

possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, Nuclear Energy Institute, and other interested persons regarding these matters.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the Designated Federal Official, Mr. Michael T. Markley (telephone 301/415-6885) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: January 24, 2002.

**Sam Duraiswamy,**

*Acting Associate Director for Technical Support, ACRS/ACNW.*

[FR Doc. 02-2205 Filed 1-29-02; 8:45 am]

**BILLING CODE 7590-01-P**

## COMMISSION ON OCEAN POLICY

### Public Meeting

**AGENCY:** U.S. Commission on Ocean Policy.

**ACTION:** Notice.

**SUMMARY:** The U.S. Commission on Ocean Policy will hold its second regional meeting, the Commission's fourth public meeting, to hear and discuss coastal and ocean issues of concern to the Florida and Caribbean region.

**DATES:** The public meeting will be held Friday, February 22, 2002 from 8 a.m. to 6:30 p.m.

**ADDRESSES:** The meeting location is the Florida Marine Research Institute, Florida Fish and Wildlife Conservation Commission, First Floor Auditorium, 100 Eighth Avenue, SE, St. Petersburg, FL, 33701.

### FOR FURTHER INFORMATION CONTACT:

Terry Schaff, U.S. Commission on Ocean Policy, 1120 20th Street, NW, Washington, DC 20036, 202-418-3442, [tschaff@nsf.gov](mailto:tschaff@nsf.gov).

**SUPPLEMENTARY INFORMATION:** This meeting is being held pursuant to requirements under the Oceans Act of 2000 (Pub. L. 106-256, section 3(e)(1)(E)). The agenda will include presentations by invited speakers representing local and regional government agencies and non-governmental organizations, comments from the public and any required administrative discussions and executive sessions. Invited speakers and members of the public are requested to submit their statements for the record electronically by February 13, 2002 to the meeting Point of Contact. Additional meeting information, including a draft agenda, will be posted as available on the Commission's Web site at <http://www.oceancommission.gov>.

Dated: January 24, 2002.

**Thomas R. Kitsos,**

*Executive Director, U.S. Commission on Ocean Policy.*

[FR Doc. 02-2194 Filed 1-29-02; 8:45 am]

**BILLING CODE 6820-WM-P**

## SECURITIES AND EXCHANGE COMMISSION

**[Extensions: Regulation D and Form D OMB Control No. 3235-0076, SEC File No. 270-72]**

### Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form D sets forth rules governing the limited offer and sale of securities without Securities Act registration. The purpose of Form D notice is to collect empirical data, which provides a continuing basis for action by the Commission either in terms of amending existing rules and regulations or proposing new ones. In addition, the Form D allows the Commission to elicit information necessary in assessing the effectiveness of Regulation D and Section 4(6) as capital-raising devices for all businesses. Approximately 13, 518 issuers file Form D and it takes approximately 16 hours to prepare. It is

estimated that 90% of the 216,288 burden hours (194,659 hours) is prepared by the company.

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Dated: January 17, 2002.

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

[FR Doc. 02-2183 Filed 1-29-02; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34-45315; File No. SR-OPRA-2001-05]**

### Options Price Reporting Authority; Notice of Filing and Immediate Effectiveness of Amendment to OPRA Plan To Revise OPRA's Fee Schedule To Reflect Changes to Various Fees

January 18, 2002.

Pursuant to rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> notice is hereby given that on December 11, 2001, the Options Price Reporting Authority ("OPRA"),<sup>2</sup>

<sup>1</sup> 17 CFR 240.11Aa3-2.

<sup>2</sup> OPRA is a national market system plan approved by the Commission pursuant to Section 11A of the Exchange Act, 15 U.S.C. 78k-1, and Rule 11Aa3-2 thereunder, 17 CFR 240.11Aa3-2. 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 five signatories to the OPRA Plan that currently operate an options market are the American Stock Exchange, the Chicago Board Options Exchange, the International Securities Exchange, the Pacific Exchange, and the Philadelphia Stock Exchange. The New Stock Exchange is a signatory to the OPRA Plan, but sold its options business to the Chicago Board Options

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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"). The proposed amendment would (i) increase certain fees charged by OPRA in respect of its Basic Service; (ii) expand the entitlement of professional subscribers that elect to pay OPRA's Enterprise Rate Professional Subscriber Fee in lieu of the device-based Professional Subscriber Fee by adding to the category of persons entitled to receive OPRA

market data under the subscribers' Enterprise Rate plan independent investment advisers that contract with such subscribers to provide services to the subscriber's customers; and (iii) eliminate the "Ratio Paging Service Fee" as a separate usage-based fee, and clarify that radio paging and related types of services qualify for the "dial-up" usage-based fee, at the same rate. OPRA has designated the proposed OPRA Plan amendment as establishing or changing a fee or other charge collected on behalf of all of the OPRA participants in connection with access

to or use of OPRA facilities and the proposal is, therefore, effective upon filing, pursuant to Rule 11Aa3-2(c)(3)(i) under the Act.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed OPRA Plan amendment from interested persons.

