ACTION: Notice and order concerning late-filed Bank One testimony.

SUMMARY: This document informs the public that Bank One has filed a motion for late acceptance of additional testimony in support of a negotiated service agreement with the Postal Service. The document also notes the absence of any previous indication that this testimony might be filed, and states that its acceptance may raise due process concerns given the expedited nature of the case. It explains that participants will be given an opportunity to raise verbal objections to the testimony at the prehearing conference.

DATES: Objections to the Bank One Corporation motion for late acceptance of testimony are due July 15, 2004 (during the prehearing conference).

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, general counsel, at (202) 789–6818.

SUPPLEMENTARY INFORMATION:

Procedural History

Negotiated Service Agreement Proposed Rule, 68 FR 52546 (September 4, 2003).

Negotiated Service Agreement Final Rule, 69 FR 7574 (September 4, 2003).

Rate and Service Changes to Implement Functionally Equivalent Negotiated Service Agreement, 69 FR 39520 (June 25, 2004).

On June 28, 2004, Bank One Corporation filed motion of Bank One Corporation for late acceptance of the testimony of Lawrence G. Buc (Motion).[1] Bank One notes that the Postal Service's request and Bank One witness Rappaport's testimony were filed on June 21, 2004. Bank One asserts that production and coordination difficulties prevented witness Buc's testimony from being filed at that time. It requests late acceptance of witness Buc's testimony, and contends that it believes no party will be prejudiced by this delay.

The procedural rules for reviewing Postal Service requests predicated on functionally equivalent negotiated service agreements were promulgated with the intent of facilitating expedited review. Decisions can be issued in as little as 60 days. Assuming an expedited schedule, the filing of new testimony 7 days after the filing of the Postal Service's request, without any prior notice in the request of the potential for additional testimony, could be prejudicial and affect the procedural and due process rights of current and potential intervenors.[2]

The Secretary shall arrange for publication of this notice and order in there **Federal Register** to advise current and potential participants of the submission of additional testimony on behalf of Bank One. Any objection to the motion to accept this testimony shall be presented at the July 15, 2004 prehearing conference

Ordering Paragraphs

It is ordered:

1. Any objection to the Motion of Bank One Corporation for Late Acceptance of the Testimony of Lawrence G. Buc shall be presented at the July 15, 2004 prehearing conference.

2. The Secretary shall arrange for publication of this notice and order in the **Federal Register**.

Issued: July 2, 2004.

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. 04–15524 Filed 7–7–04; 8:45 am]

BILLING CODE 7710–FW–P

[1] Contemporaneous with this Motion, Bank One filed direct testimony of Lawrence G. Buc on behalf of Bank One Corporation, June 28, 2004, and the Postal Service filed United States Postal Service notice of review of the direct testimony of Lawrence G. Buc on behalf of Bank One Corporation, June 28, 2004.

[2] Rule 192(a) [39 CFR 3001.192a] requires all prepared direct evidence to be filed simultaneously with the filing of the Postal Service's formal request.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 69 FR 40690, July 6, 2004.

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

ANNOUNCEMENT OF ADDITIONAL MEETING: Additional meeting.

A Closed Meeting will be held on Thursday, July 15, 2004, at 2 p.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 matter 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)(5), (7), (9) and (10) and 17 CFR 200.402(a)(5), (7), 9(ii) and (10) permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Campos, as duty officer, voted to consider the item listed for the closed meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, July 15, 2004, will be: Formal orders of investigation; Institution and settlement of injunctive actions; Institution and settlement of administrative proceedings of an enforcement nature; Regulatory matter involving a financial institution; and Adjudicatory matters.

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: July 6, 2004.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 04–15622 Filed 7–6–04; 1:45 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–49958; File No. SR–OPRA–2004–02]

Options Price Reporting Authority; Notice of Filing of Proposed Amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information and Amendment No. 1 Thereto To Eliminate From the Plan References to the Fee Exemption Pilot Currently Provided for in the Plan

July 1, 2004.

Pursuant to section 11A of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 11Aa3–2 thereunder,[2] notice is hereby given that on May 7, 2004, the Options Price Reporting Authority (''OPRA'')[3] submitted to the Securities and Exchange Commission (''Commission'') an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA Plan''). On June 23, 2004, OPRA submitted Amendment No. 1 to

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 240.11Aa3–2.

[3] OPRA is a national market system plan approved by the Commission pursuant to section 11A of the Act and Rule 11Aa3–2 thereunder. *See* Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The six participants to the OPRA Plan are the American Stock Exchange LLC, the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Inc., the International Securities Exchange, Inc. (''ISE''), the Pacific Exchange, Inc., and the Philadelphia Stock Exchange, Inc.