

*Date of initial notice in Federal Register:* April 12, 1995 (60 FR 18632) The July 26, 1996, letter provided additional clarifying information and did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 22, 1996.

*No significant hazards consideration comments received:* No.

*Local Public Document Room locations:* Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 11th day of December 1996.

For the Nuclear Regulatory Commission.  
Steven A. Varga,  
Director, Division of Reactor Projects—I/II,  
Office of Nuclear Reactor Regulation.  
[FR Doc. 96-31944 Filed 12-17-96; 8:45 am]  
BILLING CODE 7590-01-P

## POSTAL RATE COMMISSION

[Docket No. A97-6; Order No. 1144]

**Plevna, MO 63464: (William Ahern, et al., Petitioners); Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)**

Issued December 13, 1996.

*Docket Number:* A97-6.

*Name of Affected Post Office:* Plevna, Missouri 63464.

*Name(s) of Petitioner(s):* William Ahern, et al.

*Type of Determination:* Closing.

*Date of Filing of Appeal Papers:* December 10, 1996.

*Categories of Issues Apparently Raised:*

1. Effect on the community [39 U.S.C. § 404(b)(2)(A)].
2. Effect on postal services [39 U.S.C. § 404(b)(2)(C)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. § 404(b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on

any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

### The Commission Orders

(a) The Postal Service shall file the record in this appeal by December 26, 1996.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.  
Margaret P. Crenshaw,  
Secretary.

### Appendix

December 10, 1996, Filing of Appeal letter  
December 13, 1996, Commission Notice and Order of Filing of Appeal  
January 3, 1997, Last day of filing of petitions to intervene [see 39 C.F.R. § 3001.111(b)]  
January 14, 1997, Petitioners— Participant Statement or Initial Brief [see 39 C.F.R. § 3001.115(a) and (b)]  
February 3, 1997, Postal Service's Answering Brief [see 39 C.F.R. § 3001.115(c)]  
February 18, 1997, Petitioners' Reply Brief should Petitioner choose to file one [see 39 C.F.R. § 3001.115(d)]  
February 25, 1997, Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 C.F.R. § 3001.116]  
April 9, 1997, Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. § 404(b)(5)]

[FR Doc. 96-32097 Filed 12-17-96; 8:45 am]  
BILLING CODE 7710-FW-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-38041; File No. SR-Phlx-96-11]

**Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 2 to Proposed Rule Change Relating to the Exchange's Calculation of Settlement Values for Cash/Spot Foreign Currency Option Contracts ("3-D Options")**

December 11, 1996.

On April 30, 1996, the Philadelphia Stock Exchange, Inc. ("Phlx" or

"Exchange") submitted to the Securities and Exchange Commission ("SEC" or "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 permit the Exchange to calculate settlement values for the cash/spot Dollar Denominated Delivery foreign currency option contracts ("3-D options") and to limit the Exchange's liability in connection with the calculation and dissemination of these settlement values. On May 20, 1996, the Exchange submitted Amendment No. 1 to the proposed rule change.<sup>3</sup>

The proposed rule change, along with Amendment No. 1, was published for comment in the Federal Register on June 25, 1996.<sup>4</sup> On August 22, 1996, the Phlx clarified that it would not rely upon the proposed limitation of liability clause to limit the Exchange's liability for intentional misconduct or for any violation of the federal securities laws.<sup>5</sup> No comments were received on the proposal. This order approves the proposal, as amended by Amendment No. 2.

On March 8, 1994, the Commission approved trading for 3-D Foreign Currency Options on the Deutsche Mark.<sup>6</sup> Currently, the closing settlement value for 3-D options is calculated by a market information vendor acting as the Exchange's designated agent. The market information vendor will collect the bid and offer quotations for the current foreign exchange spot price from quotations submitted by at least fifteen interbank foreign exchange market participants, which the designated agent will select randomly from a list of twenty-five active interbank foreign exchange market participants. After discarding the five highest and the five lowest bids and offers, the market information vendor averages the

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

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

<sup>3</sup> See letter from Murray L. Ross, Vice President and Secretary, Phlx, to Anthony P. Pecora, Attorney, Division of Market Regulation, SEC, dated May 17, 1996 ("Amendment No. 1"). The changes contained in this letter were superseded by Amendment No. 2. See *infra* note 5.

