

Special Assistant (Advance Person) to the Administrator. Effective July 25, 2002.

Export-Import Bank of the United States

Special Assistant to the Vice President for Public Affairs. Effective July 11, 2002.

Federal Emergency Management Agency

Special Assistant (Coordination/Advance) to the Director. Effective July 3, 2002.

Director, Congressional and Legislative Affairs Division to the Assistant Director, External Affairs. Effective July 9, 2002.

Special Assistant to the Deputy Director, Federal Emergency Management Agency. Effective July 9, 2002.

Staff Assistant to the General Counsel. Effective July 11, 2002.

Special Assistant to the Deputy Director, Federal Emergency Management Agency. Effective July 17, 2002.

General Services Administration

Confidential Assistant to the Chief of Staff. Effective July 9, 2002.

Senior Advisor to the Associate Administrator for Congressional and Intergovernmental Affairs. Effective July 22, 2002.

Deputy Associate Administrator for Enterprise Development to the Associate Administrator for Enterprise Development. Effective July 23, 2002.

Director of Administration to the Chief of Staff. Effective July 29, 2002.

National Endowment for the Arts

Special Assistant to the Director, Office of Congressional and White House Liaison. Effective July 23, 2002.

National Endowment for the Humanities

General Counsel to the Chairman. Effective July 9, 2002.

Office of Personnel Management

Project Director, Public and Constituent Services to the Director, Office of Communications. Effective July 31, 2002.

Office of Science and Technology Policy

Assistant Associate Director for Telecommunications and Information Technology to the Associate Director for Technology. Effective July 26, 2002.

Small Business Administration

Director of Advisor Councils to the Associate Administrator for Communications and Public Liaison. Effective July 17, 2002.

Senior Advisor to the Deputy Administrator. Effective July 23, 2002.

Special Assistant to the Administrator, Small Business Administration. Effective July 29, 2002.

United States Tax Court

Trial Clerk to the Judge. Effective July 17, 2002.

Trial Clerk to the Judge. Effective July 17, 2002.

United States Trade and Development Agency

Congressional Liaison Officer to the Chief of Staff. Effective July 3, 2002.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., P.218

Office of Personnel Management.

Kay Coles James,

Director.

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RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents; including the use of automated collection techniques or other forms of information technology.

Title and Purpose of Information Collection

Pension Plan Reports: OMB 3220-0089.

Under Section 2(b) of the Railroad Retirement Act (RRA), the Railroad Retirement Board (RRB) pays supplemental annuities to qualified RRB employee annuitants. A supplemental annuity, which is computed according to Section 3(e) of the RRA, can be paid at age 60 if the employee has at least 30 years of creditable railroad service or at

age 65 if the employee has 25-29 years of railroad service. In addition to 25 years of service, a "current connection" with the railroad industry is required. Eligibility is further limited to employees who had at least one month of rail service before October 1981 and were awarded regular annuities after June 1966. Further, if an employee's 65th birthday was prior to September 2, 1981, he or she must not have worked in rail service after certain closing dates (generally the last day of the month following the month in which age 65 is attained).

Under Section 2(h)(2) of the RRA, the amount of the supplemental annuity is reduced if the employees receive monthly pension payments, or lump-sum pension payments, from their former railroad employer, which are based in whole or in part on contributions from that railroad employer. The employees' own contributions to their pension accounts do not cause a reduction. An employer private pension is described in 20 CFR 216.40-216.42.

The RRB requires the following information from railroad employers to calculate supplemental pension plans cause reductions to the RRB supplemental annuity; (b) the amount of the employer private pension being paid to the employee; (c) whether or not the employer make contributions to the pension; (d) whether or not the employee was cashed out before attaining retirement age under the employer pension plan or received the pension in a lump-sum payment in lieu of monthly pension payments; (e) whether the employer pension plan continues when the employer status under the RRA changes. The requirement that railroad employers furnish pension information to the RRB is contained in 20 CFR 209.2.

The RRB currently utilizes Form(s) G-88p (Employer's Supplemental Pension Report), G-88r (Request for Information About New or Revised Pension Plan), and G-88.1 (Request for Additional Information about Employer Pension Plan in Case of Change of Employer Status or Termination of Pension Plan), to obtain the necessary information from railroad employers. One response is requested of each respondent. Completion mandatory.

The RRB proposed significant burden impacting changes to Form G-88p. New items requesting information regarding lump-sum payments paid in lieu of a monthly pension have been added as well as items instructing employers to retain a copy of the form for later transmittal are being proposed. The RRB also is proposing to delete several items

of information from Form G-88p including items no longer needed due to the Railroad Retirement and Survivor's Improvement Act (RRSIA).

The RRB also proposes to delete information no longer needed due to RRSIA from Forms G-88r and G-88r.1. Non burden impacting editorial and formatting changes are also proposed to all of the forms.

Estimate of Annual Respondent Burden

The estimated annual respondent burden is as follows:

Form #(s)	Annual re-sponses	Time (min)	Burden (hrs.)
G-88p	1,500	8	200
G-88r	10	10	2
G-88r.1	5	7	1
Total	1,515	203

Additional Information or Comments:

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611-2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,
Clearance Officer.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-46381; File No. S7-24-89]

Joint Industry Plan; Order Granting Partial Temporary Approval of Amendment No. 13 of the Reporting Plan for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis, Submitted by the National Association of Securities Dealers, Inc., the Boston Stock Exchange, Inc., the Chicago Stock Exchange, Inc., the Cincinnati Stock Exchange, Inc., the Pacific Exchange, the American Stock Exchange LLC, and the Philadelphia Stock Exchange, Inc.

