

## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATES:** Weeks of June 18, 25, July 2, 9, 16, 23, 2001.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

### MATTERS TO BE CONSIDERED:

#### Week of June 18, 2001

There are no meetings scheduled for the Week of June 18, 2001.

#### Week of June 25, 2001—Tentative

*Wednesday, June 27, 2001*

9:25 a.m.—Affirmation Session (Public Meeting) (If needed)

#### Week of July 2, 2001—Tentative

There are no meetings scheduled for the Week of July 2, 2001.

#### Week of July 9, 2001—Tentative

*Monday, July 9, 2001*

1:25 p.m.—Affirmation Session (Public Meeting) (If needed)

#### Week of July 16, 2001—Tentative

*Thursday, July 19, 2001*

9:25 a.m.—Affirmation Session (Public Meeting) (If needed)

9:30 a.m.—Briefing on Results of Agency Action Review Meeting—Reactors (Public Meeting) (Contact: Ron Frahm, 301-415-2986)

1:30 p.m.—Briefing on Readiness for New Plant Applications and Construction (Public Meeting) (Contact: Nanette Gilles, 301-415-1180)

*Friday, July 20, 2001*

9:30 a.m.—Briefing on Results of Reactor Oversight Process Initial Implementation (Public Meeting) (Contact: Tim Frye, 301-415-1287)

1:00 p.m.—Briefing on Risk-Informing Special Treatment Requirements (Public Meeting) (Contact: John Nakoski, 301-415-1278)

#### Week of July 23, 2001—Tentative

*Wednesday, July 25, 2001*

9:25 a.m.—Affirmation Session (Public Meeting) (if needed)

\*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more

information: David Louis Gamberoni (301) 415-1651.

**ADDITIONAL INFORMATION:** By a vote of 5-0 on June 11 and 12, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72-22; Review of LBP-01-03" be held on June 14, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, D.C. 20555 (301)-415-1969. In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: June 14, 2001.

**David Louis Gamberoni,**  
*Technical Coordinator, Office of the Secretary.*

[FR Doc. 01-15470 Filed 6-15-01; 9:58 am]

**BILLING CODE 7590-01-M**

## OFFICE OF PERSONNEL MANAGEMENT

### Federal Salary Council; Meeting

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice of Meeting.

**SUMMARY:** The Federal Salary Council will meet at the time and location shown below. The Council is an advisory body composed of representatives of Federal employee organizations and experts in the fields of labor relations or pay policy. A provision of law enacted in 2000 requires the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and the Office of Personnel Management) to determine whether five additional metropolitan areas (Austin, TX, Las Vegas, NV, Louisville, KY, Nashville, TN, and Raleigh, NC) should become separate locality pay areas under the locality pay program for General Schedules employees in 2002. The law authorizes the required

determinations to be made by using salary surveys conducted by the Bureau of Labor Statistics, salary survey data compiled by organizations or entities for private sector businesses, or a combination of these data sources. The Federal Salary Council will review the results of special studies directed by the Office of Personnel Management and develop recommendations for the Pay Agent on locality pay methodology as it pertains to the five metropolitan areas. The Pay Agent will submit a report to Congress later this year. The meeting is open to the public.

**DATES:** July 23, 2001, at 9:30 a.m.

**Location:** Office of Personnel Management, 1900 E Street NW., Room 5303 (Pendleton Room), Washington, DC.

### FOR FURTHER INFORMATION CONTACT:

Donald J. Winstead, Associate Director for Compensation Administration, Office of Personnel Management, 1900 E Street NW., Room 7H31, Washington, DC 20415-8200. Phone (202) 606-2838; FAX (202) 606-0824; or email at [payleave@opm.gov](mailto:payleave@opm.gov).

For the President's Pay Agent.

**Steven R. Cohen,**

*Acting Director.*

[FR Doc. 01-15354 Filed 6-18-01; 8:45 am]

**BILLING CODE 6325-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-25002; File No. 812-12482]

### Aetna Life Insurance and Annuity Company, et. al.

June 13, 2001.

**AGENCY:** Securities and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of Application for an order under section 6(c) of the Investment Company Act of 1940 (the "1940 Act" or the "Act") to amend a prior order of the Commission under section 6(c) of the 1940 Act which granted exemptions from the provisions of sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c-1 thereunder to the extent necessary to permit the recapture of credits applied to contributions made under certain deferred variable annuity contracts.

