

NW., Room 3425, Washington, DC 20415-3660;  
and  
Joseph F. Lackey, OPM Desk Officer,  
Office of Information & Regulatory  
Affairs, Office of Management and  
Budget, New Executive Office  
Building, NW., Room 10235,  
Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

Cyrus S. Benson, Team Leader,  
Publications Team, RIS Support  
Services, (202) 606-0623.

U.S. Office of Personnel Management.

**Kay Coles James,**

*Director.*

[FR Doc. 04-1593 Filed 1-26-04; 8:45 am]

**BILLING CODE 6325-50-P**

**SECURITIES AND EXCHANGE  
COMMISSION**

**Submission for OMB Review;  
Comment Request**

Upon written request, copies available  
from: Securities and Exchange  
Commission, Office of Filings and  
Information Services, Washington, DC  
20549.

**Extension:**

Rule 11Ac1-3; SEC File No. 270-382; OMB  
Control No. 3235-0435.

Notice is hereby given that pursuant  
to the Paperwork Reduction Act of 1995  
(44 U.S.C. 3501 *et seq.*), the Securities  
and Exchange Commission  
("Commission") has submitted to the  
Office of Management and Budget a  
request for extension of the previously  
approved collection of information  
discussed below.

**Rule 11Ac1-3 Customer Account  
Statements**

Rule 11Ac1-3 requires disclosure on  
each new account and on a yearly basis  
thereafter, on the annual statement, the  
firm's policies regarding receipt of  
payment for order flow from any market  
makers, exchanges or exchange  
members to which it routes customers'  
order in national market system  
securities for execution; and  
information regarding the aggregate  
amount of monetary payments,  
discounts, rebates or reduction in fees  
received by the firm over the past year.

It is estimated that there are  
approximately 6,752 registered broker-  
dealers.<sup>1</sup> The staff estimates that the  
average number of hours necessary for  
each broker-dealer to comply with Rule  
11Ac1-3 is 14 hours annually. Thus, the

<sup>1</sup> This estimate is based on FYE 2002 Focus  
Reports received by the Commission.

total burden is 94,528 hours annually.  
The average cost per hour is  
approximately \$85. Therefore, the total  
cost of compliance for broker-dealers is  
\$8,034,880.

Records generated by forms pursuant  
to this rule must be kept for three years.  
The records required by this rule are  
mandatory to assist the Commission in  
its regulatory role. This rule does not  
involve the collection of confidential  
information. Please note that an agency  
may not conduct or sponsor, and a  
person is not required to respond to, a  
collection of information unless it  
displays a currently valid control  
number.

General comments regarding the  
estimated burden hours should be  
directed to the following persons: (i)  
Desk Officer for the Securities and  
Exchange Commission, Office of  
Information and Regulatory Affairs,  
Office of Management and Budget,  
Room 10102, New Executive Office  
Building, Washington, DC 20503; and  
(ii) R. Corey Booth, Director/Chief  
Information Officer, Office of  
Information Technology, Securities and  
Exchange Commission, 450 Fifth Street,  
NW., Washington, DC 20549. Comments  
must be submitted to OMB within 30  
days of this notice.

Dated: January 20, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04-1667 Filed 1-26-04; 8:45 am]

**BILLING CODE 8010-01-P**

**SECURITIES AND EXCHANGE  
COMMISSION**

**Sunshine Act Meeting**

Notice is hereby given, pursuant to  
the provisions of the Government in the  
Sunshine Act, Public Law 94-409, that  
the Securities and Exchange  
Commission will hold the following  
meeting during the week of January 26,  
2004:

A Closed Meeting will be held on  
Thursday, January 29, 2004 at 2 p.m.

Commissioners, Counsel to the  
Commissioners, the Secretary to the  
Commission, and recording secretaries  
will attend the Closed Meeting. Certain  
staff members who have an interest in  
the matters may also be present.

The General Counsel of the  
Commission, or his designee, has  
certified that, in his opinion, one or  
more of the exemptions set forth in 5  
U.S.C. 552b(c) (3), (5), (7), (9B), and (10)  
and 17 CFR 200.402(a) (3), (5), (7), (9ii),  
and (10), permit consideration of the  
scheduled matters at the Closed  
Meeting.

Commissioner Atkins, as duty officer,  
voted to consider the items listed for the  
closed meeting in a closed session and  
that no earlier notice thereof was  
possible.

The subject matters of the Closed  
Meeting scheduled for Thursday,  
January 29, 2004 will be:

Formal orders of investigation;  
Institution and settlement of  
administrative proceedings of an  
enforcement nature;

Institution and settlement of  
injunctive actions;

Litigation matter; and  
Adjudicatory matter.

At times, changes in Commission  
priorities require alterations in the  
scheduling of meeting items. For further  
information and to ascertain what, if  
any, matters have been added, deleted  
or postponed, please contact:

The Office of the Secretary at (202)  
942-7070.