<sup>4</sup> Securities Exchange Act Release No. 37323 (June 18, 1996) 61 FR 32880.

<sup>5</sup> See letter from Murray L. Ross, Vice President and Secretary, Phlx, to Anthony P. Pecora, Attorney, Division of Market Regulation, SEC, dated August 21, 1996 ("Amendment No. 2") (superseding Amendment No. 1).

<sup>6</sup> Securities Exchange Act Release No. 33732 (Mar. 8, 1994), 59 FR 12023 (approving File No. SR-Phlx-93-10). Although the Commission has approved trading for 3-D Foreign Currency Options on the Japanese Yen, trading in these securities on the Exchange has not yet begun. Securities Exchange Act Release No. 36505 (Nov. 22, 1995), 60 FR 61277 (approving File No. SR-Phlx-95-42).

remaining ten bids and offers to arrive at a closing settlement price.<sup>7</sup>

The Phlx proposes to amend Phlx Rule 1057 to permit the Exchange to choose whether it will calculate the settlement value for 3-D options itself or employ a designated market information vendor as an agent of the Exchange for that purpose.<sup>8</sup> The Exchange will continue to use the same methodology for calculating the settlement value for 3-D options as described in Phlx Rule 1057.

The Phlx believes that calculating its own settlement value for 3-D options will enable the Exchange to exert control over the assembly of this value. The Exchange also believes that the proposed rule change will reduce the necessary response time in the event there is a problem in the calculation or dissemination of the 3-D options settlement value.

The Exchange also proposes to amend Phlx Rule 1057 by including a "limitation of liability" clause that limits the Exchange's liability in connection with the calculation and dissemination of the 3-D settlement value. The Exchange believes the limitation of liability clause will provide added protection to the Exchange and alleviate the threat of potential liability in calculating the 3-D settlement value. In this regard, the Phlx acknowledges that the proposed limitation of liability clause cannot be relied upon by the Exchange to limit its liability for intentional misconduct or for any violation of the federal securities laws.<sup>9</sup>

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).<sup>10</sup> Specifically, the Commission believes the proposal is consistent with the Section 6(b)(5)<sup>11</sup> requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to facilitate transactions in

securities, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

The Commission agrees with the Phlx's assertion that, by calculating its own settlement value for 3-D options, investors should be benefitted because the response time needed in the event there is a problem in the calculation or dissemination of the 3-D options settlement values should be reduced. In any case, the same methodology for calculating the settlement values, as set forth in Phlx Rule 1057, will be used, irrespective of whether the Phlx or a market information vendor is performing this function.

With regard to the limitation of liability clause, the Commission finds that the proposed language will provide the Phlx with protection that is substantively similar to protection already afforded other self-regulatory organizations.<sup>12</sup> Additionally, because the Phlx represents that the proposed rule change cannot be used to limit its liability for intentional misconduct or for any violations of the federal securities laws, the Commission believes that the proposal will protect investors and the public interest, while also serving to facilitate transactions in securities. Specifically, entities, such as the Phlx, may be encouraged to calculate and disseminate settlement values.<sup>13</sup> Therefore, these derivative products, which are found to provide hedging or other economic functions, should remain available to investors.

Finally, although the current language in the "Characteristics and Risks of Standardized Options" Options Disclosure Document ("ODD")<sup>14</sup> adequately discloses a reporting authority's limited liability regarding the dissemination of index values, the

Commission believes it would be useful if this language was more prominent in the ODD.<sup>15</sup> Therefore, in connection with the approval of this proposal, The Options Clearing Corporation ("OCC") has indicated that it will address this issue the next time it conducts a general revision of the ODD.<sup>16</sup>

The Commission finds good cause for approving Amendment No. 2 prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register because this amendment merely conforms the proposal to similar rules of other self-regulatory organizations.<sup>17</sup> Moreover, the Commission notes that prior proposals by other SROs to limit their liability in connection with the administration of new proprietary indexes and products were published by the Commission for the full statutory comment period without any comments being received.<sup>18</sup> Therefore, the Commission believes that granting accelerated approval to Amendment No. 2 is appropriate and consistent with Section 6(b)(5) and Section 19(b)(2) of the Act.<sup>19</sup>

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 2. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, 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 Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-96-11 and should be submitted by [insert date 21 days from date of publication].