**Applicants:** Aetna Life Insurance and Annuity Company ("ALIAC") and its Variable Annuity Account B ("V A B"), Aetna Insurance Company of America ("AICA") and, together with ALIAC, "Aetna"), Golden American Life Insurance Company ("Golden") and its Separate Account B ("Account B"), First

Golden American Life Insurance Company of New York ("First Golden"), Reliastar Life Insurance Company of New York ("Reliastar" and, together with Golden and First Golden, the "Life Companies"), Directed Services, Inc., ("DSI"), and Washington Square Securities, Inc., ("WSS") (collectively, the "Applicants").

**Summary of Application:** Applicants seek an order under section 6(c) of the 1940 Act to amend a existing order (Investment Company Act Release No. 24649, dated September 20, 2000, File No. 812-12098) ("Existing Order") to: (1) Add the Life Companies, Account B, DSI, and WSS (collectively, "Additional Applicants") as parties to the Existing Order, and (2) permit the Additional Applicants to recapture certain bonuses applied to purchase payments made under (a) certain deferred variable annuity contracts and certificates, including certain certificate data pages and endorsements, that Golden will issue through Account B (the "Account B Contracts") and under (b) contracts and certificates, including certain certificate data pages and endorsements, that the Life Companies may issue in the future through Account B, or through any other separate accounts, whether existing or created in the future, of the Life Companies (the "Future Accounts,") and together with Account B, the "Accounts") and that are substantially similar in all material respects to the deferred variable annuity contracts ("V A B Contracts") covered by the Existing Order (collectively, the "Future Contracts" and together with the Account B Contracts, the "Contracts"). Applicants also request that the order being sought extend to any National Association of Securities Dealers, Inc. ("NASD") member broker-dealer controlling or controlled by, or under common control with any Additional Applicant, whether existing or created in the future, that serves as a distributor or principal underwriter of the Contracts offered through the Accounts (collectively "Affiliated Broker-Dealers").

**Filing Date:** The application was filed on March 21, 2001, and amended and restated on June 8, 2001.

**Hearing or Notification of Hearing:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 9, 2001, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a

certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549-0609. Applicants, in care of Aetna, 151 Farmington Avenue, TS31, Hartford, Connecticut 06156, Attn: J. Neil McMurdie, Esq.

**FOR FURTHER INFORMATION CONTACT:** Alison Toledo, Attorney, or Lorna MacLeod, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942-0670.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 5th St., NW., Washington, DC 20549-0102 (tel. (202) 942-8090).

#### Applicants' Representations

1. Golden is a stock life insurance company originally incorporated under the laws of Minnesota on January 2, 1973 and later redomiciled in Delaware. Like ALIAC and AICA, Golden is an indirect wholly-owned subsidiary of ING Groep. N.V. ("ING"), a global financial services holding company based in The Netherlands. Golden is the depositor for Account B, which was established on July 14, 1988 pursuant to authority granted under a resolution of Golden's Board of Directors. Golden also serves as depositor for several currently existing Future Accounts. Golden may establish one or more additional Future Accounts for which it will serve as depositor.

2. First Golden is a stock life insurance company organized under the laws of the State of New York in 1996. First Golden is a wholly-owned subsidiary of Golden and an indirect wholly-owned subsidiary of ING. First Golden serves as depositor for several currently existing Future Accounts. First Golden may establish one or more additional Future Accounts for which it will serve as depositor.

3. Reliastar is a stock life insurance company organized under the laws of the State of New York in 1917. Reliastar is an indirect wholly-owned subsidiary of ING. Reliastar serves as depositor for several currently existing Future Accounts. Reliastar may establish one or more additional Future Accounts for which it will serve as depositor.

4. Account B is a segregated asset account of Golden. Account B is registered with the Commission under the Act as a unit investment trust. Account B will fund the variable benefits available under the Account B Contracts. Units of interest in Account B under the Account B Contracts it funds will be registered under the Securities Act of 1933 (the "1933 Act"). Golden may issue Future Contracts through Account B. The Life Companies also may issue Future Contracts through Future Accounts of the Life Companies.

5. That portion of the assets of Account B that is equal to the reserves and other Account B Contract liabilities with respect to Account B is not chargeable with liabilities arising out of any other business of Golden. Any income, gains or losses, realized or unrealized, from assets allocated to Account B are, in accordance with the Account B Contracts, credited to or charged against Account B, without regard to other income, gains or losses of Golden. The same will be true of any Future Account of the Life Companies.

6. DSI is the principal underwriter of Account B. DSI is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934, as amended (the "1934 Act"), and is a member of the NASD. DSI, acting as principal underwriter, may enter into arrangements with one or more registered broker-dealers (that may or may not be affiliated with DSI) to offer and sell Contracts. A successor Affiliated Broker-Dealer may enter into similar arrangements for the Contracts. DSI may act as principal underwriter for Future Accounts of the Life Companies and as distributor for Future Contracts. A successor Affiliated Broker-Dealer also may act as principal underwriter for the Accounts and as distributor for any of the Contracts.

