

Virginia Electric and Power Company, Docket Nos. 50-338 and 50-339, North Anna Power Station, Units 1 and 2, Louisa County, Virginia

Date of application for amendment: June 22, 2000, as supplemented September 19, 2000, and January 4, February 14, March 13, March 22, and April 11, 2001.

Brief description of amendment: These amendments revise Technical Specification (TS) Figures 3.4-2 and 3.4-3, and the associated Bases. These amendments approve new pressure-temperature limits, low-temperature overpressure protection (LTOP) system setpoints, and LTOP system effective temperature (T_{enable}) in the TS to a maximum of 32.3 effective full-power years (EFPY) for Unit 1 and 34.3 EFPY for Unit 2. These changes were based, in part, on the use of the American Society of Mechanical Engineers Code Case N-641.

Date of issuance: May 2, 2001.

Effective date: As of the date of issuance, to be implemented within 30 days.

Amendment Nos.: 226 and 207.

Facility Operating License Nos. NPF-4 and NPF-7: Amendments change the TS.

Date of initial notice in **Federal Register**: February 23, 2001 (66 FR 11334). The January 4, 2001, submittal expanded the scope of the original June 22, 2000, application, which was noticed at 65 FR 48760. The February 14, March 13, March 22, and April 11, 2001, supplements contained clarifying information only, and did not change the February 23, 2001, initial no significant hazards consideration determination or expand the scope of the **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 2, 2001.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland this 8th day of May 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01-12192 Filed 5-15-01; 8:45 am]

BILLING CODE 7590-01-P

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting; Board Votes To Close May 15, 2001, Meeting

At its meeting on May 7, 2001, the Board of Governors of the United States

Postal Service voted unanimously to close to public observation its meeting scheduled for May 15, 2001, in Washington, DC, in person and via teleconference.

MATTERS TO BE CONSIDERED:

1. Legal Update.
2. Strategic Planning.
3. Personnel Matters.
4. Compensation issues.

PERSONS EXPECTED TO ATTEND:

Governors Ballard, Daniels, del Junco, Dyhrkopp, Fineman, Kessler, McWherter, Rider and Walsh; Postmaster General Henderson, Deputy Postmaster General Nolan, Secretary to the Board Hunter, and General Counsel Gibbons.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION:

Requests for information about the meeting should be addressed to the Secretary of the Board, David G. Hunter, at (202) 268-4800.

David G. Hunter,

Secretary.

[FR Doc. 01-12477 Filed 5-14-01; 2:06 pm]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44287; File No. 4-443]

Joint Industry Plan; Notice of Filings of a Proposed Options Listing Procedures Plan by the American Stock Exchange LLC, Chicago Board Options Exchange, Incorporated, International Securities Exchange LLS, The Options Clearing Corporation, Pacific Exchange, Inc., and Philadelphia Stock Exchange, Inc.

May 10, 2001.

I. Introduction

On January 11, 2001, pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 11Aa3-2 thereunder,² The American Stock Exchange LLC ("Amex"), Chicago Board Options Exchange, Incorporated ("CBOE"), International Securities Exchange LLC ("ISE"), The Options Clearing Corporation ("OCC"), Pacific Exchange, Inc., ("PCX"), and Philadelphia Stock Exchange, Inc. ("Phlx") (collectively, the "Sponsors") filed with the Securities and Exchange

Commission ("Commission") a proposed options listing procedures plan ("OLPP" or "Plan").³ The Sponsors filed amendments to the proposed Plan on March 3, 2001⁴ and May 9, 2001.⁵ Pursuant to Rule 11Aa3-2(c)(1) under the Act,⁶ the Commission is publishing notice of, and soliciting comments on the proposed Plan, as amended.

II. Background

On September 17, 1991, the Commission approved the Joint-Exchange Options Plan ("JEOP"), which sets forth procedures governing the listing of new options.⁷ The Amex, CBOE, PCX, Phlx, and New York Stock Exchange⁸ were parties to the JEOP.⁹ On September 11, 2000, the Commission instituted public administrative proceedings pursuant to Section 19(h)(1) of the Act¹⁰ against, and simultaneously accepted offer of settlement from the Amex, CBOE, PCX, and Phlx (collectively, the "respondent exchanges").¹¹ Under the Settlement

³ See Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options Submitted Pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934, dated January 11, 2001. The OLPP is available at the Commission's Public Reference Room.