Dated: January 23, 2004.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 04-1784 Filed 1-23-04; 11:56 am]

**BILLING CODE 8010-01-P**

**SECURITIES AND EXCHANGE  
COMMISSION**

**[Release No. 34-49105; File No. SR-BSE-  
2003-08]**

**Self-Regulatory Organizations; Boston  
Stock Exchange, Inc.; Order Granting  
Approval of Proposed Rule Change  
and Amendment No. 1 Thereto  
Relating to the Exchange's Instant  
Liquidity Access Service for Certain  
Limit Orders**

January 20, 2004.

On July 14, 2003, the Boston Stock  
Exchange, Inc. ("BSE" or "Exchange")  
filed with the Securities and Exchange  
Commission ("Commission"), pursuant  
to section 19(b)(1) of the Securities  
Exchange Act of 1934 ("Act")<sup>1</sup> and Rule  
19b-4 thereunder,<sup>2</sup> a proposed rule  
change to add provisions to its rules  
governing a new service that will  
provide for the instant execution of  
certain limit orders of a specified size.  
On September 8, 2003, the Exchange  
submitted Amendment No. 1 to the  
proposed rule change.<sup>3</sup>

The proposed rule change was  
published for comment in the **Federal**

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See letter from John Boese, Vice President, Legal  
and Compliance, BSE, to Nancy Sanow, Assistant  
Director, Division of Market Regulation,  
Commission, dated September 5, 2003.

Register on October 15, 2003.<sup>4</sup> The Commission received no comments on the proposal.

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<sup>5</sup> and, in particular, the requirements of section 6 of the Act<sup>6</sup> and the rules and regulations thereunder. In particular, the Commission believes that the proposed rule change is consistent with section 6(b)(5)<sup>7</sup> of the Act because it should enable the Exchange to accommodate customers that seek immediate execution or cancel orders.

It is therefore ORDERED, pursuant to section 19(b)(2) of the Act,<sup>8</sup> that the proposed rule change (SR-BSE-2003-08), as amended, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04-1662 Filed 1-26-04; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49107; File No. SR-CBOE-2003-37]

### Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Board Options Exchange, Inc. Relating to the Appointment of the Members and Chairman of Its Governance Committee

January 20, 2004.

On September 5, 2003, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change that would give the Chairman of the Board of Directors ("Board") the authority to appoint the members and

chairman of CBOE's Governance Committee. CBOE submitted Amendment No. 1 to the proposed rule change by facsimile on November 6, 2003.<sup>3</sup> The proposed rule change was published for comment in the **Federal Register** on November 18, 2003.<sup>4</sup> The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>5</sup> In particular, the Commission believes that the proposed rule change is consistent with section 6(b)(5) of the Act,<sup>6</sup> which requires, among other things, that CBOE's rules be designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest. The Commission notes that the proposed rule change makes the appointment process for the Governance Committee consistent with the process currently in place for other standing committees of the Board, and also eliminates a redundancy between the Exchange's Constitution and its rules with respect to the appointment process for the Audit and Compensation Committees.

*It is therefore ordered,* pursuant to section 19(b)(2) of the Act,<sup>7</sup> that the proposed rule change, as amended (SR-CBOE-2003-37) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04-1664 Filed 1-26-04; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49100; File No. SR-DTC-2003-15]

### Self-Regulatory Organizations; the Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Revisions to the Fee Schedule

January 20, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> notice is hereby given that on December 29, 2003, The Depository Trust Company ("DTC") 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 DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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

The proposed rule change consists of revisions to DTC's fee schedule for services.<sup>2</sup>

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

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.<sup>3</sup>

##### (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 adjust the fees DTC charges for various services so that the fees are aligned with DTC's estimated service costs for 2004, effective with respect to services provided on and after January 1, 2004.

DTC believes that the proposed rule change is consistent with the requirements of section 17A of the Act and the rules and regulations

<sup>4</sup> See Securities Exchange Act Release No. 48596 (October 7, 2003), 68 FR 58435 (October 15, 2003).

<sup>5</sup> 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).

<sup>6</sup> 15 U.S.C. 78f.

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> 15 U.S.C. 78s(b)(2).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See letter from Patrick Sexton, Assistant General Counsel, CBOE, to Gordon Fuller, Counsel to the Assistant Director, Division of Market Regulation, Commission, dated November 6, 2003 ("Amendment No. 1"). In Amendment No. 1, CBOE clarified the current procedure by which Governance Committee members are appointed, explained the reason for the proposed rule change, and revised a portion of the original proposed rule text.

<sup>4</sup> Securities Exchange Act Release No. 48913 (November 11, 2003), 68 FR 65975 (November 18, 2003).

<sup>5</sup> In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>6</sup> 15 U.S.C. 78f(b)(5).

<sup>7</sup> 15 U.S.C. 78s(b)(2).

<sup>8</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> A copy of DTC's 2004 service fee revisions is attached as Exhibit 1.

<sup>3</sup> The Commission has modified parts of these statements.