7. WSS is registered with the Commission as a broker-dealer under the 1934 Act and is a member of the NASD. WSS, acting as principal underwriter, may enter into arrangements with one or more registered broker-dealers (that may or may not be affiliated with WSS) to offer and sell Future Contracts. A successor Affiliated Broker-Dealer may enter into similar arrangements for Future Contracts. WSS may act as principal underwriter for Future Accounts of the Life Companies and as distributor for Future Contracts. A successor Affiliated Broker-Dealer also may act as principal underwriter for Future Accounts of the Life Companies and as distributor for Future Contracts.

8. On September 20, 2000, the Commission issued the Existing Order

exempting certain transactions of Aetna, V A B, and Future Accounts of Aetna from the provisions of Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act and Rule 22c-1 thereunder to the extent necessary to permit Aetna to recapture, under specified circumstances, certain bonuses applied to purchase payments made under the V A B Contracts described in the application for the Existing Order ("Prior Application") (Investment Company Act Release No. 24629, dated Aug. 20, 2000, File No. 812-12098).

9. But for the depositor and issuing separate account, the Account B Contracts are identical to the V A B Contracts described in the Prior Application. Future Contracts will be substantially similar in all material respects to the V A B Contracts covered in the Existing Order.

10. Additional Applicants will recapture bonuses under the Contracts under the same circumstances covered by the Existing Order. The Existing Order grants exemptions from Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act and Rule 22c-1 thereunder to the extent necessary to permit Aetna to recapture bonuses in the following three instances: (i) Aetna will recapture all bonuses if the Contract owner returns the Contract for a refund during the 10-day (or longer, if required) "free look" period; (ii) the amount of any account value, step-up value or roll-up value death benefit will not include any bonus credited to a Contract owner's account after or within 12 months of the date of death; and (iii) Aetna will recapture the bonus according to the forfeiture schedules described in the Prior Application if the Contract owner withdraws Year 1 Payment(s) during the first seven account years.

#### **Applicant's Legal Analysis**

1. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class of classes of persons, securities or transactions from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request that the Commission, pursuant to Section 6(c) of the Act, grant exemptions summarized above with respect to Account B and any Future Account that the Life Companies have established or may establish in the future, in connection with the issuance of Contracts that are substantially similar in all material respects to the VA

B Contracts described in the Prior Application and that are underwritten or distributed by DSI, WSS, or Affiliated Broker-Dealers. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Applicants submit that the recapture of bonuses by Additional Applicants will not raise concerns under sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act, and Rule 22c-1 thereunder for the same reasons given in support of the Existing Order. The bonuses will be recapturable under the same circumstances and on the same basis as described in the Prior Application.

#### **Conclusion**

Applicants submit, based on the grounds summarized above, that their exemptive request meets the standards set out in Section 6(c) of the Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that, therefore, the Commission should grant the requested order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

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

[FR Doc. 01-15362 Filed 6-18-01; 8:45 am]

**BILLING CODE 8010-01-M**

#### **SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34-44401; File No. SR-CBOE-2001-23]**

#### **Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to Brokers' Blanket Bonds**

June 8, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on May 14, 2001, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission

("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CBOE. 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 CBOE proposes to revise CBOE Rule 9.22, "Brokers' Blanket Bonds," to make its rule governing brokers' blanket bonds consistent with the rules of other self-regulatory organizations ("SROs").

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

#### **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 CBOE 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 these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

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

##### **1. Purpose**

CBOE Rule 9.22 requires members approved to transact business with the public and every clearing member organization to carry brokers' blanket bonds covering officers and employees of the organization in such form and in such amounts as the Exchange may require. This rule imposes requirements on CBOE members that differ from those required of members of other SRO's.<sup>3</sup> The purpose of the proposed rule change is to amend CBOE Rule 9.22 to make its requirements similar to those of other SROs. By harmonizing CBOE Rule 9.22 with the rules of other SROs, CBOE intends to simplify compliance with the requirements of CBOE rule 9.22 for its members who are also members of other SROs.

Specifically, CBOE proposes to amend CBOE Rule 9.22, Interpretation and Policy .01(a)(2), to require minimum

<sup>3</sup> see NADS Rule 3020, Chicago Stock Exchange Rule 6, NYSE Rule 319, American Stock Exchange Rule 330, Philadelphia Stock Exchange Rule 705, and Pacific Exchange rule 2.25(a).

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

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