⁴ Letter dated March 2, 2001, from Claire P. McGrath, Vice President and Special Counsel, Amex, to Elizabeth King, Associate Director, Division of Market Regulation ("Division"), Commission ("Amendment No. 1"). Amendment No. 1 provided information required by Rule 11Aa3-2(b)(4) under the Act, 17 CFR 240.11Aa3-2(b)(4), regarding implementation of the proposed OLPP, the proposed OLPP's impact on competition, and written agreements or understandings among the Sponsors of the plan.

⁵ Letter dated May 4, 2001, from Clair P. McGrath, Vice President and Special Counsel, Amex, to Elizabeth King, Associate Director, Division, Commission ("Amendment No. 2"). Amendment No. 2 would add procedures for new eligible exchanges to become Sponsors of the Plan and a provision for Sponsors that are no longer eligible to participate in the Plan.

⁶ 17 CFR 240.11Aa3-2(c)(1).

⁷ See Securities Exchange Act Release No. 29698 (September 17, 1991), 56 FR 48954 (September 25, 1991). The JEOP provides specific procedures governing the selecting, listing, challenging, and arbitrating the eligibility of new equity options overlying both exchange-traded and over-the-counter listed securities.

⁸ The NYSE later sold its options business to the CBOE. See Securities Exchange Act Release No. 38542 (April 23, 1997), 62 FR 23521 (April 30, 1997).

⁹ The parties filed, and the Commission approved the JEOP as identical proposed rule changes. The OLPP would not replace these rules. The parties would have to file proposed rule changes to amend their rules.

¹⁰ 15 U.S.C. 78s(h)(1).

¹¹ See Order Instituting Public Administrative Proceeding Pursuant to Section 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions. Securities Exchange Act Release No. 43268 (September 11, 2000) ("Settlement Order"). The Settlement Order states that the respondent exchanges have

¹ 15 U.S.C. 78k-1(a)(3)(B).

² 17 CFR 240.11Aa3-2.

Order, the respondent exchanges were ordered to amend the JEOP to: (i) Eliminate the requirement that advance notice of the intention to list a new option be given to any other exchange, alternative trading system, or other trading venue that lists any options issued by the OCC; (ii) eliminate advance notice to any other market that already lists or has applied to list the option in question; (iii) eliminate any provisions of the JEOP that prevent a market from commencing to list or trade any option listed on another market or an option that another market has expressed an intention to list; (iv) eliminate any provisions of the JEOP allowing one market to prevent or delay another market from listing an option; and (v) eliminate any provisions of the JEOP that allow one market to delay the commencement of trading of an option by another market.¹²

On January 11, 2001, the respondent exchanges, along with the ISE and the OCC, submitted the proposed OLPP to the commission to replace and supersede the JEOP and to comply with the respondent exchanges' obligations under Section IV.B.a. of the Settlement Order. Although not parties to the Settlement Order, the ISE and the OCC have elected to become Sponsors of the proposed OLPP to facilitate the listing and trading of standardized options contracts.

III. Description of the OLPP

The proposed Plan would provide procedures for: (i) Listing and trading new options classes; (ii) selecting new options series; (iii) petitioning the OCC to review the eligibility, pursuant to the exchanges' listing standards, of a selected option class without delaying the trading of that option class; (iv) determining operational details for option contracts adjusted pursuant to OCC By-Laws; (v) admitting new sponsors; and (vi) losing eligibility to participate in the Plan. The proposed OLPP would eliminate the requirement that an exchange give advance notice of its intention to list a new or currently trading option class to any other options exchange that already lists or has applied to list the selected option.¹³ The

significantly impaired the operations of the options markets by, among other things, refraining from multiply listing a large number of options.

¹² See Section IV.B.a. of the Settlement Order. The Settlement Order requires an exchange to provide to the OCC (i) not more than one business day's notice of the exchange's intent to list an existing option, and (ii) reasonable advance notice of the exchange's intention to list a new option. *Id.*

¹³ However, the proposed OLPP would include a provision that allows an exchange to provide the OCC with not more than one business day's notice of an exchange's intention to list an existing options

proposed OLPP also contains no provisions that would prevent or delay an exchange from commencing to list or trade any option class other than the one-day advance notice requirement to the OCC for operational purposes.