### I. Description and Purpose of the Amendment

The text of the revised fee schedule is set forth below. Text additions are in *italics*, deletions are in brackets:

## OPTIONS PRICE REPORTING AUTHORITY FEE SCHEDULE

[Effective February 1, 2002]

Description	Basic service <sup>4</sup>
<i>Direct Access Charge:</i> A monthly fee payable by every person that has been authorized by OPRA to receive Options Information via the consolidated high-speed service from OPRA's processor. This charge includes one primary and one back-up circuit connection at the processor. Additional circuit connections are available at a monthly charge of \$100 per connection.	\$1,000 [\$750]
<i>Redistribution Fee:</i> A monthly fee payable by every vendor that redistributes Options Information to any person, whether on a current or delayed basis, except that this fee shall not apply to a vendor whose redistribution of Options Information is limited solely to "historical" Options Information, as that term is defined in the Vendor Agreement.	\$1,500 \$650 [\$600] (Internet service only)
<i>Dial-up Market Data Service Utilization Fee:</i> A monthly fee, payable in arrears, consisting of a usage-based fee for each "quote packet" consisting of any one or more of the following values: last sale, bid/ask, and related market data for a single series of options or a related index or, if elected in writing by vendor, a usage-based fee for each "options chain" consisting of last sale, bid/ask, and related market data for up to all series of put and call options on the same underlying security or index, in each case as accessed over vendor's "Dial-up Market Data Service [as an alternative to the port charge described above]. A vendor's "Dial-up Market Data Service" may consist of any wired or wireless private network or Internet-based communications system by means of which a vendor provides options market data to its customers subject to and in accordance with a "Dial-up Market Data Service Rider" to its Vendor Agreement. All inquiries shall be counted for purposes of calculating the usage-based fee, except that requests for "historical" information shall not be subject to charge. For this purpose, market information derived from a given trading day of an options market becomes "historical" upon the opening of trading on the next succeeding trading day of that market.	Usage-based fee at a rate of \$0.005 per "quote packet" or \$0.02 per "options chain", subject to a maximum fee of \$1.00 on account of the use made in any month by any single non-professional subscriber.
<i>[Radio Paging Service Fee:]</i> A monthly fee, payable in arrears by every vendor that offers a radio paging market data service, for each text display paging device enabled to receive the service provided by the vendor or by a radio paging company that receives options market data from the vendor. Alternatively, vendor may elect in writing to pay a usage-based fee for each "quote packet" consisting of any one or more of the following values: last sale, bid/ask, and related market data for a single series of options or a related index or, if elected in writing by vendor, a usage-based fee for each "options chain" consisting of last sale, bid/ask, and related market data for up to all series of put and call options on the same underlying security or index, in each case as accessed over vendor's Radio Paging Service, as an alternative to the device charge described above. All inquiries shall be counted for purposes of calculating the usage-based fee, except that requests for "historical" information shall not be subject to charge. For this purpose, market information derived from a given trading day of an options market becomes "historical" upon the opening of trading on the next succeeding trading day of that market.].	[\$1 per device, or usage-based fee at a rate of \$0.005 per "quote packet" or \$0.02 per "options chain".]

<sup>4</sup>OPRA's Basic Service does not include last sale and quotation information pertaining to foreign currency options. Subscribers who have access to FCO information are subject to a separate FCO Service subscriber fee.

The purpose of the amendment is to increase certain fees charged by OPRA in respect of its Basic Service, to make minor editorial changes to the Basic Service fee schedule, and to expand the coverage of the Enterprise Rate Professional Subscriber Fee. Specifically, OPRA proposes to increase by approximately five percent the device-based information fee payable to

OPRA by professional subscribers to OPRA's Basic Service, which consists of market data and related information pertaining to equity and index options ("OPRA data").<sup>5</sup> OPRA also proposes to increase from \$750 to \$1,000 OPRA's direct access charge (applicable to persons who receive OPRA data by means of a direct high-speed connection to the OPRA Processor), and to increase

from \$600 to \$650 OPRA's Internet-only redistribution fee (payable by persons who redistribute OPRA data solely by means of the Internet). OPRA also proposes to update the terminology used in the OPRA fee schedule by eliminating the "Radio Paging Service Fee" as a separate usage-based fee category, and by amending the description of OPRA's "Dial-up Market

Exchange in 1997. See Securities Exchange Act Release No. 38542 (April 23, 1997), 62 FR 23521 (April 30, 1997).

<sup>3</sup> 17 CFR 240.11Aa3-2(c)(3)(i).

<sup>5</sup> No changes are proposed to be made at this time to fees charged to vendors and subscribers for

access to information pertaining to foreign currency options provided through OPRA's FCO Service.

Data Service Utilization Fee", which is a usage-based fee at the same rate as the radio paging fee, to make it clear that radio paging services and other types of wired and wireless network services, including Internet-based services, qualify for this usage-based fee. These terminology changes will have no effect on the fees paid to OPRA by any persons.

