

2. To the extent SJCM relies on the requested order with respect to advisory arrangements with other investment companies that it advises, these arrangements will meet the following requirements: (i) The investment advisory fee will be negotiated between SJCM, or the applicable affiliate of SJCM, and the investment company or its primary investment adviser; (ii) the fee structure will contain a performance hurdle that is, at all times, no lower than the base fee; (iii) neither SJCM nor any of its affiliates will serve as distributor or sponsor of the investment company; (iv) no member of the board of the investment company will be affiliated with SJCM or SJCM's affiliates; (v) neither SJCM nor any of its affiliates will organize the investment company; and (vi) neither SJCM nor any of its affiliates will be an affiliated person or any primary adviser to the investment company or of any other person who consults or provides advice with respect to the investment company's advisory relationships (except to the extent that SJCM or its affiliates may be affiliated with another portfolio manager by virtue of the fact that SJCM or the affiliate serves as a portfolio manager to the investment company or to another investment company).

For the SEC, by the Division of Investment Management, under delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-27945 Filed 11-6-01; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-45009; File No. SR-CBOE-2001-55]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated To Establish Connectivity Fees for Use of Its New Screen-Based Trading System

October 31, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice hereby is given that on October 12, 2001, the Chicago Board Options Exchange, Incorporated ("CBOE" 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. On October 29, 2001, CBOE submitted Amendment No. 1 to the proposed rule change.<sup>3</sup> 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

CBOE is proposing to establish connectivity fees in connection with the establishment of the Exchange's screen-based trading system, known as CBOE*direct*. The text of the proposed rule change is available at the principal office of the Exchange and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE 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

CBOE is proposing to establish connectivity fees applicable to the Exchange's new screen-based trading system, CBOE*direct*.<sup>4</sup> These charges relate to the hardware, software, and network costs associated with connecting to the new screen-based trading platform and would be applicable only to members desiring certain types of connectivity to CBOE*direct*. Order-sending firms would be able to route orders to CBOE*direct* via the new connectivity or via existing connections to CBOE's Order Routing

<sup>3</sup> See Letter from Angelo Evangelou, CBOE, to Michael Gaw, Division of Market Regulation, Commission, dated October 25, 2001 ("Amendment No. 1"). The original filing set forth proposed fees for connectivity charges and excessive requests for quote ("RFQs"). In Amendment No. 1, CBOE withdrew the portion of the filing relating to RFQ fees and stated its intention to resubmit this portion in a separate filing.

<sup>4</sup> The Exchange anticipates that, initially, trading on CBOE*direct* will occur only during extended trading hours for a limited range of products. Separately, CBOE has filed a proposed rule change to adopt certain rules governing trading on CBOE*direct*. See File No. SR-CBOE-00-55.

System (which serves orders routed to the floor of the Exchange). Members, such as liquidity providers, desiring to connect to CBOE*direct* via the new connectivity would incur set-up charges based on the nature of the connection and the hardware selected. Such members would first choose from two available Application Programming Interfaces ("APIs"): (1) A "CMI" API, or (2) a "FIX" API. For members that desire a CMI API, additional hardware would be required. There would be three different hardware options available to these users involving different CBOE software and server combinations. Prices for each type are detailed in CBOE's fee schedule. A FIX API connection would involve a \$500 charge if the user does not already have appropriate FIX connectivity. All of these set-up charges would be one-time charges.

Connectivity charges also would involve a monthly circuit charge. For members using a CBOE managed network, charges would be based on the bandwidth selected by the user as well as the user's distance from a network POP server. For a member using its own network, a lesser monthly charge would be applicable based on API/hardware configuration.

###### 2. Statutory Basis

CBOE believes that the proposed rule change is consistent with section 6(b) of the Act<sup>5</sup> in general and section 6(b)(4)<sup>6</sup> in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members.

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

CBOE does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of purposes of the Act.

##### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

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

CBOE represents that the proposed rule change establishes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

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

<sup>6</sup> 15 U.S.C. 78f(b)(4).

effective pursuant to section 19(B)(3)(A)(ii) of the Act<sup>7</sup> and subparagraph (f)(2) of Rule 19b-4<sup>8</sup> thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary 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, NE., 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 at 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 submission should refer to File No. SR-CBOE-2001-55 and should be submitted by November 28, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-27888 Filed 11-6-01; 8:45 am]

**BILLING CODE 8010-01-M**

**U.S. SMALL BUSINESS ADMINISTRATION**

[Declaration of Disaster #3371]

**State of Oklahoma**

As a result of the President's major disaster declaration on October 25, 2001, and a notice received from the Federal Emergency Management Agency on October 31, 2001, I find that Washita County in the State of Oklahoma constitutes a disaster area due to

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>8</sup> 17 CFR 240.19b-4(f)(2).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

damages caused by severe storms, flooding and tornadoes occurring on October 9 and 10, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on December 30, 2001 and for economic injury until the close of business on July 31, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties in Oklahoma may be filed until the specified date at the above location: Beckham, Caddo, Custer, Greer and Kiowa.

The interest rates are:

	Percent
<b>For Physical Damage:</b>	
Homeowners with credit available elsewhere .....	6.500
Homeowners without credit available elsewhere .....	3.250
Businesses with credit available elsewhere .....	8.000
Businesses and non-profit organizations without credit available elsewhere .....	4.000
Others (including non-profit organizations) with credit available elsewhere .....	6.375
<b>For Economic Injury:</b>	
Businesses and small agricultural cooperatives without credit available elsewhere .....	4.000

The number assigned to this disaster for physical damage is 337111. For economic injury the number is 9M9700. (Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: November 1, 2001.

**Herbert L. Mitchell,**

*Associate Administrator, For Disaster Assistance.*

[FR Doc. 01-27907 Filed 11-6-01; 8:45 am]

**BILLING CODE 8025-01-P**

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Draft Environmental Review of the Proposed U.S.-Chile Free Trade Agreement**

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

**ACTION:** Notice and Comment on the Draft Environmental Review of the proposed U.S.-Chile Free Trade Agreement.

**SUMMARY:** The Office of the U.S. Trade Representative, through the Trade

Policy Staff Committee, seeks comment on the draft environmental review of the proposed U.S.-Chile Free Trade Agreement. The draft environmental review is available at <http://www.ustr.gov/environment/environmental.shtml>.

**DATES:** Comments related to the draft environmental review are requested by Tuesday, November 20, 2001. Receipt of comments by such date will ensure timely input into the negotiations, which are scheduled to conclude in the month of December 2001. Please note that comments at the present time may only be sent by fax to (202) 395-5141 or by e-mail to [FR002@ustr.gov](mailto:FR002@ustr.gov).

**FOR FURTHER INFORMATION CONTACT:** Darcie Vetter, Office of the U.S. Trade Representative, Environment and Natural Resources Section, telephone 202-395-7320.

**SUPPLEMENTARY INFORMATION:** The draft environmental review for the U.S.-Chile Free Trade Agreement was conducted pursuant to Executive Order 13141 on Environmental Review of Trade Agreements (64 FR 63169, Nov. 18, 1999) and its accompanying guidelines (65 FR 79442, Dec. 19, 2000), both of which are available at <http://www.ustr.gov/environment/environmental.shtml>. On December 14 of 2000, the Office of the U.S. Trade Representative requested public comments regarding the scope of the environmental review, including the potential environmental effects that might flow from the free trade agreement and the potential implications for environmental laws and regulations (65 FR 78077, Dec. 14, 2000). A final environmental review will be made publicly available following the conclusion of the U.S.-Chile Free Trade Agreement negotiations.

**Carmen Suro-Bredie,**

*Chair, Trade Policy Staff Committee.*

[FR Doc. 01-28098 Filed 11-5-01; 2:51 pm]

**BILLING CODE 3190-01-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues—New Task**

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

**ACTION:** Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).