

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-45379A; File Nos. SR-NASD-2001-64 and SR-NASD-2001-68]

### Self Regulatory Organizations; Order Granting Approval of Proposed Rule Changes by the National Association of Securities Dealers, Inc., To Adjust the Fees Charged to NASD Non-Members for the Use of the Nasdaq National Market Execution System and the SelectNet Service

January 31, 2002.

#### Correction

In FR Document No. 02-2962, beginning on page 5867 for Thursday February 7, 2002, the first sentence of Section V. on page 5868 was incorrectly stated. The sentence should read as follows:

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act,<sup>1</sup> that proposed rule change File No. SR-NASD-2001-64 be and hereby is approved and that proposed rule change File No. SR-NASD-2001-68 be and hereby is approved on a pilot basis through October 31, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>2</sup>

Dated: February 11, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02-3715 Filed 2-14-02; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-45425; File No. SR-Phlx-2002-07]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Fees Applicable to Competing Specialists

February 8, 2002.

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 is hereby given that on January 8, 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 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 establish clearly that the Exchange's fees, credits, discounts and other charges that are based upon an equity specialist's activity apply to competing specialists. The Exchange proposes to add language to its fee schedule to make clear that such fees, credits, discounts and other charges apply to competing specialists.

The text of the proposed rule change is available at the Office of the Secretary, the Phlx, and the Commission.

#### 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 Phlx 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 Phlx 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 establish clearly that any fees and charges (as well as any credits and discounts) on the Exchange's schedule of dues, fees and other charges that are based upon an equity specialist's activity apply to competing specialists. On December 21, 2001, the Commission approved a proposed rule change to adopt rules designed to facilitate the establishment of a competing specialist program on the Exchange.<sup>3</sup> The new rules provide for the approval by the Exchange's Equity Allocation, Evaluation and Securities Committee of applications by qualified specialist units to act as competing specialists in one or more equity securities. The Exchange contemplates commencing a competing specialist

program in the near future. Under that program, equity securities traded on the Exchange may have both a primary specialist (contemplated to be the Exchange's current sole specialist in the security) and one or more competing specialists. At this time, the Exchange is proposing to apply all specialist fees and charges (as well as any applicable credits or discounts) to Exchange specialists, whether primary or competing.

###### 2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act,<sup>4</sup> in general, and section 6(b)(4) of the Act,<sup>5</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

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

The Exchange does not believe that the proposed rule change will impose any burden on competition.

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

Written comments were neither solicited nor received.

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

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act<sup>6</sup> and subparagraph (f)(2) of Rule 19b-4<sup>7</sup> thereunder. 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 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,

<sup>1</sup> 15 U.S.C. 78s(b)(2).

<sup>2</sup> 17 CFR 200.30-3(a)(12).

<sup>3</sup> 15 U.S.C. 78s(b)(1).

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

<sup>5</sup> See Securities Exchange Act Release No. 45183, 67 FR 118 (January 2, 2002) (SR-Phlx-2001-97).

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

<sup>7</sup> 15 U.S.C. 78f(b)(4).

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f)(2).

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 also will be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-2002-07 and should be submitted by March 8, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Magaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 02-3714 Filed 2-14-02; 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.

**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 April 16, 2002.

**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 Johnny Kitts, Financial Analyst, Office of Investment, Small Business Administration, 409 3rd Street, SW., Suite 6300, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Johnny Kitts, Financial Analyst, (202) 205-7587 or Curtis B. Rich, Management Analyst, (202) 205-7030.

**SUPPLEMENTARY INFORMATION:**

*Title:* Small Business Investment Company (SBIC) Leverage Application Forms and Documents, Leverage Application Kits.

*Form No's.:* 25, 33, 34, 1065.

*Description of Respondents:* Small Business Investment Companies.

*Annual Responses:* 327.

*Annual Burden:* 507.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 02-3710 Filed 2-14-02; 8:45 am]

**BILLING CODE 8025-01-P**

**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, National Women's Business Council's (NWBC's) intentions to request approval on a new information collection. This information collection request (ICR) will be used to obtain data on the participation of women-owned small business in Federal subcontracting.

**DATES:** Submit comments on or before April 16, 2002.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the NWBC, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Laura Eyester, Acting Executive Director, NWBC, 409 3rd Street, SW, Suite 210, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:**

Laura Eyester, Acting Executive Director, NWBC, at (202) 205-6828 or Curtis B. Rich, Management Analyst, SBA, at (202) 205-7030.

**SUPPLEMENTARY INFORMATION:**

*Title:* Subcontracting Report.

*Form No:* N/A.

*Description of Respondents:* Large businesses that contract with the Federal Government.

*Annual Responses:* 350.

*Annual Burden:* 245.

**Jacqueline White,**

*Chief, Administration Information Branch.*

[FR Doc. 02-3778 Filed 2-14-02; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster #3392]**

**State of Kansas**

As a result of the President's major disaster declaration on February 6, 2002, I find that Allen, Anderson, Barber, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Comanche, Cowley, Crawford, Douglas, Elk, Franklin, Greenwood, Harper, Jefferson, Johnson, Kingman, Kiowa, Labette, Leavenworth, Linn, Lyon, Miami, Montgomery, Neosho, Osage, Pratt, Sedgwick, Shawnee, Sumner, Wilson, Woodson and Wyandotte in the State of Kansas constitute a disaster area due to damages caused by a severe winter ice storm occurring on January 29, 2002, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 8, 2002 and for economic injury until the close of business on November 7, 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 may be filed until the specified date at the above location: Atchison, Chase, Clark, Edwards, Ford, Harvey, Jackson, Marion, Morris, Pottawatomie, Reno, Stafford and Wabaunsee counties in the State of Kansas; Alfalfa, Craig, Grant, Harper, Kay, Nowata, Osage, Ottawa, Washington and Woods counties in the State of Oklahoma; Barton, Bates, Cass, Clay, Jackson, Jasper, Newton, Platte and Vernon counties in the State of Missouri.

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 339211. For

<sup>8</sup> 17 CFR 200.30-3(a)(12).