

at the Davis-Besse Nuclear Power Station in Ottawa County, Ohio.

#### *Environmental Assessment (EA)*

**Identification of Proposed Action:** By letter dated April 9, 2001, First Energy requested a scheduler exemption from the implementation date of April 5, 2001, for the revised 10 CFR 72.48. First Energy plans to implement its revised 10 CFR 50.59 and 10 CFR 72.48 programs simultaneously. The planned date for implementing the revised 10 CFR 50.59 requirements is June 30, 2001.

**Need for Proposed Action:** The applicant wants the implementation date of 10 CFR 50.59 and 10 CFR 72.48 to coincide. The applicant stated in the April 9, 2001, submittal that it is prudent to take a common approach in administering the implementation of 10 CFR 50.59 and 10 CFR 72.48, since there are similarities between the two requirements. Simultaneous implementation of the amended requirements will provide for an orderly transition and alignment of the programs for the revised regulations.

**Environmental Impacts of the Proposed Action:** There are no significant environmental impacts associated with the proposed action. The new revision of 10 CFR 72.48 is considered less restrictive than the current requirements, with the exception of the additional reporting requirements. Continued implementation of the existing 10 CFR 72.48 until June 30, 2001, is acceptable to the NRC as stated in Regulatory Issues Summary 2001-03 which states that it is the NRC's view that both the old rule and the new rule provide an acceptable level of safety. Extending the current requirements until June 30, 2001, has no significant impact on the environment.

**Alternative to the Proposed Action:** Since there are no environmental impacts associated with the proposed action, alternatives are not evaluated other than the no action alternative. The alternative to the proposed action would be to deny approval of the scheduler exemption and, therefore, not allow First Energy to implement the revised 10 CFR 72.48 requirements on the desired date, June 30, 2001. However, the environmental impacts of the proposed action and the alternative would be the same.

**Agencies and Persons Consulted:** On May 10, 2001, Ohio state official, Ms. Carol O'Claire, Radiological Branch Chief, Ohio Emergency Management Agency, was contacted regarding the environmental assessment for the proposed action and had no comment.

#### *Finding of No Significant Impact*

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.48, so that First Energy may implement the amended requirements on June 30, 2001, will not significantly impact the quality of human environment. Accordingly, the Commission has determined that an environmental impact statement for the proposed action is not necessary.

The request for exemption was docketed under 10 CFR Part 72, Docket 72-14. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/NRC/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 31st day of May 2001.

For the Nuclear Regulatory Commission.

**Charles L. Miller,**

*Deputy Director, Licensing and Inspection Directorate, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 01-14602 Filed 6-8-01; 8:45 am]

**BILLING CODE 7590-01-U**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards; Meeting of the Joint ACRS Subcommittee on Plant Operations and Fire Protection; Notice of Meeting**

The ACRS Subcommittee on Plant Operations and Fire Protection will hold a joint meeting on June 28, 2001, at Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Thursday, June 28, 2001—8:30 a.m. Until the Conclusion of Business*

The Subcommittees will discuss issues of mutual interest in the areas of fire protection and plant operation. The purpose of this meeting is to gather information, analyze relevant issues and

facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman and written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

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

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, and other interested persons regarding this review.

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 therefore, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Amarjit Singh (telephone: 301/415-6899) between 7:30 a.m. and 4:30 p.m. (EDT). 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: June 5, 2001.

**James E. Lyons,**

*Associate Director for Technical Support.*

[FR Doc. 01-14600 Filed 6-8-01; 8:45 am]

**BILLING CODE 7590-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

**[Extension: Rule 19b-5 and Form PILOT; SEC File No. 270-448; OMB Control No. 3235-0507]**

### **Submission for OMB Review; 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") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 19b-5 provides a temporary exemption from the rule-filing requirements of Section 19(b) of the Securities Exchange Act of 1934 ("Act") to self-regulatory organizations ("SROs") wishing to establish and operate pilot trading systems. Rule 19b-5 permits an SRO to develop a pilot trading system and to begin operation of such system shortly after submitting an initial report on Form PILOT to the Commission. During operation of the pilot trading system, the SRO must submit quarterly reports of the system's operation to the Commission, as well as timely amendments describing any material changes to the system. After two years of operating such pilot trading system under the exemption afforded by Rule 19b-5, the SRO must submit a rule filing pursuant to Section 19(b)(2) of the Act in order to obtain permanent approval of the pilot trading system from the Commission.

The collection of information is designed to allow the Commission to maintain an accurate record of all new pilot trading systems operated by SROs and to determine whether an SRO has properly availed itself of the exemption afforded by Rule 19b-5.

The respondents to the collection of information are SROs, as defined by the Act, including national securities exchanges and national securities associations.

