

5. The security of paper and other forms of information, other than electronic information, is the responsibility of the Director of Security.

#### *Section IV Requests for Correction of Information*

The Peace Corps works to be responsive to users of its information and to improve its information products. The procedures set out in this section are available to "affected" persons who seek to correct information publicly disseminated by the Peace Corps and apply to information disseminated by the Peace Corps on or after October 1, 2002.

1. Persons seeking to correct information publicly disseminated by the Peace Corps must send a written request to the Senior Publications Manager, Office of the Director, 1111 20th Street, NW., Washington, DC 20526.

2. Requests for correction are presumed timely if submitted within sixty (60) days of the dissemination date of the information being challenged.

3. Requests will be assigned a reference number and a notice of receipt of the request will be sent to the requester.

4. The reviewing office will give the request due consideration, including a review of the disseminated information at issue and other materials, as appropriate.

5. In determining whether a response to the request for correction is appropriate, the reviewing office shall consider the following factors:

(a) Whether the statements challenged by the requester fall within the scope of "information" that has been disseminated by the Agency, as those terms are defined in these guidelines;

(b) Whether the requester is "affected" by the information at issue, as that term is defined in these guidelines;

(c) The importance of the formations involved; and

(d) The nature and extent of the request and the public benefit of making the requested correction.

6. A request will not be considered if the Agency determines:

(a) It is not submitted by an "affected" person, as that term is defined in these guidelines;

(b) It does not involve the correction of information publicly disseminated by the Peace Corps;

(c) It is not timely; or

(d) Consideration of the request would not advance material interests of the requester, the general public, or the Peace Corps.

7. Where the reviewing office determines that the information publicly disseminated by the Agency was incorrect, it may take corrective measures, as appropriate, recognizing the potential implications for the requester, the United States, and the Agency, without disrupting Agency process.

8. Where the Agency determines that a response under these guidelines is not appropriate, it will so advise the requester.

9. In most cases, where response under these guidelines is appropriate, the Agency will respond within sixty (60) days of request. The requester will be notified if additional time is required. Agency responses will describe the disposition of the request, the reasons for the disposition, and any corrective action taken or pending.

10. Subject to applicable law, rules or regulations, notice of corrective measures may include, but are not limited to, personal contacts via letter, press releases, or posting on the Agency's website. Notice of corrective measures, where appropriate, should be designed to provide reasonable notice to all affected persons.

#### *Section V Procedures for Requesting Reconsideration*

1. An affected person who received notice from the Agency of the disposition of his or her request under Section IV of these guidelines, may request consideration of the disposition, unless the disposition was a determination that a response to the request was not appropriate.

2. To request reconsideration, the requester shall make the request in writing to the Director of the Peace Corps, and include a copy of original request for correction previously submitted to the Agency. The request for reconsideration shall be sent to the Office of the Director, 1111 20th Street, NW., Washington, DC 20526. Requests for Reconsideration must be submitted within thirty (30) days of the date of the Agency's disposition notification to the requester.

3. Requests for Reconsideration shall be reviewed by the Director or designee. The Director or designee shall apply the same standards and procedures applicable to the original request for correction.

4. The Agency will generally respond within sixty (60) days of receipt of the request. The requester will be informed of the disposition of the request and reasonable notice shall be given affected persons of any corrective actions taken. The decision shall constitute a final action by the Agency.

Dated: August 15, 2002.

**Tyler S. Posey,**

*General Counsel.*

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## **SECURITIES AND EXCHANGE COMMISSION**

### **Issuer Delisting; Notice of Application to Withdraw from Listing and Registration on the American Stock Exchange LLC (Carolina Power & Light Company, \$5.00 Preferred Stock, no par value) File No. 1-13382**

August 15, 2002.

Carolina Power & Light Company, a North Carolina corporation ("Issuer"), has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its \$5.00 Preferred Stock, no par value ("Security"), from listing and registration on the American Stock Exchange LLC ("Amex" or "Exchange").

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the state of North Carolina, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration. The Issuer's application relates solely to the Security's withdrawal from listing on the Amex and from registration under section 12(b) of the Act,<sup>3</sup> and shall not affect its obligation to be registered under section 12(g) of the Act.<sup>4</sup> The Board of Directors ("Board") of the Issuer unanimously approved a resolution on March 20, 2002 to withdraw the Issuer's Security from listing on the Amex. In making the decision to withdraw its Security from the Amex, the Board states that although the Security was originally listed on the Amex to provide a liquid market and better exposure for the Security, current trading volumes are very small, and with the significant technological improvements by the stock exchanges and the availability of online order processing and broader coverage by the broker community nationwide, the advantages of listing no longer exist.

<sup>1</sup> 15 U.S.C. 78j(d).

<sup>2</sup> 17 CFR 240.12d2-2(d).

<sup>3</sup> 15 U.S.C. 78j(b).

<sup>4</sup> 15 U.S.C. 78j(g).

