

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)<sup>8</sup> of the Act and Rule 19b-4(f)(2),<sup>9</sup> the proposal has become effective upon filing with the Commission.<sup>10</sup> 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 submitted by May 29, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**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)(1) 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.

Dated: April 27, 2001.

**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**

**[Declaration of Economic Injury Disaster #9L55]**

**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 in 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. 59002)

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 Exhibition Determinations: "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 October 19, 1965 (79 Stat. 985, 22 U.S.C.

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

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

<sup>10</sup> 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 19(b)(3)(A)(ii) of the Act. See Securities Exchange Act Release No. 43177 (Aug. 18, 2000), 65 FR 51889 (Aug. 25, 2000) (SR-Phlx-00-77).

<sup>11</sup> 17 CFR 200.30-3(a)(12).