

Director, Division of Nuclear Materials Safety, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, a request for termination of License No. 50-23220-02, using NRC Form 314.

The Regional Administrator, Region IV, may relax or rescind, in writing, any of the above conditions upon a showing by the Licensee of good cause.

In accordance with 10 CFR 2.202, any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing on this Order within 20 days of its issuance.

Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011, and to the Licensee. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d)(1) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If

an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

For the Nuclear Regulatory Commission.

Dated this 9th day of May, 2005.

**Frank J. Congel,**

*Director, Office of Enforcement.*

[FR Doc. E5-2490 Filed 5-17-05; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards; Meeting Notice**

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on June 1-3, 2005, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Wednesday, November 24, 2004 (69 FR 68412).

#### **Wednesday, June 1, 2005, Conference Room T-2b3, Two White Flint North, Rockville, Maryland**

**8:30 a.m.—8:35 a.m.: Opening Remarks by the ACRS Chairman** (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

**8:35 a.m.—9:45 a.m.: Interim Review of the License Renewal Application for the Point Beach Nuclear Plant, Units 1 and 2** (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Nuclear Management Company, LLC regarding the license renewal application for the Point Beach Nuclear Plant, Units 1 and 2 and the associated draft Safety Evaluation Report prepared by the NRC staff, as well as the progress being made by the NRC staff and the applicant in resolving the issue of potential common-mode failure of the auxiliary feedwater pumps due to operator actions specified in the plant procedures, and related issues.

**10 a.m.—11:30 a.m.: Draft Commission Paper on Policy Issues Related to New Plant Licensing** (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the draft Commission paper on policy issues (integrated risk and

level of safety) related to new plant licensing.

**12:30 p.m.—2 p.m.: Fire Risk Requantification and Probabilistic Risk Analysis (PRA) Methodology for Nuclear Power Plants** (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Electric Power Research Institute (EPRI) regarding draft final NUREG/CR-6850, "EPRI/NRC-RES Fire PRA Methodology for Nuclear Power Facilities," and related matters.

**2:15 p.m.—4:15 p.m.: Draft Commission Paper on Proposed Alternatives to the Existing Single Failure Criterion** (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the draft Commission Paper on the proposed risk-informed and performance-based alternatives to the existing single failure criterion.

**4:30 p.m.—7 p.m.: Preparation of ACRS Reports** (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting as well as a proposed report responding to the Commission request in the April 26, 2005 Staff Requirements Memorandum regarding the ACRS assessment of the quality of the NRC research projects.

#### **Thursday, June 2, 2005, Conference Room T-2b3, Two White Flint North, Rockville, Maryland**

**8:30 a.m.—8:35 a.m.: Opening Remarks by the ACRS Chairman** (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

**8:35 a.m.—10 a.m.: Draft Safety Evaluation Report Related to Grand Gulf Early Site Permit Application** (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and System Energy Resources Inc. regarding the NRC staff's draft Safety Evaluation Report related to the Grand Gulf Early Site Permit Application.

**10:15 a.m.—11:45 a.m.: Draft Final Regulatory Guide, "Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants"** (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Nuclear Energy Institute (NEI) regarding the draft final Regulatory Guide, "Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants," which endorses, with certain exceptions, NEI document, NEI 04-02, "Guidance for Implementing a

Risk-Informed, Performance-Based Fire Protection Program Under 10 CFR 50.48 (c),” and the NRC staff’s resolution of public comments.

**12:45 p.m.—1:45 p.m.: Status Report on the Quality Assessment of Selected Research Projects (Open)**—The Committee will hear a report by the Chairmen of the ACRS Panels regarding the status of the assessment of the quality of the thermal-hydraulic test program at the Penn State University and the containment capacity study being performed by the Sandia National Laboratories.

**1:45 p.m.—2:30 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open)**—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings. Also, it will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, including anticipated workload and member assignments.

**2:30 p.m.—2:45 p.m.: Reconciliation of ACRS Comments and Recommendations (Open)**—The Committee will discuss the responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports and letters. The EDO responses are expected to be made available to the Committee prior to the meeting.

**3 p.m.—7 p.m.: Preparation of ACRS Reports (Open)**—The Committee will discuss proposed ACRS reports.

**Friday, June 3, 2005, Conference Room T-2b3, Two White Flint North, Rockville, Maryland**

**8:30 a.m.—5 p.m.: Preparation of ACRS Reports (Open)**—The Committee will continue its discussion of proposed ACRS reports.

**5 p.m.—5:30 p.m.: Miscellaneous (Open)**—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 5, 2004 (69 FR 59620). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the

meeting. Persons desiring to make oral statements should notify the Cognizant ACRS staff named below five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Cognizant ACRS staff prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, as well as the Chairman’s ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Sam Duraiswamy, Cognizant ACRS staff (301-415-7364), between 7:30 a.m. and 4:15 p.m., e.t.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at [pdr@nrc.gov](mailto:pdr@nrc.gov), or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System (PARS) component of NRC’s document system (ADAMS) which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> or <http://www.nrc.gov/reading-rm/doc-collections/> (ACRS & ACNW Mtg schedules/agendas).

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301-415-8066), between 7:30 a.m. and 3:45 p.m., e.t., at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: May 12, 2005.

**Annette Vietti-Cook,**

*Secretary of the Commission.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51685; File No. SR-Amex-2005-050]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Options Marketing Fee for Options on SPDRs

May 11, 2005.

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 April 28, 2005, the American Stock Exchange LLC (“Amex” 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 Amex. The Amex has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the Amex under Section 19(b)(3)(A)(ii) of the Act,<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposal effective upon filing with the Commission. 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 amend its marketing fee imposed on certain transactions of specialists and registered options traders (“ROTs”) in connection with options on Standard & Poor’s Depository Receipts (“SPDRs”). The fee would be imposed at the rate of \$1.00 per contract, instead of the rate of \$0.40 per contract. The text of the proposed rule change is available on the Amex’s Web site (<http://www.amex.com>), at the Amex’s Office of the Secretary, and at the Commission’s Public Reference Room.

#### 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 Exchange included statements concerning the purpose of and basis for its proposal and discussed any comments it had received regarding the proposal. The text of these statements may be examined at the places specified

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

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

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

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