August 19, 2002.

I. Introduction and Description

On May 31, 2002, the Cincinnati Stock Exchange, Inc. ("CSE") on behalf of itself and the National Association of

Securities Dealers, Inc. ("NASD"), the American Stock Exchange LLC ("Amex"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Stock Exchange, Inc. ("CHX"), the Pacific Exchange, Inc. ("PCX"), and the Philadelphia Stock Exchange, Inc. ("PHLX") (hereinafter referred to collectively as "Participants"),¹ as members of the operating committee ("Operating Committee" or "Committee")² of the Plan submitted to the Securities and Exchange Commission ("SEC" or "Commission") a proposal to amend the Plan, pursuant to Rule 11Aa3-1³ and Rule 11Aa3-2⁴ under the Securities Exchange Act of 1934 ("Act" or "Exchange Act"). The proposal represents the 13th amendment ("13th Amendment") made to the Plan. Notice of the proposed 13th Amendment was published in the **Federal Register** on July 5, 2002.⁵

The Nasdaq UTP Plan governs the collection, processing, and dissemination on a consolidated basis of quotation and last sale information for each of its Participants. This consolidated information informs investors of the current quotation and recent trade prices of Nasdaq securities. It enables investors to ascertain from one data source the current prices in all the markets trading Nasdaq securities. The Plan serves as the required transaction reporting plan for its Participants, which is a prerequisite for their trading Nasdaq securities.

As discussed in the 13th Amendment Notice, proposed amendments to the Plan have been segregated into four categories: (1) Category 1, "Effective Upon Nasdaq's Exchange Registration;" (2) Category 2, "Effective Upon Launch of the Internal SIP;" (3) Category 3, "Effective Upon End of Parallel Period—Elimination of the Legacy SIP;" and (4) Category 4, "Timing Not An Issue." Through the 13th Amendment Notice, the Commission granted temporary summary effectiveness to amendments detailed in Category 2 so as to allow the target launch date for the new Internal Securities Information

¹ The CSE was elected chair of the Operating Committee for the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis ("Nasdaq UTP Plan" or "Plan") by the Participants.

² Among other things, the 13th Amendment proposes to add the Nasdaq Stock Market, Inc. ("Nasdaq") as a Participant. The Committee is made up of all the Participants.

³ 17 CFR 240.11Aa3-1.

⁴ 17 CFR 240.11Aa3-2.

⁵ Securities Exchange Act Release No. 46139 (June 28, 2001 [sic]), 67 FR 44888 ("13th Amendment Notice").

Processor ("SIP") data feeds to be met.⁶ The Commission received no comments on the proposed 13th Amendment.

This partial temporary approval order approves the 13th Amendment's extension of the Plan through August 19, 2003. This order does not approve the amendments detailed in Categories 1, 2, 3, and 4 in the 13th Amendment Notice,⁷ which will be addressed in a separate action.

II. Discussion

The Commission finds that extending the Plan for one year is consistent with the requirements of the Act and the rules and regulations thereunder, and, in particular, section 12(f)⁸ and section 11A(a)(1)⁹ of the Act and Rules 11Aa3-1 and 11Aa3-2 thereunder.¹⁰ Section 11A of the Act directs the Commission to facilitate the development of a national market system for securities, "having due regard for the public interest, the protection of investors, and the maintenance of fair and orderly markets," and cites as an objective of that system the "fair competition * * * between exchange markets and markets other than exchange markets."¹¹ When the Commission first approved of the Plan on a pilot basis, it found that the Plan "should enhance market efficiency and fair competition, avoid investor confusion, and facilitate surveillance of concurrent exchange and OTC trading."¹² The Plan has been in existence since 1990 and Participants have been trading Nasdaq securities under the Plan since 1993.

⁶ In November of 2001, Nasdaq began implementing the "Internal SIP" project. The Internal SIP is a separate technology infrastructure within Nasdaq that will perform the functions of the SIP for Nasdaq-listed securities. When the Internal SIP is in place, Nasdaq will be able to separate its functions as a stock market from its functions as a SIP for the Plan.

⁷ Pursuant to Rule 11Aa3-2(c)(4), 17 CFR 240.11Aa3-2(c)(4), the temporary summary effectiveness granted to the Category 2 amendments by the 13th Amendment Notice may not exceed 120 days in length. This partial temporary approval order has no impact upon such temporary summary effectiveness of the Category 2 amendments.

⁸ 15 U.S.C. 78l(f). The Commission finds that extending the Plan is consistent with fair and orderly markets, the protection of investors and the public interest, and otherwise in furtherance of the purposes of the Act. The Commission has taken into account the public trading activity in securities traded pursuant to the Plan, the character of the trading, the impact of the trading of such securities on existing markets, and the desirability of removing impediments to, and the progress that has been made toward the development of a national market system.

⁹ 15 U.S.C. 78k-1(a)(1).

¹⁰ 17 CFR 240.11Aa3-1 and 17 CFR 240.11Aa3-2.

¹¹ 15 U.S.C. 78k-1(a).

¹² Securities Exchange Act Release No. 28146 (June 26, 1990), 55 FR 27917 (July 6, 1990).