A. Selection of an Option Class

Under the proposed OLPP, a Sponsor that seeks to trade an option on an equity security ("Selecting Exchange") would be required to submit a certificate notifying the OCC of its intention to trade the option. The Selecting Exchange would be required to submit the certificate between 12:01 a.m. and 11 a.m. (Chicago time) on the trading day before the exchange intended to start trading the option. If the option was not currently trading on another exchange, or had not been certified for listing and trading on another exchange, the Selecting Exchange would be required to provide certain additional information to the OCC when it submitted its certificate. The Selecting Exchange would be required to provide the options symbol, initial exercise prices, expiration cycle, and the position and exercise limits for the selected option class. If more than one Selecting Exchange submits a certificate indicating its intention to commence trading an options class, the OCC would use the information provided on the certificate that was submitted first. The OCC would provide all other Selecting Exchanges with this information, as well as the identity of other Selecting Exchanges, by 1 p.m. (Chicago time) on the day that it received the certificate.

If the option class had been previously certified and was currently trading on at least one registered options exchange, the OCC would notify all other exchanges that traded the option class and all Selecting Exchanges of the identity of each Selecting Exchange. The OCC would provide this notice by 1 p.m. (Chicago time) on the day that it received notification from the Selecting Exchange(s).

B. Selection of a New Option Series

The proposed OLPP would provide procedures for each of the Sponsors to trade additional series of an option class it currently trades. If an exchange decided to trade a new option series and began trading the new series on the same day, it would be required to notify the OCC, and any other exchange that also traded the same option class, within 10 minutes of commencing trading, under normal market

class. Further, under the proposed OLPP, the Sponsors would communicate with each other only indirectly, through the OCC.

circumstances. If the exchange decided to trade the new series on the next trading day or thereafter, it would be required to notify the OCC, and any other exchange that traded the same option class of the new series to be traded, by 4:15 p.m. (Chicago time) the day before the new series is to be traded.

If the addition of a new series would involve the introduction of new expiration months, different procedures would apply. First, the exchange would be required to provide a preliminary notification of the new expiration month for the series it intended to trade to the OCC and any other exchange that traded the same option class, by 9 a.m. (Chicago time) on the second day prior to expiration. Second, the exchange would be required to provide to the OCC and any other exchange that traded the same option class by 2 p.m. (Chicago time) on or before the trading day before the existing series' expiration a final notification of the new expiration month series it intended to trade. With respect to adding new option series and melding LEAP series into near-term series, the proposed OLPP would permit an exchange that wanted to trade a new series and any other exchange that traded the same option class to jointly determine, when necessary, the symbol and trading codes for the new series.

C. Petition To Review the Eligibility of a New Option Class

Under the proposed Plan, the Sponsors would be permitted to petition the OCC to review whether an option class was eligible for listing on the day a Selecting Exchange certified the option for listing and trading. The exchange listing and trading the option class would be permitted to continue to do so unless and until the OCC determined that the class was ineligible. An exchange that wished to challenge the eligibility of an option class would be required to submit a petition to the OCC, setting forth the listing standards or guidelines the petitioning exchange was requesting the OCC to review, by 3 p.m. (Chicago time) on the date that the option class began trading. The OCC would be required to then provide a copy of the petition to the Selecting Exchange by 4 p.m. (Chicago time). Both exchanges would be required to submit written support for their claims of eligibility or ineligibility to the OCC by 3 p.m. (Chicago time) on the second day that the option class had been trading.

The OCC would endeavor to complete its review and notify the Sponsors of its determination by 4 p.m. (Chicago time) on the third day that the option class

had been trading.¹⁴ If the OCC determined that the option class was ineligible, the Selecting Exchange would be required, on the first trading day after the OCC's determination, to delist any option series without open interest and allow only closing transactions in any series with open interest. If the option class subsequently became eligible, any exchange would be permitted to submit a certificate to the OCC to list and trade the option class.

D. Adjustments Pursuant to OCC By-Laws

The OCC's By-Laws permit a securities committee composed of representatives from each registered options exchange trading options on a particular security to determine whether to make adjustments to reflect particular events affecting the underlying security, as well as operational issues attendant to the adjustment.¹⁵ Events affecting the underlying security that may require an adjustment would include, among other things, stock dividends or distributions, stock splits, rights offerings, mergers, and reorganizations. The proposed OLPP would permit the Sponsors to make these adjustments, as well as determine operational issues in connection with such adjustments.

