

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 01-19551 Filed 8-3-01; 8:45 am]

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OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection: Comment Request for Expiring Information Collection; Forms INV 41, 42, 43 and 44

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for reclearance of currently approved information collection forms INV 41, 42, 43 and 44. OPM uses these forms to request information by mail for use in OPM investigations. These investigations are conducted to determine suitability for Federal employment or the ability to hold a security clearance as prescribed in Executive Orders 10450, 12968, 10577 (5 CFR part V), and 5 U.S.C. 3301. INV Form 41, Investigative Request for Employment Data and Supervisor Information, is sent to employers and supervisors. INV Form 42, Investigative Request for Personal Information, is sent to references. INV Form 43, Investigative Request for Educational Registrar and Dean of Students Record Data, is sent to educational institutions. INV Form 44, Investigative Request for Law Enforcement Data, is sent to local law enforcement agencies.

Comments are particularly invited on:

- Whether this information is necessary for the proper performance of the functions of OPM, and whether it will have practical utility;
- Whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and
- Ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Based on current usage, OPM estimates that 1,962,947 individuals will respond annually to the forms (1,037,947 to INV Form 41; 218,629 to INV Form 42; 165,314 to INV Form 43;

and 541,057 to INV Form 44). We believe the forms require an average of 5 minutes to complete. The total estimated public burden is 163,579 hours.

To obtain copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-2150, FAX: (202) 418-3251 or by E-mail: mbtoomey@opm.gov. Please include your mailing address with your request.

DATES: Comments on this proposal should be received on or before October 5, 2001.

ADDRESSES: Send or deliver written comments to: Richard A. Ferris, Associate Director, Investigations Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 5416, Washington, DC 20415-4000.

FOR FURTHER INFORMATION CONTACT: Rasheedah I. Ahmad, Voice: (202) 606-7983, FAX: (202) 606-2390, E-mail: riahmad@opm.gov.

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 01-19552 Filed 8-3-01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration on the Pacific Exchange (Lowe's Companies, Inc., Common Stock, \$.50 Par Value) File No. 1-7898

July 31, 2001.

Lowe's Companies, Inc., a North Carolina corporation ("Issuer"), has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 12d2-2(d) thereunder,² to withdraw its Common Stock, \$.50 par value, ("Security"), from listing and registration on the Pacific Exchange ("PCX").

The Issuer stated in its application that it has met the requirements of the PCX's rules governing an issuer's voluntary withdrawal of a security from listing and registration. In a letter dated July 23, 2001, the PCX approved the Issuer's request to be removed from listing and registration on the PCX.

The Issuer stated that it made the decision to withdraw the Security from listing on the Exchange because it no longer deemed it necessary for the benefit of its shareholders to list its

share on the PCX. According to the Issuer, the expense of registration outweighed any value to its shareholders. The Issuer represents that the Security will continue to be listed and traded on the New York Stock, Inc. ("NYSE"). The application relates solely to the withdrawal of the Security from listing on the PCX and shall have no effect upon its listing on the NYSE or its registration under section 12(b) of the Act.³

Any interested person may, on or before August 17, 2001 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609, facts bearing upon whether the application has been made in accordance with the rules of the PCX and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁴

Jonathan G. Katz,

Secretary.

[FR Doc. 01-19578 Filed 8-3-01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44625; File No. 10-131]

The Nasdaq Stock Market, Inc; Extension of Comment Period for The Nasdaq Stock Market, Inc.'s Application for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934 From July 30, 2001 to August 29, 2001

July 31, 2001.

The Nasdaq Stock Market, Inc. ("Nasdaq") completed its application for registration as a national securities exchange ("Form 1") under Section 6¹ of the Securities Exchange Act of 1934 and submitted it to the Securities and Exchange Commission ("Commission") on March 15, 2001. Notice of Nasdaq's Form 1 application appeared in the **Federal Register** on June 13, 2001, and the deadline for public comment was July 30, 2001.²

³ 15 U.S.C. 78j(b).

⁴ 17 CFR 200.30-3(a)(1).

¹ 15 U.S.C. 78(f).

² Securities Exchange Act Release No. 44396 (June 7, 2001), 66 FR 31952 (June 13, 2001).

¹ 15 U.S.C. 78j(d).

² 17 CFR 240.12d2-2(d).

In response to requests by the public to extend the comment period in order to provide additional time to review Nasdaq's Form 1, the Commission is extending the comment period on Nasdaq's Form 1 to August 29, 2001.

By the Commission.

Jonathan G. Katz,
Secretary.

[FR Doc. 01-19522 Filed 8-3-01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44614; File No. SR-CTA-2001-02]

Consolidated Tape Association; Notice of Filing and Immediate Effectiveness of Seventh Charges Amendment to the Second Restatement of the CTA Plan

July 30, 2001.

Pursuant to Rule 11Aa3-2¹ of the Securities Exchange Act of 1934 ("Act"), notice is hereby given that on July 3, 2001, the Consolidated Tape Association Plan ("CTA Plan") participants ("Participants")² filed with the Securities and Exchange Commission ("Commission" or "SEC") an amendment to the Second Restatement of the CTA Plan. In the amendment, the Participants propose to establish a new fee that applies to a vendor's dissemination of a real-time Network A last sale price information ticker over broadcast, cable or satellite television.

