applicant's remaining three series made a liquidating distribution to their shareholders, based on net asset value. Expenses of $275,785 incurred in connection with the reorganization and liquidation of applicant were paid by Evergreen Investment Management Company, LLC, applicant's investment adviser.

Filing Dates: The application was filed on November 20, 2002, and amended on July 7, 2003.

Applicant's Address: Federated Investors Tower, 1001 Liberty Ave., Pittsburgh, PA 15222–3779.

The Wachovia Municipal Funds [File No. 811–6201]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 7, 2002, applicant transferred its assets to corresponding series of Evergreen Municipal Trust, based on net asset value. Expenses of $275,785 incurred in connection with the reorganization and liquidation of applicant were paid by Evergreen Investment Management Company, LLC, applicant's investment adviser.

Filing Dates: The application was filed on November 20, 2002, and amended on July 7, 2003.

Applicant's Address: Federated Investors Tower, 1001 Liberty Ave., Pittsburgh, PA 15222–3779.

Seligman Tax-Aware Fund, Inc. [File No. 811–10297]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 24, 2003, applicant transferred its assets to Seligman Growth Fund, Inc., based on net asset value. Expenses of $98,500 incurred in connection with the reorganization were paid by J. & W. Seligman & Co. Incorporated, applicant's investment adviser.

Filing Date: The application was filed on July 16, 2003.

Applicant's Address: 100 Park Ave., New York, NY 10017.

The Simms Funds [File No. 811–8871]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 28, 2003, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $24,956 incurred in connection with the liquidation were paid by Simms Capital Management, Inc., applicant's investment adviser.

Filing Date: The application was filed on July 9, 2003.

Applicant's Address: 55 Railroad Ave., Greenwich, CT 06830.

Integrity Small-Cap Fund of Funds, Inc. [File No. 811–9023]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On June 25, 2003, applicant made a liquidating distribution to its shareholders, based on net asset value. Applicant incurred no expenses in connection with the liquidation.

Filing Date: The application was filed on July 21, 2003.

Applicant's Address: 1 Main St. N., Minot, ND 58703.

Market Street Fund [File No. 811–4350]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On April 28, 2003, pursuant to an agreement approved by the applicant's shareholders, applicant distributed all of its assets to its shareholders based on net asset value. Expenses of approximately $288,308 were incurred in connection with the merger and were paid by Gartmore Mutual Fund Capital Trust, the investment adviser of the applicant.

Filing Date: The application was filed on May 20, 2003.

Applicant's Address: 1000 Chesterbrook Boulevard, Berwyn, Pennsylvania 19312–1181.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 03–19472 Filed 7–30–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of August 4, 2003:

Closed Meetings will be held on Tuesday, August 5, 2003 at 2 p.m. and Thursday, August 7, 2003 at 11 a.m., and Open Meetings will be held on Wednesday, August 6, 2003 at 10 a.m. and Thursday August 7, 2003 at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (9)(B) and (10) and 17 CFR 200.402(a)(3), (5), (6), (7), (9)(ii) and (10), permit consideration of the scheduled matters at the Closed Meetings.

The subject matter of the Closed Meeting scheduled for Tuesday, August 5, 2003 will be:

Institution and settlement of administrative proceedings of an enforcement nature;

Institution and settlement of injunctive actions;

Formal Orders; and

Adjudicatory matter.

The subject matter of the Open Meeting scheduled for Wednesday, August 6, 2003 will be:

The Commission will consider whether to propose amendments to Item 7 of Schedule 14A under the Exchange Act of 1934. The amendments would require expanded disclosure related to the operation of board nominating committees and new disclosure concerning security holder communications with board members.

For further information, please contact Lillian Cummins, Division of Corporation Finance, at (202) 942–2900.

The subject matter of the Open Meeting scheduled for Thursday, August 7, 2003 will be:

The Commission will hear oral argument on an appeal by Carroll A. Wallace, C.P.A. from the decision of an administrative law judge. During the period covered by this Commission proceeding, Wallace was a partner in the Denver, Colorado office of the accounting firm of KMPG LLC.

Wallace has appealed the law judge's findings that Wallace recklessly engaged in improper professional conduct in violation of the Commission's Rule of Practice 102(e), 17 U.S.C. 201.102(e), with respect to KMPG's audits of The Rockies Fund, an investment company, for the years 1994 and 1995.

Among the issues likely to be argued are:

1. Whether respondent recklessly engaged in improper professional conduct; and
2. If respondent did recklessly engage in improper professional conduct, whether sanctions should be imposed in the public interest.

