

has represented that once it and the marketplace gains experience with the product, the Exchange will permit retransmission of the NYSE OpenBook data feed by vendors.

II. Summary of Comments

The Commission received one comment letter on the proposal.⁷ Generally, the commenter supports the Exchange's efforts in making its depth-of-book information available to investors as soon as possible. However, the commenter believes that the fee structure and the restrictions on how the NYSE OpenBook data can be used are unreasonable and unfairly discriminate against individual retail investors.

The commenter believes that the proposed fee structure deprives retail investors of equal and fair access to the same type of information as institutions and professionals because the proposed end-user fee is prohibitively expensive. Therefore, the commenter believes that retail firms, and in particular, firms with a large online retail client base, are placed at an unfair competitive disadvantage to firms that cater to institutional investors or serve their clients solely through telephone and in-person service. The commenter also states that the NYSE did not justify or attempt to explain the reasonableness of the \$50 per device or end-user fee. Therefore, without a cost-effective alternative for retail investors, the commenter believes that the proposal does not meet investor protection standards.

In addition, the commenter states that the proposal unduly restricts the availability of critically important market data on a fair and equal basis. The commenter believes that the restrictions on the form and content of OpenBook would result in retail investors getting an inferior information product than would be available to institutions and professionals because retail investors would only receive a one-size-fits-all information product (i.e., the NYSE OpenBook display), as opposed to enhanced or consolidated market information.⁸

In response to the commenter, the Exchange stated that the commenter's concerns generally focused on the absence of a retail online fee. The Exchange argued that as a product

innovator, it was simply exercising its prerogative to roll out NYSE OpenBook in phases, as dictated by demand.

III. Discussion

After careful review, the Commission finds that the Exchange's proposed rule change to establish fees for NYSE OpenBook service is consistent with the requirements of the Act, and the rules and regulations thereunder applicable to a national securities exchange.⁹ In particular, the Commission finds that the fee proposal is consistent with section 6(b)(4) of the Act,¹⁰ which requires that exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its facilities.

Specifically, the Commission believes that the Exchange's proposed charges of \$5,000 per month for receipt of the NYSE OpenBook data feed, and \$50 per month for the end-user fee per terminal are reasonable when compared to similar types of service provided by other markets.¹¹

The Commission considered the commenter's concern that the Exchange's proposed fees unfairly discriminate against retail investors. The Exchange, however, has represented that as it gains experience with NYSE OpenBook, it may design a data product that is more suitable for use by registered representatives, and should ademand develop, it would consider designing a limit order data product for the retail, nonprofessional customer.

The Commission notes that this order only approves the filing submitted by the NYSE, for the fees for the NYSE OpenBook service. Therefore, the Commission is not approving or disapproving the terms of the NYSE's vendor or subscriber agreements. The NYSE's proposed restrictions on vendor dissemination of OpenBook data, including the prohibition on providing the full data feed and providing enhanced, integrated, or consolidated data found in these agreements are on their face discriminatory, and may raise fair access under the Act.¹²

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,¹³ that the

proposed rule change (SR-NYSE-2001-42) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to the delegated authority.¹⁴

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01-30879 Filed 12-13-01; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3379]

State of Tennessee (and Contiguous Counties in the State of Arkansas, Kentucky and Mississippi)

Henry and Shelby Counties and the contiguous Counties of Benton, Carroll, Fayette, Stewart, Tipton and Weakley in the State of Tennessee; Crittenden County in the State of Arkansas; Calloway and Graves Counties in the State of Kentucky; and DeSoto and Marshall Counties in the State of Mississippi constitute a disaster area due to damages caused by tornadoes and heavy rains that occurred on November 21, 2001 and continued through November 30, 2001. Applications for loans for physical damage may be filed until the close of business on February 5, 2002 and for economic injury until the close of business on September 6, 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 rates are:

	Percent
<i>For Physical Damage:</i>	
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
<i>For Economic Injury:</i>	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere ...	4.000

The numbers assigned to this disaster for physical damage are 337912 for Tennessee; 338012 for Arkansas; 338112 for Kentucky; and 338212 for Mississippi. For economic injury, the

⁷ See Schwab Letter, note 4, *supra*.