The Participants submitted this notice of proposed amendment to the CTA Plan, which is an effective national market system plan,³ pursuant to Rule 11Aa3-2(c)(1).⁴ The Commission is publishing this notice to solicit comments from interested persons on the amendment.

I. Description and Purpose of the Amendments

A. Rule 11Aa3-2⁵

The amendment seeks to establish as a permanent part of the Network A rate schedule a fee applicable to vendors

that disseminate a real-time Network A ticker over broadcast, cable or satellite television. The proposed fee is \$2.00 per 1,000 households reached. Each vendor must pay a minimum fee of \$2,000 per month.

The fee may be prorated where a vendor broadcasts the Network A ticker for only a portion of the trading day. The proration is determined by dividing the number of minutes that the vendor broadcasts the Network A ticker during the primary market's trading day into the total number of minutes in the primary market's trading day (excluding after-hours sessions). Currently, the primary market trades from 9:30 a.m. to 4 p.m. Eastern Standard Time (or for 390 minutes) on each trading day. So, if a vendor only broadcasts the Network A ticker for two hours during the trading day, it would calculate the Network A fee by (A) multiplying the number of households reached by (\$2.00 divided by 1,000 households reached) and (B) multiplying that product by (120 minutes divided by 390 minutes).

Where a vendor owns more than one network and broadcasts the Network A ticker simultaneously over more than one of its networks to a household, the vendor only needs to count that household once in the calculation of the number of households reached.

The Network A Participants propose to quantify the number of households reached for billing purposes through the use of the monthly *Nielsen Cable National Audience Demographic Report* (the "Nielsen Report"). For January through June of each year, the Network A Participants will base the bills upon the number of households reached as of the end of the preceding September, as published in the Nielsen Report. For July through December of each year, the Network A Participants will base the bills upon the number of households reached as at the end of the preceding March, as published in the Nielsen Report.

Where the Nielsen Report does not provide the number of households reached for a vendor as at the end of March or September, the Network A Participants will use the most recent figure that the Nielsen Report has published as at the end of any of the six months preceding that March or September. If the Nielsen Report does not provide the number of households reached during that period, then the Network A Participants will ask the vendor to report the number of households that its broadcasts reach as at the end of each September and March. The Network A Participants reserve the right to verify the accuracy of the vendor's report.

The new Network A ticker fee applies to any television broadcasts of the Network A ticker, whether through broadcast, cable or satellite television. The vendor's television ticker service may not enable the vendor's subscribers to customize or interrogate the ticker stream or to electronically capture and store the last sale price information included in the stream. The vendor must provide the same ticker to each of its subscribers.

The Network A Participants believe that the establishment of the proposed fee will contribute to the widespread distribution of real-time market data around the world because it will make it possible for individuals to view real-time Network A prices throughout the trading day through television.

As an administrative matter, the Network A Participants have also changed Schedule A-1's broker-dealer enterprise maximum monthly fee, and the description of that fee in Footnote 5 of Schedule A-1, to reflect the CTA plan's annual adjustment of the fee.

B. Governing or Constituent Documents
Not applicable.

C. Implementation of Amendment

The Network A Participants have conducted a pilot program that permits vendors to disseminate a Network A last sale price information ticker by means of broadcast, cable and/or satellite television. Given the success of that pilot program, the CTA Plan limitation on the duration of pilot programs and the approach of the pilot program termination dates set forth in the earliest contracts that pilot participants enter into, the Network A Participants believe that it is now appropriate to convert the real-time Network A ticker initiative from a pilot program to a permanent part of the Network A rate schedule. The proposed new fee is identical to that which applied during the pilot program. (The Network A Participants note that with the termination of the real-time Network A ticker pilot program, Network A will have no remaining pilot programs in effect.)

Because the amendment establishes a fee collected on the Network A Participants' behalf in connection with access to, or use of, the facilities contemplated by the Plans, the amendment becomes effective upon filing with the Commission.

As a result, the amendment will "be implemented" immediately, as the new Network A fee will supersede and replace the pilot program. As additional vendors undertake to transmit the Network A ticker over television, they will be subject to the new fee in

¹ 17 CFR 240.11Aa3-2.

² Each Participant of the Plan executed the amendments. The Participants are the American Stock Exchange LLC, Boston Stock Exchange, Inc., Chicago Board Options Exchange, Inc., Chicago Stock Exchange, Inc., Cincinnati Stock Exchange, Inc., National Association of Securities Dealers, Inc., New York Stock Exchange, Inc., and Philadelphia Stock Exchange, Inc.

³ The CTA Plan has been designated as an effective transaction reporting plan pursuant to Rule 11Aa3-1(b). 17 CFR 240.11Aa3-1(b).

⁴ 17 CFR 240.11Aa3-2(c)(1).

⁵ 17 CFR 240.11Aa3-2.