The subject matter of the Closed Meeting scheduled for Thursday, August 7, 2003 will be: Post-argument discussion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been

added, deleted, or postponed, please contact the Office of the Secretary at (202) 942–7070.

Dated: July 29, 2003.

Jonathan G. Katz,

Secretary.

[FR Doc. 03–19614 Filed 7–29–03; 11:41 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48223; File No. SR–CBOE–2003–26]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Board Options Exchange, Incorporated Relating to Its Fiscal Year 2004 Fee Schedule

July 24, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2003, the Chicago Board Options Exchange, Incorporated (''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 the proposal pursuant to section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(2)[4] thereunder, in that the proposed rule change establishes or changes a due fee or other charge, which renders the proposal effective upon filing with the Commission. The CBOE filed via facsimile Amendment No. 1 on July 23, 2003.[5] 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 Exchange proposes to make certain changes to its Fee Schedule for Fiscal Year 2004. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See* July 23, 2003 letter from Chris Hill, Attorney, CBOE to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission (''Amendment No. 1''). In Amendment No. 1, CBOE removed one of the fee changes and made revisions to the Fee Schedule.

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, Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to make certain fee reductions, additions and changes. The proposed amendments are the product of the Exchange's annual budget review. The fee changes were approved by the Exchange Board of Directors pursuant to CBOE Rule 2.22 and will take effect on July 1, 2003. The Exchange proposes to amend the following fees.

(i) Index Order Book Official Execution Fee Reduction and Simplification

The Exchange proposes to significantly reduce and simplify the Index Customer Order Book Official Execution Fees (''Index OBO fees''). The Exchange represents that these are the rates charged when a floor broker or market maker buys or sells index option contracts out of the order book. Currently, there is a sliding scale of index OBO fee rates that change based on both the size of the order and the amount of the per-contract premium. The new per contract Index OBO fee rate will be flat rates (regardless of order size) of $.60 per book contract for book contracts with a premium greater than or equal to $2 and $.40 per contract for Book contracts with premiums less than $2.

As in prior years, OBO fees will continue to be waived for market orders sent to the book prior to the opening and executed during opening rotation. In the OEX option class, fees will continue to be waived for market and limit orders sent to the book prior to the opening and executed during opening rotation. Cabinet/accommodation/liquidation trades will continue to be charged $.10 per contract.

The Exchange estimates that the overall effect of the changes will be a reduction of approximately 33% in Index OBO fees.

(ii) Customer Large Trade Discounts

The Exchange proposes to establish a pilot program providing a customer large trade discount in the form of a cap on customer transaction fees, to be in effect for the period July through December 2003 for most CBOE index option products.[6] The Exchange determined the contract size at which the cap would be implemented after reviewing recent trading activity in each of the index products. Trade match and floor brokerage fees are not subject to the cap on fees.

Regular customer transaction fees will only be charged up to the following quantity of contracts per order, for the following underlying indexes:

1. Dow Jones indexes (including DIA)—charge only the first 7,500 contracts;
2. SPX—charge only the first 5,000 contracts;
3. OEX (including XEO and OEF), NDX and other indexes (not including MNX)—charge only the first 3,000 contracts.

(iii) Non-OCC Firm Booth Fees and Booth Rental Incentive Plan

The Exchange proposes to reduce monthly rental rates for most of the booths[7] that the Exchange leases to member organizations that are not members of the OCC (''non-OCC firms'') by $250, to a new rate of $300 per month. OCC member firms will continue to be assessed at $165 per month.

In an effort to increase booth space rentals, the Exchange will also establish a booth rental incentive plan that will be in effect for the period July 2003 through June 2004. Pursuant to this plan, all Members and Member Firms, both OCC and non-OCC, will be permitted to lease additional perimeter and Green Room booth space at a reduced rate of $100 per month per additional booth. The discounted price is only applicable to booths leased in excess of the quantity that the Member or Firm had been leasing as of June 1, 2003. For new Members and Member Firms, the first four booths will be assessed at the normal rate effective as of July 1, 2003, and any additional

[6] The MNX option class will not be included in this program since MNX customer fees were significantly reduced in June 2002 to a flat rate of $.15 per contract. *See* Securities Exchange Act Release No. 46045 (June 6, 2002), 67 FR 41284 (June 17, 2002) (noticing SR–CBOE–2002–28).

[7] Specifically, the reduced rates will apply to booths around the perimeter of the main 4th floor trading floor (''perimeter booths'') and those in the ''Green Room'' (the second floor trading area.) Booth rates will not change for those booths designated as OEX, OEX book, or Dow Jones/MNX booths.