consistent with common defense and public health and safety.

With the above, the consequences of accidents is not increased. Also, based on the above, the probability of postulated accidents is not increased. Therefore, there is no undue risk to public health and safety.

Consistent With Common Defense and Security

The proposed exemption would allow the licensee to install features to collect any oil that accumulates on the coolers from oil mist condensation instead of preventing the oil mist from escaping the OCS. This change to the plant has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purposes of 10 CFR Part 50, Appendix R, Section III.O is to ensure that failure of the RCP lube oil system will not lead to fire during normal or design basis accident conditions and that there is reasonable assurance that the system will withstand the Safe Shutdown Earthquake. As described above, the defense-in-depth concept for a fire in FA 1–1 discussed above provides an adequate level of safety through prevention of fires, detection, control and extinguishment of fires that do occur and the protection of structures, systems and components important to safety. In addition, the licensee has provided preventative and protective measures that together demonstrate the ability to preserve or maintain SSD capability in the event of a fire in an RCP cubicle and loop room. Allowing the collection of oil that accumulates on the coolers instead of preventing the oil mist from escaping the OCS does not impact the ability of the OCS to withstand the Safe Shutdown Earthquake. Therefore, since the underlying purpose of 10 CFR Part 50, Appendix R is achieved, the special circumstances required by 10 CFR 50.12(a)(2)(ii) for the granting of an exemption from 10 CFR Part 50, Appendix R exist.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants VEPCO an exemption from 10 CFR Part 50, Appendix R, Section III.O to the extent that minor oil misting may not be captured within the OCS. This applies to all three RCPs for NAPS Unit No. 1. Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as published in the

Federal Register on July 8, 2010 (75 FR 39285).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 21st day of April 2011

For the Nuclear Regulatory Commission.

Robert A. Nelson,
Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[NRC–2011–0093; Docket No. 50–400]

Carolina Power And Light Company; Notice of Withdrawal of Application for Amendment to Renewed Facility Operating License

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has granted the request of the Carolina Power and Light Company (the licensee) to withdraw its application dated March 28, 2010, as supplemented by letter dated December 9, 2010, for a proposed amendment to Renewed Facility Operating License No. 1, located in West Lake County, North Carolina.

The proposed amendment would have modified revise Technical Specification Section 6.9.1.6 to add the NRC-approved topical report, EMF–2103(P)(A), Revision 0, “Realistic Large-Break LOCA [Loss-of-Coolant Accident] Methodology for Pressurized Water Reactors,” to the Core Operating Limits Report methodologies list. This change would have allowed the use of the thermal-hydraulic computer analysis code S–RELAP5 for the Final Safety Analysis Report (FSAR) Chapter 15 realistic large-break LOCA in the Shearon Harris Nuclear Power Plant, Unit 1 located in Wake County, North Carolina.

The proposed amendment would have modified revise Technical Specification Section 6.9.1.6 to add the NRC-approved topical report, EMF–2103(P)(A), Revision 0, “Realistic Large-Break LOCA [Loss-of-Coolant Accident] Methodology for Pressurized Water Reactors,” to the Core Operating Limits Report methodologies list. This change would have allowed the use of the thermal-hydraulic computer analysis code S–RELAP5 for the Final Safety Analysis Report (FSAR) Chapter 15 realistic large-break LOCA.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on June 8, 2010, (75 FR 32511). However, by letter dated March 28, 2011, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated March 23, 2010.
SEcurities And EXchange COMmission


Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit the Listing of Series With $0.50 and $1 Strike Price Increments on Certain Options Used To Calculate Volatility Indexes

April 22, 2011.

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 19, 2011, NYSE Arca, Inc. (“NYSE Arca” or “NYSE Arca”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II 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 Exchange proposes to adopt Commentary .11 to NYSE Arca Rule 6.4 to permit the listing of strike prices in $0.50 intervals where the strike price is less than $75, and strike prices in $1.00 intervals where the strike price is between $75 and $150 for option series used to calculate volatility indexes. The text of the proposed rule change is available at the Exchange, the Commission’s Public Reference Room, and http://www.nysexchange.com.

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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to permit the Exchange to list strike prices in $0.50 intervals where the strike price is less than $75, and strike prices in $1.00 intervals where the strike price is between $75 and $150 for option series used to calculate volatility indexes. The proposal is based on a recently approved rule change by the Chicago Board Options Exchange (“CBOE”).3 To effect this change, the Exchange is proposing to add new Commentary .11 to Rule 6.4, Series of Options Open for Trading. The new provisions will permit the listing of strike prices in $0.50 intervals where the strike price is less than $75, and strike prices in $1.00 intervals where the strike price is between $75 and $150 for option series used to calculate volatility indexes.4

2. Statutory Basis

The Exchange believes that this proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (“Act”),5 in general, and further the objectives of Section 6(b)(5) of the Act6 in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, by allowing the Exchange to offer a full range of all available option series in a given class, including those selected by other exchanges to be the basis of a volatility index. While this proposal will generate additional quote traffic, the Exchange does not believe that this increased traffic will become unmanageable since the proposal is restricted to a limited number of classes. Further, the Exchange does not believe that the proposal will result in a

Volatility indexes are calculated and disseminated by the CBOE, which also list options on the resulting index. At this time, NYSE Arca has no intention of listing volatility options, and will not be selecting options on any equity securities, Exchange-Traded Fund Shares, Trust Issued Receipts, Exchange Traded Notes, Index-Linked Securities, or indexes to be the basis of a volatility index.

To the extent that the CBOE or another exchange selects a multiply listed product as the basis of a volatility index, proposed Commentary .11 would permit NYSE Arca to list and compete in all series listed by the CBOE for purposes of calculating a volatility index.

NYSE Arca has analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority have the necessary systems capacity to handle the additional traffic associated with the listing of strike prices in $0.50 intervals where the strike price is less than $75, and strike prices in $1.00 intervals where the strike price is between $75 and $150 for option series used to calculate volatility indexes in securities selected by the CBOE.

3. Scope

This rule change would allow the Exchange to list volatility options and/or indexes to be the basis of a volatility index.

4. Consultation

The Exchange is not aware of any other existing volatility index series.

Footnotes:

4 For example, CBOE calculates the CBOE Gold ETF Volatility Index ("GVZ"), which is based on the VIX methodology applied to options on the SPDR Gold Trust ("GLD"). The current filling would permit $0.50 strike price intervals for GLD options where the strike price is $75 or less. NYSE Arca is currently permitted to list strike prices in $1 intervals for GLD options (where the strike price is $200 or less), as well as for other exchange-traded fund (“ETF”) options. See Rule 6.4, Commentary .05.