

Section 16 reports filed by insiders. The amendments also eliminate magnetic cartridges as a means of electronic filing.

## II. Collection of Information Requirements

The Commission expected certain provisions of the amendments, as proposed,<sup>20</sup> to change "collection of information" requirements within the meaning of the Paperwork Reduction Act of 1995<sup>21</sup> for Forms ID,<sup>22</sup> SE,<sup>23</sup> TH<sup>24</sup> and ET. In proposing the amendments, the Commission estimated the resulting burden hours for these collection of information requirements and solicited comments on the collection of information requirements and the burden estimate. The Commission submitted the proposed revisions to these collection of information requirements to OMB for review as required by 44 U.S.C. 3507 and 5 CFR 1320.11. The Commission did not receive any comments on the collection of information requirements.

The intended general effect of mandating electronic filing and website posting is to facilitate compliance with the will of Congress, as reflected in section 16(a),<sup>25</sup> and to facilitate the more efficient transmission, dissemination, analysis, storage and retrieval of insider ownership and transaction information in a manner that will benefit investors, filers and the Commission.<sup>26</sup> The Commission expected the amendments, as proposed, to increase the collection of information burden of Forms ID, SE and TH and the revisions to these collections of information submitted to OMB for these forms reflected this expectation. The changes made to the proposed amendments prior to adoption did not affect the estimates for Forms ID (new total 29,520 hours) and SE (new total 78 hours). As discussed further below,

however, the changes reduced the estimate for Form TH.

Form ID is used by registrants, individuals, third party filers or their agents to request the assignment of access codes that permit the electronic filing of securities documents on the Commission's Electronic Data Gathering, Analysis and Retrieval System ("EDGAR"). The Commission expects the amendments to increase the collection of information burden of Form ID by causing additional respondents to file a Form ID as a result of initially being subject to the mandated filing rules and by causing additional respondents to file a Form ID each year on a recurrent basis.

Form SE is used by an EDGAR filer when submitting paper format exhibits either under a hardship exemption under Regulation S-T Rules 201 and 202<sup>27</sup> or as otherwise allowed by Regulation S-T. The information provided on a Form SE primarily identifies each paper format exhibit submitted. A Form SE filer must also submit the required number of copies of each paper format exhibit. The Commission expects the amendments to increase the collection of information burden of Form SE by causing a small number of additional respondents to file a Form SE. As described further in the Adopting Release, Rule 201's temporary hardship exemption from electronic filing will not be available to Section 16 reports and it is highly unlikely that Rule 202's continuing hardship exemption will be available, but filing date adjustments under Regulation S-T Rule 13(b)<sup>28</sup> will be available under the same circumstances a temporary hardship exemption would have been available.

Form TH is used by an EDGAR filer to give notice that it claims a temporary hardship exemption under Rule 201. A filer must submit the Form TH along with the required number of copies of the paper format securities document. The information provided on Form TH enables the Commission to determine whether the filer's circumstances justify the grant of a temporary hardship exemption. The Commission expected the proposed amendments to increase the collection of information burden of Form TH by causing a small number of additional respondents to file a Form TH. That expectation, however, was based on the assumption that the temporary hardship exemption would be available to section 16 reports. As noted above, however, the amendments, as adopted, make the temporary

hardship exemption unavailable to section 16 reports. As a result, the amendments will not cause additional respondents to file a Form TH. The Commission has submitted additional documentation to OMB to reflect that the amendments will not affect the collection of information burden imposed by Form TH (which returns to 23 hours).

On May 22, 2003, OMB approved the revised collections of information imposed by Forms ID, SE and TH (OMB Control Nos. 3235-0328, 3235-0327 and 3235-0425, respectively). The amendments were adopted under the Securities Act, the Exchange Act, the Public Utility Act, the Trust Indenture Act, the Investment Company Act and the Sarbanes-Oxley Act. 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. The Commission is providing this Notice to inform the public that the Commission has received OMB approval for these revised collections.

Dated: June 17, 2003.

**Margaret H. McFarland,**  
Deputy Secretary.

[FR Doc. 03-15769 Filed 6-20-03; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### Issuer Delisting; Notice of Application To Withdraw From Listing and Registration on the American Stock Exchange LLC (Impac Mortgage Holdings, Inc., Common Stock, \$.01 Par Value) File No. 1-14100

June 17, 2003.

Impac Mortgage Holdings, Inc., a Maryland 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")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its Common Stock, \$.01 par value ("Security"), from listing and registration on the American Stock Exchange LLC ("Amex" or "Exchange").

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in the State of Maryland, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

<sup>20</sup> The Commission proposed the amendments in Release No. 33-8170 (Dec. 27, 2002) [67 FR 79466].

<sup>21</sup> 44 U.S.C. 3501 *et seq.*

<sup>22</sup> 17 CFR 239.63, 249.446, 259.602, 269.7 and 274.402.

<sup>23</sup> 17 CFR 239.64, 249.444, 259.603, 269.8 and 274.403.

<sup>24</sup> 17 CFR 239.65, 249.447, 259.604 and 269.10.

<sup>25</sup> 15 U.S.C. 78p(a) (as amended by the Sarbanes-Oxley Act of 2002 ("Sarbanes-Oxley Act") [Pub. L. No. 107-204, 116 Stat. 745]).

