FOR FURTHER INFORMATION CONTACT: Mary Sweeney, Munitions Control Analyst, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202) 633–2700.

SUPPLEMENTARY INFORMATION: The U.S. has had a policy of denial in place for licenses and other approvals for exports/transfers of defense articles and services to Afghanistan, which is listed in Section 126.1 (see 61 FR 33313). However, a new U.N. Security Council Resolution (UNSCR) mandates an arms embargo against the territory of Afghanistan under Taliban control. This notice hereby informs the public of the U.S. implementation of these prohibitions through this notice, including the continuation of the policy of denial for this territory.

Areas of Afghanistan under control of the Taliban are being used for sheltering and training of terrorists and planning terrorist acts. Also, the Taliban provides a haven for Osama bin Laden. Because of these activities, the United Nations Security Council adopted Resolution 1333 (December 19, 2000). This resolution requires that all States prevent the direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control, by their nationals or from their territories, or using flag vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts of the aforementioned. Also, the resolution requires States to prevent the direct or indirect sale, supply and transfer to the territory of Afghanistan under Taliban control by their nationals or from their territories of technical advice, assistance, or training related to the military activities of the armed personnel under control of the Taliban. The UN arms embargo has limited exceptions for non-lethal military equipment intended solely for humanitarian or protective use if approved in advance by an established Committee of the Security Council.

In accordance with 22 CFR 126.1, the U.S. Government will continue its policy to deny all applications for licenses and other approvals to export or otherwise transfer defense articles and services to Afghanistan, including the territory of Afghanistan under Taliban control. This action also continues to preclude the use in connection with this territory of any exemptions from licensing or other approval (e.g. brokering) requirements available under the International Traffic in Arms Regulations.

Under the terms of UNSCR 1333, the U.N. arms embargo of the territory of Afghanistan under Taliban control will expire on December 19, 2001 unless it is extended by the U.S. Security Council. However, the measures specified in this notice and the policy of denial for Afghanistan will remain in effect until a subsequent notice is published in the Federal Register.

This action has been taken pursuant to Section 38 of the AECA (22 U.S.C. 2778) and § 126.7 of the International Traffic in Arms Regulations in furtherance of the foreign policy of the United States, and in accordance with Section 5 of the UNPA (22 U.S.C. 287(c)) and E.O. 12918.


Gregory M. Suchan,
Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

[FR Doc. 01–11533 Filed 5–7–01; 8:45 am]
BILLING CODE 4710–25–P