

## 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 20549-0004.

#### Extension:

Rule 3 and Form U-3A3-1, SEC File No. 270-77, OMB Control No. 3235-0160.

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 ("OMB") a request for extension of the matters relating to the previously approved collections of information discussed below.

Form U-3A3-1, [17 CFR 259.403] under the Public Utility Holding Company Act of 1935, as amended ("Act"), 15 U.S.C. 79, *et seq.*, is an application for exemption from regulation, under Rule 3 of the Act, filed annually by banks that are incidentally public utility holding companies by virtue of holding utility securities in their capacity as a bank.

Rule 3 requires the information collection prescribed by Form U-3A3-1. The Commission estimates that the total annual reporting and record keeping burden of collections for Form U-3A3-1 is 10 hours (5 responses  $\times$  2 hours = 10 hours).

The estimate of average burden hours are made for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or representative survey or study of the costs of complying with the requirements of Commission rules and forms.

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.

Please direct general comments regarding the above information 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 5th Street, NW., Washington, DC 20549. Comments must

be submitted to OMB within 30 days of this notice.

Dated: February 13, 2004.

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

[FR Doc. 04-3944 Filed 2-23-04; 8:45 am]

**BILLING CODE 8010-13-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 95 and Form U-13E-1, SEC File No. 270-74, OMB Control No. 3235-0162.

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 ("OMB") a request for extension of the matters relating to the previously approved collections of information discussed below.

Form U-13E-1, [17 CFR 259.213] under the Public Utility Holding Company Act of 1935, as amended ("Act"), 15 U.S.C. 79, *et seq.*, is required to be filed under Rule 95 of the Act by certain companies providing services and selling goods to registered public utility holding companies and their subsidiaries.

Rule 95 under the Act, which implements Sections 12(e) and (f) of the Act, requires the information collection prescribed by Form U-13E-1. The Commission estimates that the total annual reporting and recordkeeping burden of collections for Form U-13E-1 is 2 hours (1 response  $\times$  2 hours = 2 hours).

The estimate of average burden hours are made for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or representative survey or study of the costs of complying with the requirements of Commission rules and forms.

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.

Please direct general comments regarding the above information 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 20549-0004. Comments must be submitted within 30 days of this notice.

Dated: February 13, 2004.

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

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49260]

**Order Granting Application for Exemptions Pursuant to Section 36(a) of the Exchange Act by the American Stock Exchange LLC, the International Securities Exchange, Inc., the Municipal Securities Rulemaking Board, the Pacific Exchange, Inc., the Philadelphia Stock Exchange, Inc., and the Boston Stock Exchange, Inc.**

February 17, 2004.

### I. Introduction

The American Stock Exchange LLC ("Amex"), the International Securities Exchange, Inc. ("ISE"), the Municipal Securities Rulemaking Board ("MSRB"), the Pacific Exchange, Inc. ("PCX"), the Philadelphia Stock Exchange, Inc. ("Phlx"), and the Boston Stock Exchange, Inc. ("BSE"), each have filed with the Securities and Exchange Commission ("Commission"), pursuant to Rule 0-12<sup>1</sup> under the Securities Exchange Act of 1934 ("Exchange Act"), an application for an exemption under section 36(a)(1) of the Exchange Act<sup>2</sup> from the rule filing requirements of section 19(b) of the Exchange Act<sup>3</sup> with respect to certain rules of another self-regulatory organization ("SRO") that each of these SROs has either proposed to incorporate by reference or currently incorporates by reference.

### II. Applications for Section 36 Exemption From Section 19(b) Rule Filing Requirements for SRO Rules Incorporated by Reference

Several SROs currently incorporate by reference certain rules of other SROs. Specifically, the Amex, ISE, MSRB, and Phlx incorporate the NASD Code of

<sup>1</sup> See 17 CFR 240.0-12.

<sup>2</sup> 15 U.S.C. 78mm(a)(1).

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