

By order dated December 12, 2000, in this filing ("December 2000 Order"),<sup>1</sup> the Commission authorized Progress Energy, the Utility Subsidiaries and Progress Energy's direct and indirect nonutility subsidiaries, among other things, to engage in a program of external and intrasystem financing and to organize and acquire the equity securities of specified types of new subsidiaries through September 30, 2003 ("Authorization Period"). Among other specific authorization granted by the December 2000 Order, the Commission authorized Progress Energy, through its nonutility subsidiaries, to invest up to \$500 million ("Investment Limitation") in connection with the acquisition or construction of certain types of nonutility energy-related assets in the United States that are incidental to their energy marketing activities ("Energy-Related Assets") or in the equity securities of existing or new companies substantially all of whose physical properties consist or will consist of Energy-Related Assets.<sup>2</sup>

Applicants state that Progress Ventures entered into a letter of intent with Westchester Gas Company, a nonassociate company, to acquire approximately 215 producing gas wells, 52 miles of intrastate pipeline and 170 miles of gas gathering lines located in Texas and Louisiana. The transaction closed on April 29, 2002. Progress Ventures paid a total consideration of \$148 million, which includes \$128 million in Progress Energy common stock and \$20 million in cash.

Applicants now request a supplemental order of the Commission to increase the Investment Limitation from \$500 million to \$1 billion. Progress Energy, through Progress Ventures, states that it is actively considering several other investments in Energy-Related Assets similar to the Westchester Gas assets. Applicants state that investment in Energy-Related Assets represent an important component of Progress Ventures' overall strategy to diversify its portfolio of assets and earnings. In addition, Applicants state investments in Energy-Related Assets are intended to provide

a fuel hedge for Progress Ventures' merchant generation plants.<sup>3</sup>

Applicants further state that, although Progress Ventures has not identified any additional investments in Energy-Related Assets at this time, its current business plan contemplates additional investments of this type that would, in the aggregate, exceed the remaining authorized amount under the Investment Limitation (approximately \$350 million following the Westchester Gas transaction). Applicants assert that the proposed increase is reasonable and would represent a prudent use of capital for a company the size of Progress Energy.

All other terms, conditions and limitations contained in the December 2000 Order, as modified by the September 20, 2001 and March 15, 2002 orders, shall remain the same.

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

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 02-23885 Filed 9-19-02; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting Notice

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 September 23, 2002: A Closed Meeting will be held on Tuesday, September 24, 2002, at 2:30 p.m.

Commissioner Glassman, 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), (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.

<sup>3</sup> Progress Ventures states that it currently has approximately 3,100 MW of gas and oil fired merchant generation in operation or under construction and may expand its merchant generation portfolio by another 2,800 MW over the next few years through acquisitions or new installations.

The subject matter of the Closed Meeting scheduled for Tuesday, September 24, 2002 will be:  
Institution and settlement of injunctive actions;  
Institution and settlement of administrative proceedings of an enforcement nature;  
Formal orders of investigations; and  
Litigation matter.

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: September 18, 2002.

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 02-24072 Filed 9-18-02; 11:37 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-46498; File No. SR-CHX-2002-24]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Membership Dues and Fees

September 13, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 31, 2002, the Chicago Stock Exchange, Incorporated ("CHX" or Exchange) filed with the Securities and Exchange Commission ("SEC" or 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 (the "Schedule"), effective August 1, 2002, to change the calculation of the fixed fee charged to specialists trading Dual Trading System securities and to reduce the fees relating to the assignment of Nasdaq/NM securities. The text of the proposed rule change is below.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>1</sup> See *Progress Energy, Inc. et al.*, Holding Co. Act Release No. 27297. The December 2000 order was modified by orders dated September 20, 2001 and March 15, 2002, Holding Co. Act Release Nos. 27440 and 27500, respectively.

<sup>2</sup> Energy-Related Assets are defined under the December 2000 Order to include natural gas production, gathering, processing, storage and transportation facilities and equipment, liquid oil reserves and storage facilities, and associated facilities.

Proposed new language is in italics.  
Proposed deletions are bracketed.

**Membership Dues and Fees**

\* \* \* \* \*

A.–C. No change to text.

**D. Specialist Assignment Fees**

Specialist Application Fee .....	\$150 per application [filed after April 1, 2000].
Assignment Fee of Dual Trading System Securities.	[Beginning on April 1, 2000,] <i>O</i> [o]nce the Committee on Specialist Assignment and Evaluation approves a member organization to act as specialist in a security, that member organization must pay the following fee: \$350 If the security was assigned without competition. \$1,000 If the security was assigned in competition with at least one other member firm and up to one-third of all member firms that trade Dual Trading System Securities. \$4,000 If the security was assigned in competition with more than one-third of all member firms that trade Dual Trading System Securities.
Assignment of Nasdaq/NM Securities .....	Beginning on [April 1, 2000] <i>August 1, 2002</i> , once the Committee on Specialist Assignment and Evaluation approves a member organization to act as specialist in a security, that member organization must pay the following fee: [\$2,000] \$350 If the security was assigned without competition. [\$4,000] \$1,000 If the security was assigned in competition with [at least] one other member firm [and up to one-third of all member firms] that trades Nasdaq/NM Securities. [\$15,000] \$4,000 If the security was assigned in competition with [more than] <i>two or more other</i> [one-third of all] member firms that trade Nasdaq/NM Securities.

