

(O1-F21), Rockville, Maryland, 20852-2738.

FOR FURTHER INFORMATION CONTACT: Nick Hilton, Senior Enforcement Specialist, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, (301) 415-3055, e-mail ndh@nrc.gov.

SUPPLEMENTARY INFORMATION: “ADR” is a term that refers to a number of processes that can be used in assisting parties in resolving disputes and potential conflicts. Most of these processes are voluntary, where the parties to the dispute are in control of the decision on whether to participate in the process and whether to agree to any resolution of the dispute. The parties are assisted in their efforts to reach agreement by a neutral third party.

Proposed evaluation criteria for the pilot program include: (1) Program effectiveness, including success of the program in helping ensure safety is maintained and settlement rate; (2) program efficiency in terms of both timeliness and cost efficiency; and (3) program satisfaction, including perceptions of fairness, usefulness, parties’ satisfaction with outcomes, public perception of the program, and interest in using the program after initial program use. In addition, the NRC is interested in general comments regarding the pilot program and recommendations for a potential future program. The evaluation criteria are addressed in a document for comment on the NRC’s Web site at <http://www.nrc.gov>, select What We Do, Enforcement, then Alternative Dispute Resolution. This document is also available in ADAMS at ML052640603.

After a brief presentation regarding the status of the pilot program, the meeting on October 11, 2005, will be conducted as a roundtable discussion among participants who have been invited to represent the broad spectrum of interests in the areas of allegations and enforcement. The participants include representatives from whistleblower counsels, the public, and the nuclear industry. The meeting is open to the public and all attendees will have an opportunity to offer comments and ask questions at selected points throughout the meeting. Any questions regarding the roundtable discussion should be directed to the meeting facilitator, Francis “Chip” Cameron by phone at 301-415-1642 or e-mail fxc@nrc.gov.

Dated at Rockville, Maryland, this 26th day of September, 2005.

For the Nuclear Regulatory Commission.
Michael R. Johnson,
Director, Office of Enforcement.
[FR Doc. 05-19931 Filed 10-4-05; 8:45 am]
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NUCLEAR WASTE TECHNICAL REVIEW BOARD

Notice of Meeting

Board Meetings: November 8-9, 2005—Las Vegas, Nevada; The U.S. Nuclear Waste Technical Review will meet to discuss technical and scientific issues related to the U.S. Department of Energy’s efforts to develop a repository at Yucca Mountain in Nevada.

Pursuant to its authority under section 5051 of Public Law 100-203, Nuclear Waste Policy Amendments Act of 1987, the U.S. Nuclear Waste Technical Review Board will meet in Las Vegas, Nevada, on Tuesday, November 8, and for a half-day on Wednesday, November 9, 2005. The Board will discuss a range of technical and scientific issues pertinent to the Department of Energy’s (DOE) efforts to develop a repository for the permanent disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain in Nevada. The Board was established by Congress in the Nuclear Waste Policy Amendments Act of 1987 and charged with reviewing the technical and scientific validity of activities undertaken by the Secretary of Energy related to disposal, transportation, and packaging of spent nuclear fuel and high-level radioactive waste.

The meeting will be held at the Renaissance Las Vegas Hotel; 3400 Paradise Road, Las Vegas, Nevada; (tel) (702) 733-6533; (fax) (702) 735-3130. The meeting sessions will begin on both days at 8 a.m. and will continue until approximately 5:30 p.m. on Tuesday and 12:30 p.m. on Wednesday.

Topics that will be discussed at the meeting include corrosion of the repository waste package and drip shield, investigations undertaken in the saturated zone below the proposed repository, and models used to represent how waste will move through the proposed repository’s surface facilities. A final meeting agenda will be available on the Board’s Web site, <http://www.nwtrb.gov>, approximately one week before the date of the meeting. The agenda also may be obtained by telephone request at that time.