Ten respondents file an average total of 6 initial reports, 24 quarterly reports, and 12 amendments per year, with an estimated total annual response burden of 252 hours. At an average hourly cost of \$51.71, the aggregate related cost of compliance with Rule 19b-5 for all respondents is \$13,032 per year (252 burden hours multiplied by \$51.71/hour=\$13,032).

Although Rule 19b-5 does not in itself impose recordkeeping burdens on SROs, it relies on existing requirements imposed by Rule 17a-1 under the Act to require SROs to retain all the rules and procedures relating to each pilot trading system operating pursuant to Rule 19b-5 and to make such records available for Commission inspection for a period of not less than five years, the first two years in an easily accessible place.

Compliance with Rule 19b-5 is mandatory. Information received in response to Rule 19b-5 shall be

available only for examination by the Commission, other agencies of the federal government, state securities authorities and SROs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (a) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (b) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: June 4, 2001.

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

[FR Doc. 01-14585 Filed 6-8-01; 8:45 am]

**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44390; File No. SR-NASD-00-33]

### Self-Regulatory Organizations; Order Approving Proposed Rule Change by the National Association of Securities Dealers, Inc. To Amend NASD Rule 3340 To Prohibit Publication of Quotations or Indications of Interest in a Security During a Trading Halt

June 5, 2001.

#### I. Introduction

On June 7, 2000, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly owned subsidiary, NASD Regulation, Inc. ("NASD Regulation"), filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change 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> On August 2, 2000, NASD Regulation amended the proposal.<sup>3</sup> Notice of the proposed rule

change, as amended, was published for comment in the **Federal Register** on October 3, 2000.<sup>4</sup> The Commission received one comment letter regarding the proposal.<sup>5</sup> This order approves the proposed rule change.

#### II. Description of the Proposal

NASD Regulation proposes to amend NASD Rule 3340 to expressly prohibit members from publishing quotations in a security during a trading halt.

According to NASD Regulation, the purpose of the rule change is to expressly prohibit members from publishing quotations or indications of interest in a security during a trading halt. Currently, NASD Rule 3340 prohibits members from effecting a transaction in a security during a trading halt, but does not expressly state that members are prohibited from publishing quotations or indications of interest.<sup>6</sup> However, NASD Rules 3310<sup>7</sup>

Amendment No. 1, NASD Regulation broadened the scope of the proposed rule change.

<sup>4</sup> See Securities Exchange Act Release No. 43346 (September 26, 2000), 65 FR 59036.

<sup>5</sup> See October 30, 2000 letter from Cameron Smith, General Counsel, Island ECN, Inc. to Jonathan Katz, Secretary, SEC ("Island Letter").

<sup>6</sup> The Commission may impose trading suspensions in the United States securities markets under Section 12(k) of the Act. See 15 U.S.C. 781(k).

NASD Rule 4120 provides that Nasdaq may halt trading: (1) in the over-the-counter market of a security listed on Nasdaq to permit the dissemination of material news; or (2) in the over-the-counter market of a security listed on a national securities exchange during a trading halt imposed by such exchange to permit the dissemination of material news; or (3) by (i) Consolidated Quotation System ("CQS") market makers in a CQS security because of an order imbalance or influx ("operational trade halt"); or (ii) Nasdaq market makers in a security listed on Nasdaq, when the security is a derivative or component of a CQS security and a national securities exchange imposes an operational trading halt in that CQS security; or (4) in an American Depositary Receipt ("ADR") or other security listed on Nasdaq, when the Nasdaq-listed security or the security underlying the ADR is listed on or registered with a national or foreign securities exchange or market, and the national or foreign securities exchange or market, or regulatory authority overseeing such exchange or market, halts trading in such security for regulatory reasons; or (5) in a security listed on Nasdaq when Nasdaq requests from the issuer information relating to: (i) Material news; (ii) the issuer's ability to meet Nasdaq listing qualification requirements, as set forth in NASD Rule 4300 and 4400 Series; or (iii) any other information which is necessary to protect investors and the public interest. See also Securities Exchange Act Release No. 42806 (May 22, 2000), 65 FR 34518 (May 30, 2000) (SR-NASD-99-33), which establishes Nasdaq's trade and quote halt authority in certain specific circumstances in securities included in the OTC Bulletin Board Service ("OTCBB"), and *Notice to Members 99-69* soliciting comments on whether NASD Regulation should have authority to halt trading in non-Nasdaq, non-OTCBB, over-the-counter securities under certain circumstances.

<sup>7</sup> NASD Rule 3310 states that: [n]o member shall publish or circulate, or cause to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or

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

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

<sup>3</sup> See August 2, 2000 letter from Kathleen A. O'Mara, Assistant General Counsel, NASD Regulation, to Katherine A. England, Assistant Director, Division of Market Regulation ("Division"), SEC ("Amendment No. 1"). In