

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 III, 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).

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, SA-44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547-0001.

Dated: April 20, 2001.

**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 4710-08-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>.

Dated: May 2, 2001.

**Helena Kane Finn,**

*Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.*

[FR Doc. 01-11686 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 (AECA) 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.

**EFFECTIVE DATE:** May 8, 2001.

**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 safehaven for Usama 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.

Dated: April 30, 2001.

**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**