Time will be set aside at the end of the sessions on both days for public comments. Those wanting to speak are encouraged to sign the “Public

Comment Register” at the check-in table. A time limit may have to be set on individual remarks, but written comments of any length may be submitted for the record. Interested parties also may submit questions in writing. As time permits, written questions that are relevant to the discussion may be raised by Board members during the meeting.

Transcripts of the meetings will be available on the Board’s Web site, by e-mail, on computer disk, or on library-loan basis in paper format beginning December 5, 2005. For assistance in obtaining meeting transcripts, contact Davonya Barnes, NWTRB staff.

A block of rooms has been set aside at the Renaissance Las Vegas Hotel for meeting participants. When making a reservation, please state that you are attending the Nuclear Waste Technical Review Board meeting. Reservations should be made by October 15, 2005, to ensure receiving the meeting rate.

For more information, contact Karyn Severson, NWTRB External Affairs; 2300 Clarendon Boulevard, Suite 1300; Arlington, VA 22201-3367; (tel) (703) 235-4473; (fax) (703) 235-4495.

Dated: September 30, 2005.

William D. Barnard,
Executive Director, Nuclear Waste Technical Review Board.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52527; File No. SR-Amex-2005-052]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Granting Approval to Proposed Rule Change and Amendment No. 1 Thereto Relating to the Integration of Regulatory Staff into Floor Official Rulings and the Review of Floor Official Rulings and Expediting the Process for Appealing Floor Official Rulings

September 29, 2005.

I. Introduction

On May 11, 2005, the American Stock Exchange LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to: (1) Amend Amex Rules 22(c),

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

115, 958A(d), 958A-ANTE(d), 118(n), 135A and Amex Rule 155, Commentary .05 to integrate regulatory staff into Floor Official rulings and the review of Floor Official rulings; and (2) amend Amex Rule 22(d) to expedite the process for appealing a Floor Official's ruling. On August 12, 2005, the Amex filed Amendment No. 1 to the proposed rule change.³ The proposed rule change, as amended, was published for comment in the **Federal Register** on August 30, 2005.⁴ The Commission received no comments on the proposal, as amended. This order approves the proposed rule change, as amended.

II. Description of the Proposal

The Exchange proposes to amend Amex Rule 22(c) to require that a member of the regulatory staff participate in an advisory capacity in the following categories of Floor Official rulings: (i) Unusual market exception to the Commission's Firm Quote Rule; (ii) Intermarket Trading System disputes; (iii) member disputes; and (iv) cancellations or revisions to trades. In particular, the Exchange's proposal would require a member of the regulatory staff to be present during a Floor Official's ruling on an advisory basis. This member of the regulatory staff would give his or her opinion on the matter and, although the Floor Official would be required to take this opinion into consideration, the Floor Official would not be required to rule according to the regulatory staff member's opinion. Once a Floor Official's decision is documented by the Floor Official, the participating regulatory staff person will also sign the form, indicating whether he or she disagrees with the ruling.⁶ To conform the remainder of the Exchange's rules with this proposed modification to Amex Rule 22(c), the proposed rule change also makes corresponding amendments to Amex Rules 115, 958A(d), 958A-ANTE(d), 118(n), 135A

and 155, Commentary .05, which are the existing rules governing the application of the unusual market exception to the Commission's Firm Quote Rule and the Amex rules governing cancellation or revisions to trades.⁷ Amex has indicated that at the present time, regulatory staff would not be required to participate in Floor Official rulings relating to trading halts, indications and reopenings, non-regular way trades, turning Auto-Ex off, voluntary publication of imbalances, and enforcing standards of floor decorum.