E. New Plan Sponsors

The proposed OLPP contains a self-effecting provision for the addition of new sponsors, in which an Eligible Exchange would be able to become a sponsor of the Plan by: (i) Executing a copy of the Plan; (ii) providing each then-current Plan Sponsor with a copy of such executed Plan; and (iii) effecting an amendment to the Plan reflecting the addition of the new sponsor's name.¹⁶ An Eligible Exchange would be defined as a national securities exchange registered with the Commission in accordance with Section 6(a) of the Act that: (i) Has effective rules for the trading of option contracts issued and cleared by OCC approved in accordance with the provisions of the Act and the rules and regulations thereunder; and

(ii) is a party to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (the "OPRA Plan").

F. Loss of Eligibility

An exchange would no longer be an Eligible Exchange when it ceased trading OCC issued and cleared option contracts, or, if it had become a Plan sponsor and had not commenced to list and trade OCC issued and cleared option contracts, within one year of becoming a Plan Sponsor.

G. Implementation of the OLPP

The Sponsors of the proposed Plan intend to implement the Plan immediately upon approval by the Commission. The Sponsors do not believe that development, implementation, or pilot phases are necessary for the operation of the OLPP.

H. Impact on Competition

The Sponsors represent that the proposed OLPP would: (i) Facilitate the orderly introduction of new equity options; (ii) ensure that there is a mechanism in place to ensure that only eligible securities are selected for options trading; (iii) ensure the continued fungibility of multiply-trade option classes; (iv) allow the options exchanges to list new options as soon as possible to reap the benefits of their research efforts; and (v) minimize investor confusion.

The Sponsors note that the Plan does not require advance notice to any options exchange of an intention to list a new options class (except for not more than one business day's notice to any options exchange that already lists or has applied to list the selected option class) or prevent or delay an options exchange from commencing to list or trade any option class. The Sponsors state that the OLPP would facilitate the orderly and fair introduction of new options and prevent unnecessary confusion among member firms in deciding where to direct their order flow by standardizing the process for listing option classes.

Additionally, the proposed Plan would provide procedures for the selection of new option series and for the determination of operational details for option contracts adjusted pursuant to OCC By-Laws. The Sponsors represent that these procedures are necessary for the fair and orderly trading of multiply-listed option classes. The Sponsors state that the listing and trading of the same option series on two or more exchanges trading that option class requires uniformity and standardization of operational

procedures, including uniform trading symbols, trading codes, and contract terms. The Sponsors further state that consistency is necessary for fully effective multiple trading, maintaining the fungibility of option contracts, efficient order routing decisions by member firms, and investor expectations that orders be routed and executed quickly at the exchanges that offer the potential for best execution. While the Plan would not require exchanges multiply-trading a particular option class to trade all series listed by the other exchanges trading the same class, it would provide a means of notification through the OCC of the series to be traded by each exchange. Such notification would give the other exchanges trading that class the ability to add the quotations for such new series into their calculation of the national best bid and offer on the date the new series began trading.

I. Description of Written Understandings or Agreements

The Sponsors represent that they have not entered into any understandings or agreements, written or otherwise, relating to interpretations of the proposed Plan or conditions for becoming a sponsor or participant in the Plan.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed plan, as amended, 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 submissions, 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 at the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal offices of the Sponsors of the proposed OLPP. All submissions should refer to the File No. 4-443 and should be submitted by June 16, 2001.

¹⁴ The OCC would be entitled to take five additional days to complete its review if it notified both exchanges of the additional time needed.

¹⁵ See Article VI, Section 11 of the OCC By-Laws. Operational issues attendant to the adjustment could include option symbols and trading codes, contract multipliers, and position and exercise limits applicable to the adjusted option class.

¹⁶ An amendment to the Plan may be effected by a new Eligible Exchange executing a copy of the Plan, as then in effect (with the only change being the addition of the new Plan Sponsor's name in Section 9 of the Plan) and submitting such executed Plan to the SEC. Such amendment will be effective when it has been approved by the SEC or otherwise becomes effective pursuant to Section 11A of the Act and Rule 11Aa3-2 thereunder.

By the Commission.
Margaret H. McFarland,
Deputy Secretary.
 [FR Doc. 01-12250 Filed 5-15-01; 8:45 am]
BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44286; File No. SR-Amex-2001-22]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Relating to Amendments to Fee Schedules

May 9, 2001.

