

programs are essential to the ability of the Exchange to maintain a fair and orderly market for the investment community.

According to the Phlx, the general costs associated with the Exchange's surveillance and regulatory programs have continued to rise. The Phlx notes that since the last Registered Representative fee increase in 2000,<sup>10</sup> costs associated with the Exchange's surveillance and regulatory programs have increased. The Phlx attributes the increase in costs to, among other things, inflationary and competitive pressures upon the cost of staffing, equipment, and computer technology, as well as the expansion of the Exchange surveillance and regulatory programs in response to increased market share. Moreover, the Exchange has listed, and will likely continue to list, new issues and products, which trigger significant additional surveillance and regulatory costs.

#### (2) Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>11</sup> in general, and furthers the objectives of Section 6(b)(4),<sup>12</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees, and offer 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 inappropriate burden on competition.

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

No written comments were either solicited or received.

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

The foregoing rule change establishes or changes a due, fee, or charge imposed by the Exchange and, therefore, has become effective upon filing pursuant to Rule 19(b)(3)(A)(ii) of the Act<sup>13</sup> and Rule 19b-4(f)(2) hereunder.<sup>14</sup> The Exchange intends to implement the fees effective as of January 1, 2002. 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 or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose 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 Section. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-Phlx-2001-90 and should be submitted by November 14, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

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### SMALL BUSINESS ADMINISTRATION

#### [Declaration of Disaster #3347]

#### State of Texas; Amendment #7

In accordance with a notice received from the Federal Emergency Management Agency, dated October 17, 2001, the above-numbered Declaration is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to October 31, 2001.

All other information remains the same, i.e., the deadline for filing applications for loans for economic injury is March 8, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

<sup>15</sup> 17 CFR 200.30-3(a)(12).

Dated: October 18, 2001.

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 01-26733 Filed 10-23-01; 8:45 am]

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### SMALL BUSINESS ADMINISTRATION

#### Region VII Regulatory Fairness Board; Meetings

The Small Business Administration Region VII Regulatory Fairness Board and the SBA Office of the National Ombudsman, will hold a Public Roundtable Thursday, November 1, 2001 at 1 p.m. at the Carlsen Center, Room 232, Johnson County Community College, 12345 College Boulevard, Overland Park, Kansas 66313, to provide small business owners and representatives of trade associations with an opportunity to share information concerning the regulatory enforcement and compliance environment.

Anyone wishing to attend or to make a presentation must contact Ms. Barbara Caldwell, Public Information Officer, in writing by letter or fax no later than October 31st, 2001, in order to be put on the agenda. Barbara Caldwell, Public Information Officer, Kansas City District Office, U.S. Small Business Administration, 323 W. 8th Street, Lucas Place, Suite 501 Kansas City, MO 64105, Phone (816) 374-6762 (ext. 244), fax (816) 374-6759.

**Steve Tupper,**

*Committee Management Officer.*

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### SMALL BUSINESS ADMINISTRATION

#### Region III Regulatory Fairness Board; Meeting

The Small Business Administration Region III Regulatory Fairness Board and the SBA Office of the National Ombudsman, will hold a Public Roundtable November 13, 2001, at 1 p.m. at Harrisburg City Council, 10 North 2nd Street, Room 101, Harrisburg, PA 17101, to provide small business owners and representatives of trade associations with an opportunity to share information concerning the regulatory enforcement and compliance environment.

Anyone wishing to attend or to make a presentation must contact Ms. Susan Harris, in writing by letter or fax no later than November 6, 2001, in order to be put on the agenda. Susan Harris,

<sup>10</sup> See *supra* note 7.

<sup>11</sup> 15 U.S.C. 78f(b).

<sup>12</sup> 15 U.S.C. 78f(b)(4).

<sup>13</sup> 15 U.S.C. 78(s)(b)(3)(A)(ii).

<sup>14</sup> 17 CFR 240.19b-4(f)(2).