

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, fax to (202) 418-3251, or e-mail to [mbtoomey@opm.gov](mailto:mbtoomey@opm.gov). Please include your mailing address.

**DATES:** Comments on this proposal should be received within 30 calendar days from the date of this publication.

**ADDRESSES:** Send or deliver comments to—Melissa A. Drummond, Program Manager, Office of Merit Systems Oversight, Office of Merit Systems Oversight and Effectiveness, U.S. Office of Personnel Management, 1900 E Street, NW., Room 7671, Washington, DC 20415, and Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

U.S. Office of Personnel Management.

**Kay Coles James,**

*Director.*

[FR Doc. 01-25610 Filed 10-11-01; 8:45 am]

**BILLING CODE 6325-43-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44903; File No. 4-208]

### Intermarket Trading System; Order Granting Approval of the Seventeenth Amendment to the ITS Plan Relating to Regional Computer Interface, 30-Second Commitment Expiration, and the Principal Place of Business of the Boston Stock Exchange, Inc.

October 3, 2001.

On July 16, 2001, the Intermarket Trading System Operating Committee ("ITSOC") submitted to the Securities and Exchange Commission ("Commission"), pursuant to Section 11A of the Securities Exchange Act of 1934 ("ACT"),<sup>1</sup> and Rule 11A3a3-2 thereunder,<sup>2</sup> a proposed amendment ("Seventeenth Amendment") to the restated ITS Plan.<sup>3</sup> The proposed

amendment recognized the National Association of Securities Dealers, Inc.'s ("NASD") use of the Regional Computer Interface ("RCI"),<sup>4</sup> and provided for a six-month pilot program for the use of a 30-second commitment expiration. In addition, the proposed amendment reflected the BSE's new principal place of business. Notice of the proposed amendment appeared in the **Federal Register** on August 15, 2001.<sup>5</sup> The Commission received no comments on the proposed amendment. This order approves the proposed amendment.

The Commission finds that the proposed amendment is consistent with the Act and the rules and regulations thereunder applicable to the ITS and, in particular, sections 11A(a)(1)(C)(ii) and (D) of the Act,<sup>6</sup> and Rule 11A3-2(c)(2) thereunder,<sup>7</sup> which requires among other things, that such plan amendment is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and removes impediments to, and perfects the mechanisms of, a national market system. Specifically, the Commission believes that the plan amendment should help to enable the NASD to use the communications network that links all the Participant markets. In addition, the Commission believes that by providing a shorter commitment expiration option of 30-seconds as a six-month pilot program, the proposed amendment should foster efficiency and enhance competition among Participant markets.

It Is Therefore Ordered, pursuant to section 11A(a)(3)(B) of the Act,<sup>8</sup> that the proposed Seventeenth Amendment be, and 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. 01-25702 Filed 10-11-01; 8:45 am]

**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 25205; 812-12016]

### Firstmark Corp.; Notice of Application.

October 5, 2001.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the "Act").

**SUMMARY OF THE APPLICATION:** Firstmark Corp. ("Applicant") requests an order exempting it from all provisions of the Act until the earlier of one year from the date the requested order is issued or the date it no longer may be deemed to be an investment company.

**FILING DATES:** The application was filed on March 3, 2000 and amended on October 2, 2001.

### Hearing or Notification of Hearing:

An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 31, 2001 and should be accompanied by proof of service on Applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Applicant, Three James Center, 7th Floor, 1051 Eash Cary Street, Richmond, VA 23219.

### FOR FURTHER INFORMATION CONTACT:

Emerson S. Davis, Sr., Senior Counsel, at (202) 942-0714, or Michael W. Mundt, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549-0102 (telephone (202) 942-8090).

<sup>1</sup> 15 U.S.C. 78k-1.

<sup>2</sup> 17 CFR 240.11Aa3-2.

<sup>3</sup> The ITS is a National Market System ("NMS") plan, which was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. See Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938 (February 3, 1983).

The ITS Participants include the American Stock Exchange LLC ("Amex"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Chicago Stock Exchange, Inc. ("CHX"), the Cincinnati Stock Exchange Inc. ("CSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the Pacific Exchange, Inc. ("PCX"), and the Philadelphia Stock Exchange, Inc. ("PHLX") ("Participants").

<sup>4</sup> "RCI" is defined in Section 1(34A) of the ITS Plan as the "automated linkage between the System and, and collectively, the Regional Switches and the AMEX [Display Book Manager] DBM that, when implemented, will enable members located on the floors of the Amex, BSE, the CHX, the PSE, and the PHLX to participate in the Applications."

<sup>5</sup> See Securities Exchange Act Release No. 44661 (August 8, 2001), 65 FR 42904.

<sup>6</sup> 15 U.S.C. 78k-1(a)(1)(C)(ii) and (D).

<sup>7</sup> 17 CFR 240.11A3-2(c)(2).

<sup>8</sup> 15 U.S.C. 78k-1(a)(3)(B).

<sup>9</sup> 17 CFR 200.30-3(a)(29).