

received OMB approval last year, with an expiration of 12/31/2003, for this collection of information. In order to meet Government Paperwork Elimination Act (GPEA) requirements of automating government forms by October 2003, OPM is developing an online application and resume builder to substitute for the existing method of collection. Upon OMB approval, the online application and resume builder will replace the present scan-form, and OPM will transfer the form identifier of OPM Form 1300 to the online version. An alternative paper-based application will be made available for those applicants with disabilities and/or inability to access the Internet.

The following significant changes have been made to the application and nomination process: (1) The online application and resume builder will replace the OPM Form 1300 scan-form with an electronic version available through the PMI Web site; (2) the PMI Web site's Program Overview will be updated to reflect the changes needed to complete the online application and resume builder; (3) the online resume builder will be structured similarly to the USAJOBS online resume builder; (4) an accomplishment record containing three short essays has been added to facilitate a first round of assessments for PMI finalists as a prescreening tool; (5) data will be collected from all applicants and not just those nominated by school officials; and (6) students will be required to submit their applications by October 15, while the deadline for schools to submit their nominees will remain October 31.

We estimate 5,000 applications will be received and processed in the 2003/2004 open season for PMI applications. During the 2002/2003 open season OPM received approximately 2,800 nominees, a 24% increase over the previous year and a 460% increase in the last 7 years. We estimate students will need 2 hours to complete the online application and resume builder and electronically submit it to their nominating school official. In addition, we estimate school nominating officials will need ½ hour to receive, review and render a decision on the student's application for nomination into the PMI program. The annual estimated burden for nominees is 10,000 hours and 2,500 hours for school nominating officials, for a total of 12,500 hours.

Comments are particularly invited on: Whether this information is necessary for the proper performance of functions of the Office of Personnel Management, 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.

For copies of this proposal, contact Mary Beth Smith-Toomey at (202) 606-8358, fax (202) 418-3251 or e-mail to mbtoomey@opm.gov. Please include your complete mailing address with your request.

DATES: Comments on this proposal should be received within 5 calendar days from the date of this publication. We are requesting OMB to take action within 15 calendar days from the close of this **Federal Register** Notice.

ADDRESSES: Send or deliver comments to: U.S. Office of Personnel Management, HRPS/CLCS/PMIP, ATTN: Rob Timmins, 1900 E Street, NW., Room 1425, Washington, DC 20415-9820, e-mail: rtimmins@opm.gov, and

Allison Eydt, OPM Desk Officer, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

Office of Personnel Management.

Kay Coles James,
Director.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48275; File No. SR-Amex-2003-41]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the American Stock Exchange LLC Relating to Listing Fees for Closed-End Funds

August 1, 2003.

On May 2, 2003, the American Stock Exchange LLC ("Amex") submitted to the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to Sections 140 and 141 of the *Amex Company Guide* which would codify the practice of charging original listing and annual fees to closed-end funds listed under Section 101 of the

Amex Company Guide. On June 10, 2003, the Amex filed Amendment No. 1 to the proposed rule change.³ On June 16, 2003, the Amex filed Amendment No. 2 to the proposed rule change.⁴ The proposed rule change, as amended, was published for comment in the **Federal Register** on June 27, 2003.⁵ The Commission received no comments on the proposal.

The Amex believes that the proposed rule change, as amended, codifies the existing fees that it assesses to closed-end fund issuers.⁶ The Commission believes that the proposed rule change, as amended, should enhance the transparency of the fees that the Amex charges to closed-end fund issuers.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 of the Act⁷ and the rules and regulations thereunder.⁸ The Commission finds that the rule change, as amended, is consistent with Section 6(b)(4) of the Act,⁹ which requires that the rules of the Amex provide for the equitable allocation of reasonable dues, fees, and other charges among its issuers.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁰ that the proposed rule change, as amended (File No. SR-AMEX-2003-41) be, and it hereby is, approved.

³ In Amendment No. 1, which replaced the original filing in its entirety, the Amex amended Section 146 of the *Amex Company Guide* to eliminate a reference to the multiple listing of closed-end funds by a single sponsor as an example of a situation where the Amex could reduce or waive listing fees when it deems that such action is appropriate to achieve an equitable result. See letter from Geraldine Brindisi, Vice President and Corporate Secretary, Amex to Nancy J. Sanow, Assistant Director, Division of Market Regulation, Commission, dated June 9, 2003.

⁴ In Amendment No. 2, the Amex amended Section 141 of the *Amex Company Guide* to clarify that the Amex will base its annual fee for closed-end funds on the number of shares outstanding at the end of the calendar year. See letter from Michael Cavalier, Associate General Counsel, Amex to Nancy J. Sanow, Assistant Director, Division of Market Regulation, Commission, dated June 13, 2003.

