

Securities Exchange Act of 1934, as amended ("Act"). This Plan supersedes and replaces the Exchange's Fingerprint Plan approved by the Securities and Exchange Commission ("Commission"), on a permanent basis, on December 23, 1976 by Release No. 34-13105.

The purpose of this Plan is to facilitate compliance by members¹⁰ of the Exchange with section 17(f)(2) of the Act and Rule 17f-2 thereunder by providing a facility for the fingerprints of individual partners, directors, officers and employees of Exchange members to be submitted to the Attorney General of the United States ("Attorney General") and processed electronically.

The Exchange has established an arrangement with the National Association of Securities Dealers, Inc. ("NASD") to permit all individuals that must be registered with, or approved by, the Exchange ("registered persons") to be electronically registered with the Exchange through the NASD's Web Central Registration Depository system ("Web CRD").¹¹ The Web CRD is a Web-based system that provides broker-dealers and their associated persons with "one-stop filing" with the Commission, NASD and other self-regulatory organizations and regulators. The Web CRD is operated by NASD and is used by participating regulators in connection with registering and licensing broker-dealers and their associated persons.

In connection with this registration process, persons seeking registration with the Exchange will submit their fingerprints to NASD. NASD will process these fingerprints and submit them to the Attorney General. The Attorney General will provide NASD with fingerprint processing results for the persons seeking registration, and the results will be provided to the members via Web CRD. NASD will notify the Exchange if the fingerprint processing results received by NASD for one of these registered persons contains information that would subject the person to a statutory disqualification. In such an instance, the Exchange will review the fingerprint processing results to determine the possible existence of a statutory disqualification as defined in Section 6(c) of the Act, and will take appropriate action, if necessary, concerning eligibility or continued eligibility of the individual for employment or association with an Exchange member. Copies of fingerprint processing results made available by NASD with respect to fingerprints submitted by the Exchange pursuant to this Plan will be maintained by the Exchange in accordance with the Exchange's Record Retention Plan on file with the Commission. Any maintenance of fingerprint records by the Exchange shall be for the Exchange's own administrative purposes, and the Exchange is not undertaking to maintain fingerprint records on behalf of Exchange members pursuant to Rule 17f-2(d)(2).

The Exchange will advise Exchange members and Exchange member applicants of the availability of fingerprint services and

any fees charged by the Exchange and NASD in connection with those services and the processing of fingerprints pursuant to this Plan. The Exchange shall file any such Exchange fees with the Commission pursuant to section 19(b)(3)(A) of the Act.

The Exchange shall not be liable for losses or damages of any kind in connection with the fingerprinting services, as a result of a failure to follow, or properly to follow, the procedures described above, or as a result of lost or delayed fingerprint cards, fingerprint records, or fingerprint processing results, or as a result of any action by the Exchange or the Exchange's failure to take action in connection with this Plan.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48076; File No. SR-CHX-2003-15]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Stock Exchange, Incorporated To Amend the Membership Dues and Fees Schedule To Increase the Specialist Tape Credits for Certain Trades in Tape A and Tape B Securities

June 23, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 2, 2003, the Chicago Stock Exchange, Incorporated ("CHX" 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 Exchange. 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 CHX proposes to amend its membership dues and fees schedule ("Schedule"), effective May 1, 2003, to increase the specialist tape credits for certain trades in Tape A and Tape B securities. The text of the proposed rule change is available at the Commission and at the CHX.

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 Exchange included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The Exchange 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

The Exchange proposes to amend the Schedule, effective May 1, 2003, by increasing the specialist tape credits available for certain trades in Tape A and Tape B securities.³ Specifically, in any month that the CHX's aggregate share of Tape A or Tape B trade volume exceeds the CHX's aggregate share of Tape A or Tape B trade volume for the first quarter of the year 2003, the Exchange intends to distribute 50% of the tape revenue received by the Exchange resulting from that increased share of Tape A or Tape B trade volume ("Additional Revenue").⁴ The Exchange plans to distribute this Additional Revenue to specialist firms in proportion to each firm's share of that month's incremental growth in Tape A or Tape B trade volume. This tape credit program is designed to provide additional credits to the specialist firms that increase the Exchange's market share in Tape A and Tape B securities.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange and, in particular, with the requirements of Section 6(b)(4),⁵ in that it provides for the equitable allocation

³ Tape A securities are securities reported on Tape A of the Consolidated Tape Association. Tape B securities are securities reported on Tape B of the Consolidated Tape Association.

⁴ These distributions would be made from a month's Additional Revenue after subtracting all direct CTA costs and the Transaction Credits otherwise payable for the increased trade volume. At no time would any specialist firm receive credits, relating to trades in Tape B securities, which exceed 50% of the market data revenue received by the Exchange with respect to trades in those securities.

⁵ 15 U.S.C. 78f(b)(4).

¹⁰ As used herein, the term "member" shall have the same meaning as set forth in section 3(a)(3)(A) of the Securities Exchange Act of 1934.

¹¹ See Exchange Rules 340, 341 and 359, as amended.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.