

information continues to have practical utility; (b) the accuracy of the agency's estimate of the burden of the existing collection of information; (c) ways to enhance the quality, utility, and clarity of the information being 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.

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: June 4, 2002.

Margaret H. McFarland,
Deputy Secretary.

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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 17f-2(e), SEC File No. 270-37, OMB Control No. 3235-0031.

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 a request for extension of the previously approved collection of information discussed below.

Rule 17f-2(e) requires members of national securities exchanges, brokers, dealers, registered transfer agents, and registered clearing agencies claiming exemption from the fingerprinting requirements of Rule 17f-2 to prepare and maintain a statement supporting their claim for exemption. This requirement assists the Commission and other regulatory agencies with ensuring compliance with Rule 17f-2.

Notices prepared pursuant to Rule 17f-2(e) must be maintained for as long as the covered entity claims an exemption from the fingerprinting requirements of Rule 17f-2. The recordkeeping requirement under Rule 17f-2(e) is mandatory to assist the

Commission and other regulatory agencies with ensuring compliance with the Rule 17f-2. Approximately 75 respondents incur an annual total burden of 37.5 hours complying with the requirements of Rule 17f-2(e). This rule does not involve the collection of confidential information. Please note that 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.

General comments regarding the estimated burden hours should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: June 5, 2002.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 02-14611 Filed 6-10-02; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

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 June 10, 2002:

Open Meetings will be held on Wednesday, June 12, 2002, at 10:00 a.m. and Thursday, June 13, 2002 at 10:00 a.m., in Room 1C30, the William O. Douglas Room, and a closed meeting will be held on Thursday, June 13, 2002, immediately following the Open Meeting.

Commissioner Hunt, as duty officer, determined that no earlier notice thereof was possible.

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), (8), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), (8), (9)(ii) and (10), permit consideration

of the scheduled matters at the closed meeting.

The subject matter of the open meeting scheduled for Wednesday, June 12, 2002, will be:

1. The Commission will consider whether to issue an order approving the application by E.ON AG ("E.ON"), a German corporation that is a utility holding company exempt by rule 5 under the Public Utility Holding Company Act of 1935 ("Act"), to acquire Powergen plc, a British corporation that is a registered holding company. Powergen is subject to the Act because of its ownership of Louisville Gas & Electric and Kentucky Utilities, two utility subsidiaries that operate primarily in Kentucky. The acquisition involves novel issues under the Act, including permitting a registered holding company with foreign utility operations to retain ownership of a foreign water utility, permitting E.ON to invest additional money in businesses that the Act requires them to divest in order to increase the price at which those businesses will likely be sold, requiring a registered holding company to divest nonconforming companies within five years rather than the typical two or three years, and permitting E.ON to invest in equity securities of third parties in an amount designed to allow it to meet future pension liabilities and nuclear decommissioning costs without making those investments through a separate entity.

The Commission will also consider whether to issue an order approving a related application by E.ON to engage in financing transactions to be entered into subsequent to the acquisition of Powergen. E.ON and its subsidiaries, upon approval of the acquisition of Powergen, propose to issue equity and debt securities in an aggregate amount of up to \$75 billion. E.ON and its subsidiaries also propose to engage in financing activities including interest rate and currency risk management devices, profit and loss transfer agreements, money pools, and various additional transactions. E.ON and its subsidiaries propose to use the proceeds of these financing transactions to support existing businesses, to make further acquisitions of Exempt Wholesale Generators, Foreign Utility Companies, and Energy Related Companies, as well as possible future acquisitions of public utility companies regulated under the Act.

2. The Commission will consider whether to adopt final amendments to Exchange Act Rules 15c3-3, 17a-3, 17a-4, 17a-5, 17a-7, 17a-11, and 17a-13. These amendments are designed to avoid duplicative or conflicting

regulations applicable to firms that are fully-registered with the Commodity Futures Trading Commission ("CFTC") as a futures commission merchant and fully-registered with the SEC as a broker-dealer relating to the treatment of customer funds, securities or property, maintenance of books and records, financial reporting or other financial responsibility rules involving security futures products ("SFPs"), as directed by the Commodity Futures Modernization Act of 2000. The amendments are also designed to avoid certain conflicting or duplicative recordkeeping, reporting, telegraphic notice, and quarterly count requirements involving SFPs for firms that are "notice" registered with the Commission under Exchange Act Section 15(b)(11)(A). These amendments were developed in consultation with the CFTC.