The proposed increase in device-based professional subscriber fees ranges from 4.55% to 6.90% of the existing fees. Professional subscriber fees charged to members will continue to be discounted by two percent for members who preauthorize payment by electronic funds transfer through an automated clearinghouse system. OPRA estimates that the overall effect of the proposed increase in professional subscriber fees will be to increase revenues derived from professional subscriber fees by approximately five percent. Professional subscribers are those persons who subscribe to OPRA Data and do not qualify for the reduced fees charged to nonprofessional subscribers.

As an alternative to device-based fees, professional subscribers may pay an Enterprise Rate Professional Subscriber Fee based on the number of their U.S. registered representatives. This amendment proposes to expand the entitlement of professional subscribers that elect to pay OPRA's Enterprise Rate Professional Subscriber Fee by allowing OPRA's Basic Service to be made available to independent investment advisers who contract with such subscribers to provide investment advisory services to the subscribers' customers. Heretofore such investment advisers have had to pay OPRA's regular, device-based professional subscriber fee in order to access OPRA data. All investment advisers who contract with an Enterprise Rate professional subscriber to provide investment advisory services to the subscriber's customers, and who will therefore be entitled to access OPRA data under the sponsorship of the subscriber, will be added to the subscriber's count of registered representatives for purposes of calculating the subscriber's Enterprise Rate Professional Subscriber Fee. No other changes are proposed to be made to the Enterprise Rate Professional Subscriber Fee.

The proposed increases in the device-based professional subscriber fee, the direct access fee, and the Internet-only redistribution fee are intended to generate additional revenues for OPRA in order to cover actual and anticipated increases in the costs of collecting,

consolidating, processing and disseminating options market. These increases reflect the costs of continuing enhancements to and upgrades of the OPRA system to enable it to handle a greater volume of market information as a result of the continuing expansion of listed options trading and the implementation of decimal pricing. The proposed expanded entitlement of Enterprise Rate subscribers to include independent investment advisers reflects the expanded utilization of independent investment advisers by retail brokerage firms, and is intended to lower the cost of access to OPRA data to those firms and to their independent investment advisers.

## II. Implementation of the Plan Amendment

OPRA represents that the proposed OPRA Plan amendment establishes or changes a fee or other charge collected on behalf of all of the OPRA participants in connection with access to or use of OPRA facilities and is, therefore, effective upon filing, pursuant to Rule 11Aa3-2(c)(3)(i) under the Act.<sup>6</sup> In order to give persons subject to the fees advance notice of the changes, OPRA proposes to put them into effect commencing February 1, 2002. At any time within 60 days of the filing of the OPRA Plan amendment, the Commission may summarily abrogate the amendment and require that such amendment be filed in accordance with Rule 11Aa3-2(b)(1) under the Act<sup>7</sup> and reviewed in accordance with Rule 11Aa3-2(c)(2) under the Act<sup>8</sup> if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets; to remove impediments to, and perfect the mechanisms of, a national market system; or otherwise in furtherance of the purposes of the Act.

## III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed OPRA Plan amendment 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, and all written statements with respect to the proposed OPRA Plan amendment that are filed

with the Commission, and all written communications relating to the proposed OPRA Plan amendment between the Commission and any person, other than those 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 the filing will also be available at the principal offices of OPRA. All submissions should refer to File No. SR-OPRA-2001-05 and should be submitted by February 20, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**J. Lynn Taylor,**

*Assistant Secretary.*

[FR Doc. 02-2214 Filed 1-29-02; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-45326; File No. SR-NYSE-99-51]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Order Tracking and Amendment Nos. 1, 2 and 3 Thereto

January 23, 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 December 27, 1999, the New York Stock Exchange, Inc. ("NYSE" 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. On May 24, 2000, the Exchange filed Amendment No. 1 to the proposal.<sup>3</sup> On August 14, 2001, the Exchange filed Amendment No. 2 to the proposal.<sup>4</sup> On

<sup>9</sup> 17 CFR 200.30-3(a)(29).

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

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

<sup>3</sup> See Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Jennifer Colihan, Attorney, Division of Market Regulation ("Division"), Commission, dated May 22, 2000 ("Amendment No. 1"). In Amendment No. 1, the Exchange deleted the phrase "or execution" from proposed Rule 132B(a)(1)(C) as unnecessary for application of the Rule.

<sup>4</sup> See Letter from Darla C. Stuckey, Assistant Secretary, NYSE, to Nancy J. Sanow, Assistant Director, Division, Commission, dated August 14, 2001 ("Amendment No. 2"). In Amendment No. 2, the Exchange proposed to: (1) Amend Rule 123 by adding proposed paragraph (f) which would set forth the details required to be recorded of each execution report, including a unique order identifier, and (2) amend Rule 132.30 by deleting

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<sup>6</sup> 17 CFR 240.11 Aa3-2(c)(3)(i).

<sup>7</sup> 17 CFR 240.11 Aa3-2(b)(1).

<sup>8</sup> 17 CFR 240.11 Aa3-2(c)(2).