<sup>15</sup> Currently, this information appears on pages twenty-six and seventy-six of the ODD.

<sup>16</sup> See letter from James C. Yong, First Vice President and General Counsel, OCC, to Anthony P. Pecora, Attorney, Division of Market Regulation, SEC, dated November 6, 1996.

<sup>17</sup> See *supra* footnote 12 (listing comparable rules).

<sup>18</sup> See, e.g., Securities Exchange Act Release No. 34125 (May 27, 1994), 59 FR 29307 (approving File No. SR-Amex-93-41).

<sup>19</sup> 15 U.S.C. 78f(b)(5) and 78s(b)(2).

<sup>7</sup> The Exchange currently has a proposal pending at the Commission that would modify this settlement value formula. See Securities Exchange Act Release No. 38017 (Dec. 4, 1996) (publishing notice of File No. SR-Phlx-96-44).

<sup>8</sup> The Exchange does not intend to redesignate the reporting authority on a regular or frequent basis. Instead, the Exchange will select a reporting authority with the intention, to the extent possible, that the selection will be lasting. Telephone conversation between Nandita Yagnik, New Products Development, Phlx, and Anthony P. Pecora, Attorney, Division of Market Regulation, SEC (Dec. 4, 1996).

<sup>9</sup> See Amendment No. 2, *supra* note 5.

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> See American Stock Exchange Rules 902C and 1003; Chicago Board Options Exchange Rule 24.14; New York Stock Exchange Rule 702(b).

<sup>13</sup> See, Securities Exchange Act Release No. 34125 (May 27, 1994), 59 FR 29307 (approving File No. SR-Amex-93-41).

<sup>14</sup> Form S-20 and Rule 9b-1 establish a disclosure framework specifically tailored to the informational needs of investors in standardized options that are traded on national securities exchanges and cleared through clearing agencies registered as such under the Act. Under this options disclosure system, the exchange(s) on which standardized options are listed and traded must prepare an ODD that, among other things, identifies the issuer and describes the uses, mechanics, and risks of options trading and other matters in language that easily can be understood by the general investing public. Broker-dealers must provide a copy of the ODD to each customer at or prior to the approval of the customer's account for trading in any standardized option. Any amendment to the ODD must be distributed to each customer whose account is approved for trading the options class for which the ODD relates. See 17 CFR 240.9b-1; Securities Exchange Release No. 31910 (Feb. 23, 1993), 58 FR 12280 (approving File No. SR-ODD-93-1).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>20</sup> that the proposed rule change (SR-Phlx-96-11), as amended by Amendment No. 2, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority:<sup>21</sup>

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96-32081 Filed 12-17-96; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2894]

### North Carolina; Declaration of Disaster Loan Area (Amendment #5)

In accordance with a notice from the Federal Emergency Management Agency, dated December 2, 1996, the above-numbered Declaration is hereby amended to extend the deadline for filing applications for physical damage as a result of this disaster to January 4, 1997.

All other information remains the same, i.e., the termination date for filing applications for loans for economic injury is June 6, 1997.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 6, 1996.

Bernard Kulik,

*Associate Administrator for Disaster Assistance.*

[FR Doc. 96-32051 Filed 12-17-96; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 2480]

### Bureau of Oceans and International Environmental and Scientific Affairs; Conservation Measures for Antarctic Fishing Under the Auspices of the Commission for the Conservation of Antarctic Marine Living Resources