⁵ Securities Exchange Act Release No. 48074 (June 23, 2003), 68 FR 38413.

⁶ Telephone conversation between Michael Cavalier, Associate General Counsel, Amex, and Tim Fox, Attorney, Division of Market Regulation, Commission, on May 15, 2003.

⁷ 15 U.S.C. 78f.

⁸ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ 15 U.S.C. 78s(b)(2).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,
Deputy Secretary.
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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48290; File No. SR–NSCC–2003–17]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Imposition of Fines

August 5, 2003.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ notice is hereby given that on July 2, 2003, National Securities Clearing Corporation (“NSCC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to modify NSCC Rule 16 and Addendum P to impose fines upon

members and non-clearing members utilizing NSCC’s Commission Settlement service when they fail to timely pay all or part of their monthly commission settlement obligations to NSCC.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.²

(A) Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to modify NSCC’s rules to provide that fines may be imposed upon members and non-clearing members utilizing NSCC’s Commission Settlement service when they fail to timely pay all or part of their monthly commission settlement obligations to NSCC.

Under NSCC Rule 16 (Settlement of Commissions), NSCC provides a service where all payments of commissions due on business where a principal is given up between NSCC members and non-clearing members may be settled on a monthly basis. Rule 16 provides that if

a member or non-clearing member is indebted to NSCC, it shall pay³ the amount due to NSCC on or before the commission bill settlement date of each month, generally the 15th, as determined by NSCC. NSCC relies upon the timely receipt of the funds from such members and non-clearing members in order to pay others who are owed funds as a result of using the Commission Settlement service.

NSCC Rule 48 (Disciplinary Proceedings) allows NSCC to impose fines upon participants for any error, delay, or other conduct that is determined to be detrimental to NSCC’s operations. Historically, NSCC has imposed fines upon participants for failure to timely settle end of day settlement balances, late settlement acknowledgement, and for late payment of clearing fund deposits. In 2002, NSCC commenced fining participants for failure to timely provide requested financial and operational information and for failure to timely notify NSCC on an ongoing basis of certain internal conditions which may cause NSCC to reevaluate the participants continued participation.⁴ NSCC now intends to commence fining members and non-clearing members for failing to timely meet their obligations to NSCC arising out of their use of the Commission Settlement service.

The proposed rule change also amends NSCC Addendum P (Fine Schedule) to reflect the addition of the fines. The proposed fine schedule in NSCC Addendum P, Section 5, Settlement of Commissions, pursuant to NSCC Rule 16,⁵ is as follows:

Net debit	First occasion	Second occasion	Third occasion	Fourth occasion (or greater)
\$0–100,000	(1)	\$100	\$200	\$300
\$100,000–200,000	(1)	200	300	400
Greater than \$200,000	(1)	300	400	500

Notes: (1) First occasions result in a warning letter to the Member/Non-clearing member.

(2) In addition to the fine, unpaid amounts will incur interest charges until paid.

In addition, Rule 16 has been modified to clearly state that failure to timely pay all or part of a monthly Commission Settlement balance may

result in the imposition of a fine and may subject the member or non-clearing member to action by NSCC pursuant to Rule 46 (Restriction on Access to Services) or Rule 48 (Disciplinary Proceedings). Participants will continue to have the ability to contest fines as currently provided for within NSCC’s rules and procedures.⁶

The proposed rule change is consistent with Section 17A(b)(3)(G) of the Act⁷ and the rules and regulations thereunder because it will allow NSCC to impose fines upon late paying users of the Commission Settlement service thereby further ensuring that NSCC has the ability to appropriately discipline for violations of its rules.

¹¹ 17 CFR 200.30–3(a)(12).
¹ 15 U.S.C. 78s(b)(1).
² The Commission has modified the text of the summaries prepared by NSCC.
³ Members and non-clearing members may make payment via ACH wire transfer, Fed Funds wire transfer, or by check made payable to NSCC.

⁴ Securities Exchange Act Release No. 46903 (November 25, 2002), 67 FR 72012 (December 3, 2002) (order approving NSCC’s rule change to fine members who fail to timely provide requested financial or operating information or who fail to provide other changes to NSCC).

⁵ Fines to be levied for offenses within a moving twelve-month period beginning with the first occasion.
⁶ See, e.g., NSCC Rule 37 (Hearing Procedures).
⁷ 15 U.S.C. 77(q–1)(b)(3)(G).