

requirements for, financial statements filed with periodic reports and in connection with the offer and sale of securities. Investors need reasonably current financial statements to make informed investment and voting decisions.

The potential respondents include all entities that file registration statements or reports pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, or the Investment Company Act of 1940.

Regulation S-X specifies the form and content of financial statements when those financial statements are required to be filed by other rules and forms under the federal securities laws. Compliance burdens associated with the financial statements are assigned to the rule or form that directly requires the financial statements to be filed, not to Regulation S-X. Instead, an estimated burden of one hour traditionally has been assigned to Regulation S-X for incidental reading of the regulation. The estimated average burden hours are solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules or forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 15, 2002.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 02-4932 Filed 2-28-02; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of March 4, 2002: A closed meeting will be held on Tuesday, March 5, 2002 at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. 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), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting scheduled for Tuesday, March 5, 2002, will be:

Institution and settlement of injunctive actions;
Institution and settlement of administrative proceedings of an enforcement nature; and
Formal orders of investigation.

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: February 26, 2002.

Jonathan G. Katz,

Secretary.

[FR Doc. 02-5002 Filed 2-26-02; 4:23 pm]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-45470; File No. SR-CBOE-2002-06]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Floor Telephone Deposit Fees

February 22, 2002.

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 February 7, 2002, the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which the CBOE has prepared. 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 CBOE proposes to make a change to its fee schedule to eliminate its "Exchangefone" and single-line phone deposits, and also to refund deposits that the CBOE is currently retaining. The text of the proposed rule change is available at the CBOE and at the Commission.

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 had 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, the Proposed Rule Change

During the early 1980s, the CBOE began requiring members to pay a deposit of \$1,000 per Exchangefone to help fund the installation of a new telephone system on the CBOE floor. Approximately 10 years ago, the CBOE modified the Exchangefone deposit program to cap or limit the deposits to no more than \$10,000 per member firm. In addition, the CBOE currently requires a \$175 damage deposit for single-line phones on the trading floor. The CBOE is currently holding approximately \$365,000 in Exchangefone deposits and approximately \$22,000 in single-line phone damage deposits.

The CBOE Board has decided to eliminate the phone deposit programs and refund the deposits that the CBOE is currently holding. This filing

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

implements those changes. The CBOE will refund the deposits to each member firm through a credit that will appear on the next CBOE billing statement.

The CBOE believes that the proposed rule change is consistent with section 6(b) of the Act³ and furthers the objectives of section 6(b)(4) of the Act⁴ in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other changes among CBOE members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The CBOE neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because these foregoing rule change establishes or changes a due, fee, or other charge that the CBOE has imposed, it has become effective pursuant to section 19(b)(3)(A) of the Act⁵ and Rule 19b-4(f)(2) thereunder.⁶ At any time within 60 days after the filing of the proposed rule change, the Commission may summarily abrogate the proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to file number SR-CBOE-2002-06 and should be submitted by March 22, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02-4877 Filed 2-28-02; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-45472; File No. SR-NASD-2001-86]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Fees for Nasdaq Index Information

February 22, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934

7030. SPECIAL OPTIONS

Receive only printer	\$100/month.
Local Posting	\$10/month.
Dual Keyboard	\$15/month.
Nasdaq Market Indexes	[\$500]\$2,000/month.

Permits subscriber to use Nasdaq Level 3 terminals to enter quotations simultaneously into an internal computer system.

Permits vendor to [process Nasdaq Level 1 and Last Sale data feeds solely for the purpose of supplying subscribers with] distribute real-time calculations of the Nasdaq market indexes to all of its subscribers, including those that do not otherwise subscribe to real-time Nasdaq Level 1 or NQDS services.

³ 15 U.S.C. 78f(b).

⁴ 15 U.S.C. 78f(b)(4).

⁵ 15 U.S.C. 78s(b)(3)(A)(ii).

⁶ 17 CFR 240.19b-4(f)(2).

⁷ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Nasdaq recommended to the SEC Advisory Committee on Market Information that the SEC relax its review of commercial products and services, including market data products that are outside the core functions of an SRO-operated market. The Advisory Committee, noting the

(“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 4, 2001, the National Association of Securities Dealers, Inc. (“NASD” or “Association”), through its subsidiary, The Nasdaq Stock Market, Inc. (“Nasdaq”), filed with the Securities and Exchange Commission (“Commission” or “SEC”), the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. 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

Nasdaq proposes to amend NASD Rule 7030, Special Options, to increase the monthly fee charged to market data vendors for non-core, real-time information about Nasdaq indexes (“Index Information”).³ Nasdaq established this “Index Fee” in 1992 at \$500 per month and it remains at \$500 today although: (1) Nasdaq has increased the amount of Index Information provided to market data vendors for that fee; (2) Nasdaq’s costs of providing the Index Information are substantially higher today than in 1992; and (3) the audience for Index Information has exploded in recent years. Accordingly, Nasdaq proposes to raise the fee to \$2,000 per month.

Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletions are in brackets.

regulatory disparity between SROs and unregistered commercial entities, in turn recommended that the SEC consider streamlining the SRO fee-filing requirement for non-core data. See *Report of the Advisory Committee On Market Information: A Blueprint For Responsible Change*, at fn. 283 and accompanying text.