⁸ The commenter questioned whether the restriction on dissemination applied only to the dissemination of the data feed itself for whether it was a complete ban on external redistribution of the OpenBook display. The NYSE clarified that the restriction on dissemination applied only to the dissemination of the data feed.

⁹ In approving this rule, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁰ 15 U.S.C. 78f(b)(4).

¹¹ See note 5, *supra*.

¹² For a complete discussion of the relevant provisions of the Act, see Securities Exchange Act Release No. 44962 (October 19, 2001), 66 FR 54562 (October 29, 2001).

¹³ 15 U.S.C. 78s(b)(2).

¹⁴ 17 CFR 200.30-3(a)(12).

numbers are 9N6800 for Tennessee; 9N6900 for Arkansas; 9N7000 for Kentucky; and 9N7100 for Mississippi.

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

Dated: December 6, 2001.

Hector V. Barreto,

Administrator.

[FR Doc. 01-30841 Filed 12-13-01; 8:45 am]

BILLING CODE 8025-01-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Renewal of Treatment on Government Procurement of Products From Countries Designated Under the Caribbean Basin Economic Recovery Act

AGENCY: Office of the United States Trade Representative.

ACTION: Renewal of treatment on government procurement of products from countries designated under the Caribbean Basin Economic Recovery Act

Under the authority delegated to me by the President in section 1-201 of Executive Order 12260 of December 31, 1980, I hereby direct that products of countries, listed below, designated by the President as beneficiaries under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701, et seq.), with the exception of the Dominican Republic, Honduras, and Panama, shall continue to be treated as eligible products for purposes of section 1-101 of the Executive Order. Such treatment shall not apply to products originating in these countries that are excluded from duty free treatment under 19 U.S.C. 2703(b). Decisions on the continued application of this treatment will be based on ongoing evaluation of beneficiaries' efforts to improve domestic procurement practices, on their support for relevant international initiatives, such as those in the World Trade Organization (WTO) Working Group on Transparency in Government Procurement and the Free Trade Area of the Americas (FTAA) Negotiating Group on Government Procurement, and on their progress toward acceding to the WTO Government Procurement Agreement. Beneficiaries' performance with respect to the foregoing factors will be analyzed annually in September, although changes in the application of this treatment may be made at any time. Notice of any changes in this treatment with respect to any beneficiary will be published in the **Federal Register**.

List of Countries Designated as Beneficiary Countries for Purpose of the

Caribbean Basin Economic Recovery Act (CBERA): Antigua and Barbuda, Aruba, the Bahamas, Barbados, Belize, Costa Rica, Dominica, the Dominican Republic; El Salvador; Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Panama, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, Montserrat, Netherlands Antilles, Saint Kitts-Nevis, British Virgin Islands.

Robert B. Zoellick,

United States Trade Representative.

[FR Doc. 01-30857 Filed 12-13-01; 8:45 am]

BILLING CODE 3190-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Extension of Deadline for the Submission of Public Comments on Draft Environmental Review of the Proposed U.S.-Chile Free Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Extension of deadline for submission of comments via E-mail or Fax 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, is extending the deadline for the submission of public comments via fax or E-mail for the draft environmental review of the proposed U.S.-Chile Free Trade Agreement form November 20, 2001 to January 9, 2002. The draft environmental review is available at <http://www.ustr.gov/environmental/environmental.shtml>.

DATES: The new deadline for comments is January 9, 2002. Please note the comments at the present time may only be sent by fax to (202) 395-5141 or by E-mail to FR0002@ustr.gov.

FOR FURTHER INFORMATION CONTACT: Darci 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/environmental/environmental.shtml>. On November 5 of 2001, the Office of the U.S. Trade Representative requested public

comments on the draft environmental review. The deadline for comments has been extended to reflect the extension of the U.S.-Chile FTA negotiations into early 2002. 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. 01-30965 Filed 12-12-01; 11:26 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001-11105]

Collection of Information Under Review by Office of Management and Budget (OMB): OMB Control Number 2115-0638.

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Coast Guard intends to seek the approval of OMB for the renewal of one Information Collection Request (ICR). The ICR concerns the National Survey of Recreational Boating. Before submitting the ICR to OMB, the Coast Guard is requesting comments on it.

DATES: Comments must reach the Coast Guard on or before February 12, 2002.

ADDRESSES: To make sure that your comments and related material do not enter the docket [USCG 2001-11105] more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this