<sup>26</sup> The purpose of eliminating Form ET is to eliminate the transmittal form for magnetic cartridge transmissions that no longer will be permitted due to the minimal number of filers that use magnetic cartridges as a transmission medium. Consistent with the proposal to eliminate Form ET, the Commission asked OMB to eliminate the collection of information requirements previously approved for the form.

<sup>27</sup> 17 CFR 232.202.

<sup>28</sup> 17 CFR 232.13(b).

<sup>1</sup> 15 U.S.C. 78j(d).

<sup>2</sup> 17 CFR 240.12d2-2(d).

The Issuer states that it is taking such action because the Issuer believes that listing its Security on the New York Stock Exchange, Inc. ("NYSE") will provide greater liquidity and visibility. The Issuer states that trading in its Security on the NYSE became effective on June 11, 2003.

The Issuer's application relates solely to the withdrawal of the Securities from listing on the Amex and from registration under section 12(b) of the Act<sup>3</sup> shall not affect its obligation to be registered under section 12(g) of the Act.<sup>4</sup>

Any interested person may, on or before July 8, 2003, 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 Amex 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.<sup>5</sup>

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 03-15711 Filed 6-20-03; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48038; File No. SR-CBOE-2003-15]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Board Options Exchange, Incorporated To Amend Rule 17.2 of Its Disciplinary Rules Concerning the Initiation of Investigations of Possible Violations Within the Disciplinary Jurisdiction of the Exchange

June 16, 2003.

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> notice is hereby given that on April 7, 2003, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") 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 by the CBOE. The CBOE filed Amendment No. 1 on May 30, 2003.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

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

The CBOE proposes to amend Rule 17.2 of its Disciplinary Rules concerning the initiation of investigations of possible violations within the disciplinary jurisdiction of the Exchange.

Below is the text of the proposed rule change, as amended. Proposed new language is *italicized* and proposed deletions are in brackets.

\* \* \* \* \*

#### Chicago Board Options Exchange, Incorporated Rules

##### Chapter XVII—Discipline (Rules 17.1–17.50)

\* \* \* \* \*

#### Rule 17.2 Complaint and Investigation

(a) Initiation of Investigation. The Exchange shall investigate possible violations within the disciplinary jurisdiction of the Exchange upon order of the Board, the Business Conduct Committee, the President or other Exchange officials designated by the President, *or whenever there is a reasonable basis for the Exchange to do so.* [or] *The Exchange shall also investigate possible violations within the disciplinary jurisdiction of the Exchange upon receipt of a complaint, written or oral, alleging such violations [filed] made by a member or by any other person alleging injury as a result of such violations (the "Complainant"), provided such complaint.* All complaints shall be in writing signed by the Complainant and shall *specifies*[y] in reasonable detail the facts constituting the violation[, including the specific statutes, by-laws, rules, interpretations or resolutions allegedly violated].

<sup>3</sup> See letter from J. Patrick Sexon, Assistant General Counsel, CBOE, to Sapna C. Patel, Attorney, Division of Market Regulation, Commission, dated May 29, 2003 ("Amendment No. 1"). In Amendment No. 1, the CBOE: (1) stated that the Exchange's Board of Directors approved the proposed rule change on May 7, 2003; (2) represented that the Exchange's Regulatory Services Division maintains and will continue to maintain a log of all oral complaints that it receives alleging possible violations within the disciplinary jurisdiction of the Exchange; and (3) made a technical clarification to the proposed rule text.

(b)–(d) No change.

#### \* \* \* Interpretations and Policies:

.01–.02 No change.

.03 *To assist the Exchange in investigating possible violations within its disciplinary jurisdiction, Complainants should sign written complaints or identify themselves when making oral complaints pursuant to paragraph (a) of this Rule, and also identify the specific statutes, by-laws, rules, interpretations or resolutions that allegedly were violated.*

\* \* \* \* \*

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

In its filing with the Commission, the CBOE 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. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

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

###### 1. Purpose

Exchange Rule 17.2(a) describes the basis on which the Exchange initiates investigations of possible violations within the disciplinary jurisdiction of the Exchange. Specifically, paragraph (a) of Exchange Rule 17.2 states that the Exchange shall investigate possible violations within the disciplinary jurisdiction of the Exchange upon order of the Board, the Business Conduct Committee ("BCC"), the President or other Exchange officials designated by the President. Exchange Rule 17.2(a) also provides that the Exchange shall investigate possible violations within the disciplinary jurisdiction of the Exchange upon receipt of a complaint alleging such violations filed by a member or any other person alleging injury as a result of such violations. Exchange Rule 17.2(a) states that all complaints should be in writing signed by the complainant and shall specify in reasonable detail the facts constituting the violation, including the specific statutes, by-laws, rules, interpretations or resolutions allegedly violated.

The Exchange proposes to amend paragraph (a) of Exchange Rule 17.2 to clarify and make express in the rule the basis on which the Exchange represents

<sup>3</sup> 15 U.S.C. 78j(b).

<sup>4</sup> 15 U.S.C. 78j(g).

<sup>5</sup> 17 CFR 200.30-3(a)(1).

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

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