3. The Commission will consider whether to issue, jointly with the CFTC, an order to permit the listing of security futures based on shares of exchange-traded funds, trust issued receipts, or shares of a closed-end management investment company.

4. The Commission will consider whether to issue an order granting exemptive relief pursuant to Sections 15(a)(2) and 36(a)(1) of the Exchange Act in response to an application from Evangelical Christian Credit Union for an exemption to permit it to offer to sweep account balances into no-load money market funds on the same terms and conditions that would be applicable to banks when the Gramm-Leach-Bliley Act amendments to the definition of "broker" become effective. In light of an informal request for similar relief on behalf of other credit unions, the Commission also will consider whether to make such relief applicable to all credit unions with deposits insured by the National Credit Union Share Insurance Fund. In addition, the Commission will consider whether to request public comment on the issues such an exemption would raise for review in connection with consideration of amendments to the May 11, 2001 interim final rules implementing the functional regulation exceptions from broker-dealer registration of the Gramm-Leach-Bliley Act.

5. The Commission will consider whether to propose amendments to Form 8-K under the Securities Exchange Act of 1934 to add several new disclosure items to Form 8-K, amend many of the existing Form 8-K disclosure items, shorten the Form 8-K filing deadline to two business days, and reorganize the disclosure items into logical categories. These proposed

amendments are part of the series of initiatives to change the corporate disclosure rules that the Commission announced its intention to consider in Press Release 2002-22 on February 13, 2002.

6. The Commission will consider whether to issue proposed rules that would require a company's principal executive officer and principal financial officer to certify the company's quarterly and annual reports. In addition, the proposed rules would require companies to regularly review and evaluate their procedures that enable them to fulfill their periodic reporting obligations.

The subject matter of the Open Meeting scheduled for Thursday, June 13, 2002, will be:

1. The Commission will hear oral argument on an appeal by George J. Kolar from the decision of an administrative law judge. The law judge found that Kolar failed to exercise reasonable supervision over a salesman in Dean Witter's Troy, Michigan branch office, who violated registration and antifraud provisions of the securities laws. The law judge ordered that Kolar be suspended for six months from acting in a supervisory capacity with any registered broker or dealer, and fined him \$20,000.

The subject matter of the Closed Meeting scheduled for Thursday, June 13, 2002, will be:

Regulatory matter regarding a financial institution;

Formal orders of investigation;

Institution and settlement of injunctive actions;

Report of investigation;

Institution and settlement of administrative proceedings of an enforcement nature; and a

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: June 6, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02-14712 Filed 6-6-02; 4:32 pm]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-46026; File No. SR-Amex-2002-12]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Approving a Proposed Rule Change and Amendment No. 1 Thereto To Retroactively Apply Amended Options Trading Fees

June 4, 2002.

On March 1, 2002, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to retroactively apply options trading fees that were amended in SR-Amex-2002-11.³ Specifically, the Exchange proposes to impose the fee change as of December 1, 2001. The Amex filed Amendment No. 1 to the proposed rule change on April 16, 2002.⁴

The proposed rule change, as amended, was published for comment in the **Federal Register** on April 26, 2002.⁵ The Commission received no comments on the proposal. This order approves the proposed rule change, as amended.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of Section 6 of the Act⁶ and the rules and regulations thereunder applicable to a national securities exchange.⁷ The Commission finds specifically that the proposed rule change, as amended, is consistent with Section 6(b)(4) of the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 45783 (April 18, 2002), 67 FR 20851 (April 26, 2002) for a description of these fees changes. These fee amendments were filed pursuant to Section 19(b)(3)(A)(ii) of the Act and were effective upon filing on April 16, 2002.

⁴ See letter from Claire P. McGrath, Vice President and Deputy General Counsel, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated April 12, 2002 ("Amendment No. 1"). In Amendment No. 1, the Amex amended the proposal to incorporate the Exchange's reasons for not charging specialists and registered options traders the recent increase in transaction, comparison and floor brokerage fees for accommodation trades or trades executed pursuant to reversals and conversions, dividend spreads, and box spreads. Amex also provided an explanation of the December 1, 2001 implementation date for the elimination of the fee cap.

⁵ See Securities Exchange Act Release No. 45784 (April 18, 2002), 67 FR 20847.

⁶ 15 U.S.C. 78f.

⁷ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).