**AGENCY:** Bureau of Oceans and International Environmental and Scientific Affairs, State.

**ACTION:** Notice.

**SUMMARY:** At its Fifteenth Meeting in Hobart, Tasmania, October 21 to November 1, 1996, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), of which the United States is a member, adopted conservation measures, pending countries' approval, pertaining to

fishing in the CCAMLR Convention Area in Antarctic waters. These were agreed upon in accordance with Article IX of the Convention for the Conservation of Antarctic Marine Living Resources. The measures restrict overall catches of certain species of fish, prohibit the taking of certain species of fish, list the fishing seasons, define the reporting requirements, and specify measures that must be taken to minimize the incidental taking of non-target species. This notice lists the conservation measures adopted at the Fifteenth meeting of CCAMLR and the conservation measures remaining in force from previous years which are not otherwise addressed by U.S. regulations (see **SUPPLEMENTARY INFORMATION**). Therefore, this notice together with the U.S. regulations referenced under **SUPPLEMENTARY INFORMATION** provide a comprehensive register of all U.S. obligations under CCAMLR.

**DATE:** Persons wishing to comment on the measures or desiring more information should submit written comments on or before January 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Erica Keen, Division of Polar Affairs, Office of Oceans Affairs (OES/OA/PA), Room 5805, Department of State, Washington, DC 20520, (202) 647-3262.

**SUPPLEMENTARY INFORMATION:** Individuals interested in CCAMLR should also see Federal Register Vol. 61, No. 130, Friday July 5, 1996 15 CFR part 902, Subpart G—Antarctic Marine Living Resources, and; CFR Chapter III—International Fishing and Related Activities, part 300—International Fisheries Regulations, Subpart A—General; Subpart B—High Seas Fisheries; and Subpart G—Antarctic Marine Living Resources for other regulatory measures related to conservation and management in the CCAMLR Convention area. These regulations give effect to CCAMLR Conservation Measures which are not expected to change from year to year and describe the process for regulating U.S. fishing in the Convention area. The regulations include sections on: Purpose and scope; Definitions; Relationship to other treaties, conventions, laws and regulations; Procedure for according protection to CCAMLR Ecosystem Monitoring Program Sites; Scientific research; Initiating a new fishery; Exploratory fisheries; Reporting and record keeping requirements; Vessel and gear identification; Gear disposal; Mesh size; Harvesting permits; Import permits; Appointment of a designated representative; Prohibitions; Facilitation

of enforcement and inspection; and Penalties.

Conservation Measures Adopted at the Fifteenth Meeting of the Commission on the Conservation of Antarctic Marine Living Resources (CCAMLR XV)

At its Fifteenth Annual Meeting in Hobart, Tasmania, October 21 to November 1, 1996, the Commission on the Conservation of Antarctic Marine Living Resources (CCAMLR) revised several of its previously adopted Conservation Measures and adopted the additional measures, as follows:

*Conservation Measures 29/XV<sup>1</sup>, 2*

Minimization of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Convention Area

The Commission

*Noting* the need to reduce the incidental mortality of seabirds during longline fishing by minimizing their attraction to fishing vessels and by preventing them from attempting to seize baited hooks, particularly during the period when the lines are set,

*Adopts* the following measures to reduce the possibility of incidental mortality of seabirds during longline fishing.

1. Fishing operations shall be conducted in such a way that the baited hooks sink as soon as possible after they are put in the water<sup>3</sup>. Only thawed bait shall be used.

2. Longlines shall be set at night only (i.e. during the hours of darkness between the times of nautical twilight<sup>4</sup>, <sup>5</sup>). During longline fishing at night, only the minimum ship's lights necessary for safety shall be used.

3. The dumping of offal shall be avoided as far as possible while longlines are being set or hauled; if discharge of offal is unavoidable, this discharge shall take place on the opposite side of the vessel to that where longlines are set or hauled.

4. Every effort should be made to ensure that birds captured alive during longlining are released alive and that wherever possible hooks are removed without jeopardizing the life of the bird concerned.

5. A streamer line designed to discourage birds from settling on baits during deployment of longlines shall be towed. Specification of the streamer line and its method of deployment is given in the Appendix to this Measure. Details of the construction relating to the number of placement of swivels may be varied so long as the effective sea surface covered by the streamers is no less than that covered by the currently

<sup>20</sup> 15 U.S.C. 78s(b)(2).

<sup>21</sup> 17 CFR 200.30-3(a)(12).