The Issuer will seek quotation of its Security on the OTC Bulletin Board.

Any interested person may, on or before September 9, 2002, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>5</sup>

**Jonathan G. Katz,**  
*Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-46362; File No. SR-Amex-2002-38]

### Self Regulatory Organizations; American Stock Exchange LLC; Order Granting Approval to Proposed Rule Change and Amendment No. 1 Thereto To Designate the New Trading Floor on the Ground Floor of the Exchange as a "Separate Trading Area"

August 15, 2002.

On April 23, 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")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to designate the new trading floor on the ground floor of the Exchange ("Harry's") as a "separate trading area."

On June 6, 2002, the Amex submitted Amendment No. 1 to the proposed rule change.<sup>3</sup> The proposed rule change was published for comment in the **Federal Register** on July 5, 2002.<sup>4</sup> The

Commission received no comment letters on the proposal.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange<sup>5</sup> and, in particular, the requirements of section 6 of the Act<sup>6</sup> and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with section 6(b)(5) of the Act<sup>7</sup> because it is designed to prevent fraudulent and manipulative acts and practices, and promote just and equitable principles of trade.

The Commission previously approved similar proposals by the Amex to designate the sections of its trading floor as separate trading areas for the purposes of stock and options trading.<sup>8</sup> In these Orders, the Commission required that the trading of stocks and their related options be sufficiently separated in a manner that minimized the time and place advantages that could be derived from the proximity of the equity and options trading areas. In addition to the physical separation of the trading locations of equities and their related options, Amex Rule 958(f) prohibits jointly registered equity and options traders from entering options transactions on a Paired Security<sup>9</sup> for one hour after leaving the equity floor where the underlying security trades. Finally, the Orders restricted the use of hand signals or other like means of communication between members to communicate between floors.

The Commission is satisfied that these conditions are met here. Options on both listed and non-Amex-listed equities are traded on Harry's while Amex-listed equities are traded on the Main Trading Floor. Harry's is located in a separate area on the ground floor of the Exchange and is only accessible from the Exchange's other trading locations by escalator. Accordingly, the trading posts located on Harry's are not visible from the Main Trading Floor. Furthermore, the Exchange represents

<sup>5</sup> In approving this proposed rule change, the Commission notes that it has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>6</sup> 15 U.S.C. 78f.

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> Securities Exchange Act Release Nos. 26147 (October 3, 1988), 53 FR 39556 (October 7, 1988) ("1988 Order"); 34359 (July 12, 1994), 59 FR 36799 (July 19, 1994) ("Index Order"); and 39631 (February 9, 1998), 63 FR 8229 (February 18, 1998) ("1998 Order") (collectively "Orders").

<sup>9</sup> Generally, a Paired Security is a security which is the subject of securities trading on the Exchange and options trading on the Exchange. See Amex Rule 900(b)(38).

that it maintains adequate surveillance systems designed to prevent trading abuses and manipulation as well as to ensure compliance with the relevant Exchange rules consistent with the 1988, 1998 and Index Orders.<sup>10</sup> Further, the Commission notes that the Exchange's rules regarding Paired Securities would prohibit the trading of an equity in the same physical location as its related option.<sup>11</sup>

Therefore, the Commission finds that Harry's is a separate trading area for purposes of trading options on Amex-listed and non-listed stocks. The Commission's approval is premised on the belief that the Amex's proposed trading locations for equities and options are sufficiently separated such that there is no time and place advantage derived from the physical proximity of Harry's to locations where the underlying equities trade. Accordingly, any decision by the Amex to change the location of the designated options relative area to the designated stock area or to modify the means of access between them, would require the submission of a proposed rule change under section 19(b) of the Act.<sup>12</sup>

It is therefore ordered, pursuant to section 19(b)(2) of the Act,<sup>13</sup> that the proposed rule change and Amendment No. 1 thereto (File No. SR-Amex-2002-38) are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

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

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-46363; File No. SR-CBOE-2002-23]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Extension of the Permissible Maturity of FLEX Index Options to Ten Years

August 15, 2002.

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

<sup>10</sup> Telephone Conversation between Jeffrey P. Burns, Assistant General Counsel, Amex, and Christopher Solgan, Law Clerk, Division, Commission, on August 13, 2002.

<sup>11</sup> See Amex Rules 900(b)(38), (40), and (41).

<sup>12</sup> 15 U.S.C. 78s.

<sup>13</sup> 15 U.S.C. 78s(b)(2).

<sup>14</sup> 17 CFR 200.30-3(a)(12).

<sup>5</sup> 17 CFR 200.30-3(a)(1).

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

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

<sup>3</sup> See letter from Jeffrey P. Burns, Assistant General Counsel, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), Commission, dated June 5, 2002 ("Amendment No. 1").

<sup>4</sup> See Securities Exchange Act Release No. 46131 (June 27, 2002), 67 FR 44900.