\* \* \* \* \*

**E. Specialist Fixed Fees**

Except in the case of Exemption Eligible Securities (as defined above in Section D), which shall be exempt from assessment of fixed fees, specialists will be assigned a fixed fee per assigned stock on a monthly basis, to be calculated as follows:

Fixed Fee Per Dual Trading System Security =	[\$417,000 × Percent of Fixed Costs Per Tier × CTA Trade Volume Per Security/CTA Trade Volume Per Tier. (Effective April 1, 2000).] \$500,000 × Percent of Fixed Costs Per Tier × CTA Trade Volume Per Security/CTA Trade Volume Per Tier. (Effective <i>August 1, 2002</i> [October 1, 2000]).
Fixed Fee For Member Firms Trading Nasdaq/NMS Securities=	No change to text.
Fixed Fee Per Dedicated Odd-Lot Dealer .....	No change to text.

“Percent of Fixed Costs Per Tier” is taken from the following table:

Tier	Description of tier	Percent of fixed costs per tier
1 .....	1–25 Most Active Securities.	[11%] 17%
2 .....	26–100 .....	[11%] 18%
3 .....	101–200 [250] .....	[12%] 15%
4 .....	201+ [251–500] .....	[13%] 50%
[5] .....	[501–1000] .....	[19%]
[6] .....	[1001–2700+] .....	[34%]

Classification of a particular security for a particular Tier is based on the total number of trades reported to the Consolidated Tape Association in such security for a specific month.

“CTA Trade Volume Per Security” means the total number of trades reported to the Consolidated Tape Association in a specific security for a specific month.

“CTA Trade Volume Per Tier” means the total number of trades reported to the Consolidated Tape Association in all securities classified in a particular Tier for a specific month.

“Dedicated Odd-Lot Dealer” means any odd-lot dealer (as defined in Article XXXI, Rule 3) whose principal business is the trading of odd-lots.

\* \* \* \* \*

## 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 the 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 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 proposed rule change amends the Schedule by (1) changing the fixed fees charged specialists who trade Dual Trading System securities; and (2) reducing the fees associated with the assignment of Nasdaq/NM securities.<sup>3</sup> Each of these changes is described below.

<sup>3</sup> Dual Trading System issues are securities that are traded on the Exchange and on either the American Stock Exchange or the New York Stock Exchange.

*Change in the Dual Trading System Specialist Fixed Fee.* For a number of years, the fixed fee charged to specialists trading Dual Trading System issues has been calculated so that specialists pay a lower percentage of the fixed fee on securities that trade the most and, correspondingly, a higher percentage of the fixed fee on securities that trade the least. The Exchange does not use this tiered structure in its assessment of fixed fees for specialists trading Nasdaq/NM securities, and Exchange management does not believe that, in the long term, it is appropriate to continue using it in the Dual Trading System specialist program. However, to avoid the quite significant impact on a few individual firms that would result from immediately collapsing all of the tiers into one, the attached rule text would collapse the existing six tiers into four and place additional portions of the fee on the more actively traded stocks.

*Decrease in Nasdaq/NM Assignment Fees.* Several years ago, for a variety of reasons, the Exchange began charging specialists who sought assignment of Nasdaq/NM securities a higher fee than specialists who sought assignment of Dual Trading System issues. Given the decrease in the number of Nasdaq/NM

issues traded on the Exchange, it no longer appears appropriate to maintain this different fee schedule. As a result, this proposal would decrease the Nasdaq/NM assignment fees to be more like the fees charged for the assignment of Dual Trading System securities.

## 2. Statutory Basis

The proposed rule change is consistent with section 6(b)(4) of the Act<sup>4</sup> in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

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

The Exchange does not believe that the proposed rule change will result in 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*

Written comments were neither solicited nor received.

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

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>5</sup> and subparagraph (f)(2) of Rule 19b-4<sup>6</sup> thereunder, because it establishes or changes a due, fee, or other charge. At any time within 60 days of the filing date, the Commission may summarily abrogate such 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 such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-CHX-2002-24 and should be submitted by October 11, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 02-23886 Filed 9-19-02; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF STATE

### [Public Notice 4131]

### **Culturally Significant Objects Imported for Exhibition Determinations: "Afghanistan: A Timeless History"**

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the object to be included in the exhibition "Afghanistan: A Timeless History," imported from abroad for temporary exhibition within the United States, is of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at The Museum of Fine Arts, Houston, TX, from on or about November 15, 2002 to on or about February 9, 2003, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619-6981). The address

is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: September 13, 2002.

**Patricia S. Harrison,**

*Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 02-23983 Filed 9-19-02; 8:45 am]

**BILLING CODE 4710-08-P**

## DEPARTMENT OF STATE

### [Public Notice 4132]

### **Culturally Significant Objects Imported for Exhibition Determinations: "Blithe Spirit: The Windsor Set"**

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the object to be included in the exhibition "Blithe Spirit: The Windsor Set," imported from abroad for temporary exhibition within the United States, is of cultural significance. The objects are imported pursuant to a loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, NY from on or about October 30, 2002 to on or about February 9, 2003, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619-6981). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: September 13, 2002.

**Patricia S. Harrison,**

*Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 02-23984 Filed 9-19-02; 8:45 am]

**BILLING CODE 4710-08-P**

<sup>4</sup> 15 U.S.C. 78f(b)(4).

<sup>5</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>6</sup> 17 CFR 240.19b-4(f)(2).

<sup>7</sup> 17 CFR 200.30-3(a)(12).