The Amex also is proposing to amend Amex Rule 22(d) in two respects.⁸ First, the Exchange is proposing to amend Amex Rule 22(d) to clarify that Senior Floor Officials have the same authority as Governors with respect to matters arising on the Floor that require review or action by Governors.⁹ The amendment will replace each reference to "Governor" with "Senior Floor Official." The Exchange also proposes to make conforming changes to Amex Rule 118(n)(iii)¹⁰ and Amex 135A(c)¹¹ to replace "governor" and "Floor Governor," as applicable, with "Senior Floor Official."¹²

Second, the Exchange proposes to amend Amex Rule 22(d) to eliminate the second tier in the current review process of Floor Official decisions. Amex Rule 22(d) currently provides for three tiers of review in the appeal of a Floor Official's initial ruling.¹³ The proposed rule will provide two levels of review to a Floor Official's initial decision, first by an Exchange Official, and then by a panel of three Senior Floor Officials. In addition, under the proposal, regulatory staff would advise and participate in each level of review of a Floor Official decision or ruling that required the advice and participation of a member of the regulatory staff in the initial Floor Official ruling.

⁷ Amex Rules 936, 936C, 936-ANTE, 936C-ANTE, governing the cancellation and adjustment to equity and index option transactions, are not being amended because regulatory staff is already required to participate in such rulings.

⁸ Amex Rule 22(d) relates to the procedures for reviewing a Floor Official's initial ruling.

⁹ These changes are based on a recent amendment to Amex Rule 21 approved by the Commission. See Securities Exchange Act Release No. 51503 (April 7, 2005), 70 FR 19534 (April 13, 2005).

¹⁰ Amex Rule 118 relates to trading in Nasdaq National Market securities.

¹¹ Amex 135A relates to cancellations of, and revisions in, transactions where both the buying and selling members do not agree to the cancellation or revision.

¹² Amex Rules 118(n)(iii) and 135A(c) address the process for review of transactions, and the ability of a Floor Governor to declare a transaction null or void, in the event of an operational malfunction or "extraordinary market conditions."

¹³ See *supra* note 5.

III. Discussion

The Commission has carefully reviewed the proposed rule change, as amended, and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange¹⁴ and, in particular, the requirements of Section 6 of the Act¹⁵ and the rules and regulations thereunder. Specifically, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act¹⁶ because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. In particular, the Commission believes that the proposal is reasonably designed to (1) ensure a more consistent application of Amex's rules in Floor Official rulings and that such rulings are in accordance with applicable rules, and (2) increase the efficiency in reviewing such rulings, while continuing to provide for two levels of on-floor review.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁷ that the proposed rule change (SR-Amex-2005-052), as amended, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁸

Jonathan G. Katz,
Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52516; File No. SR-Amex-2005-078]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Granting Approval to a Proposed Rule Change and Amendment No. 1 Thereto To Temporarily Suspend Specialist Transaction Charges for the Nasdaq-100 Index Tracking Stock® (QQQQ)

September 27, 2005.

On July 15, 2005, the American Stock Exchange LLC ("Amex") filed with the

¹⁴ In approving this proposed rule change, as amended, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁵ 15 U.S.C. 78f.

¹⁶ 15 U.S.C. 78f(b)(5).

¹⁷ 15 U.S.C. 78s(b)(2).

¹⁸ 17 CFR 200.30-3(a)(12).

³ In Amendment No. 1 Amex made minor revisions to the proposed rule text and clarified certain details of its proposal. Amendment No. 1 replaced and superseded Amex's original filing in its entirety.

⁴ See Securities Exchange Act Release No. 52325 (August 23, 2005), 70 FR 51392.

⁵ Floor Officials are officers of the Exchange, who are authorized to (1) make rulings on behalf of the Exchange with respect to certain matters that require a decision by the Exchange, and (2) resolve trading disputes submitted to them by members. Floor Official decisions are currently subject to same day, on-floor appeal at the request of an aggrieved member, first by an Exchange Official, then by a Governor and finally by a panel of three Governors.

⁶ The regulatory staff person will be responsible for maintaining the documentation related to Floor Official rulings and reviews that require the participation of a regulatory staff person.