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 April 9, 2001, the American Stock Exchange LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change, and amended such proposed rule change on May 3, 2001,³ as described in Items I, II, and III below, which Items have been prepared by the Amex. The Amex has designated this proposal as one constituting the establishment or change of a due, fee or other charge imposed by the Amex under Section 19(b)(3)(A)(ii) of the Act⁴ and Rule 19b-4(f)(2),⁵ which renders the rule effective upon filing with the Commission. 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 Amex proposes to amend the Amex Member Fees Schedule; Floor Fees Schedule; Booth Rental and Order Pads Schedule; and CFD and IDC Fees Schedule. The text of the proposed rule change is available at the Office of the Secretary, the Amex, and 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 Amex 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 Amex 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 Amex proposes to amend certain Exchange fees imposed on Amex members and member organizations as set forth below.

(1) Member Fees:

The Exchange incurs certain expenses in connection with the administering applications for Exchange membership. In order to better align Amex’s fees with the actual costs of delivering these services, the Exchange is increasing from \$500 to \$2,000 the fee for processing membership applications. In addition, the Exchange is imposing a \$500 fee for each qualifying exam taken by an applicant for membership beyond the first attempt. These fees will be imposed beginning May 1, 2001.

(2) Floor Fees:

The Exchange is eliminating the current \$500 annual Specialist Post Privilege Fee, which is imposed on each individual specialist, and will impose a new annual post fee per podium of \$750 beginning July 1, 2001. This fee will be increased to \$1,000 for each podium beginning January 1, 2002. These new fees better reflect the maintenance costs borne by the Exchange.

To improve reliability, the Amex recently replaced its wireless telephone system with a SpectraLink system.⁶ The new annual charge for all wireless

handsets will be phased in as follows: \$1,700 per handset from July 2, 2001 to June 30, 2002 and \$2,100 per handset beginning July 1, 2002.

The Amex has recently upgraded its booth telephones from an 18-button turret system, for which it charged \$600 per year to a new 40-button system. The new annual charge for all turret telephones will be phased in as follows: \$900 per telephone from July 1, 2001 to June 30, 2002 and \$1,290 per telephone beginning July 1, 2002.

The Amex has incurred significant development and installation expenses in implementing its Booth Automated Routing System (“BARS”) for routing orders to and within the Exchange and will also incur significant annual operation costs. The Exchange is imposing its BARS annual equipment fees of \$3,600 per configuration of up to ten hand-held devices, one keyboard, one Central Processing Unit (“CPU”), one monitor, and one printer, with users retaining liability for the cost of any damage, loss, or repairs. These fees will be implemented beginning May 1, 2001.

In order to address security risks that may be associated with loss of photo identification cards used on the Floor, the Exchange is increasing the fee to replace lost photo identification cards from \$15 to \$100, beginning May 1, 2001. This fee also better reflects Exchange costs associated with card replacements.

For construction and craft services provided by the Exchange at any member’s request, the Exchange will charge \$50.00 per worker per hour for work performed 8 a.m.–6 p.m. New York time only on the days the Exchange is open for business and \$75.00 per hour for worked performed at all other times. These charges serve to eliminate an Exchange subsidy for such services.

(3) Booth Rentals:

The Exchange is restructuring and simplifying annual booth rental charges on a phased in basis as follows:

Booth type	New fees as of July 1, 2001	New fees as of July 1, 2002	Former fees
Type 1 (“telephone”)	\$3,000	\$3,500	\$1,600–\$2,200.
Type 2 (24 “standard”)	4,500	4,500	Not applicable.
Type 3 (36 “standard”)	6,000	6,000	Not applicable.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Amendment No. 1 substituted the words “Membership Registration” for “CRD” in the CRD and IDC Fee Schedule in Exhibit A of the original rule filing. See letter from Michael Cavalier,

Associate General Counsel, the Amex, to Katherine England, Assistant Director, Division of Market Regulation, the SEC (May 3, 2001).

⁴ 15 U.S.C. 78s(3)(A)(ii).

⁵ 17 CFR 240.19b-4(f)(2).

⁶ The SpectraLink system is a system of wireless phones used by members on the floor for communication on the trading floor. Telephone conversation between Cyndi Nguyen, Attorney, the SEC, and Michael Cavalier, Associate General Counsel, the Amex (April 26, 2001).