

reviewed and NRC's conclusion. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," details with respect to this action, including the Final SER and accompanying documentation included in the license amendment package are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you may access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: Kerr McGee Technical Center (KMTC) "Revised Decommissioning Plan," April 5, 2001, ML011840119 and ML011840269; KMTC Response to NRC Request for Information, March 6, 2002, ML020670216; KMTC Clarification and Modification to DCGLs, October 16, 2002, ML022940089; KMTC Final Status Survey Report Outdoor Survey Units, September 2003, ML033020108; KMTC Final Status Survey Report Indoor Survey Units, April 2004, ML041100784; KMTC Supplement to Indoor Final Status Survey Report, December 2004, ML043520247; Final Safety Evaluation Report, August 1, 2005, ML052130413. If you do not have access to ADAMS or if there are problems with accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at (800) 397-4203, (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Arlington, Texas, this 15th day of August, 2005.

For the Nuclear Regulatory Commission.

**D. Blair Spitzberg,**

*Chief, Fuel Cycle Decommissioning Branch, Division of Nuclear Materials Safety, Region IV.*

[FR Doc. E5-4619 Filed 8-23-05; 8:45 am]

BILLING CODE 7590-01-P

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## RAILROAD RETIREMENT BOARD

### Sunshine Act; Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on August 30, 2005, 9:30 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois,

60611. The agenda for this meeting follows:

- (1) IDMS to DB2 Conversion
- (2) Discussion on Field Service Hiring
- (3) Decision on Reconsideration—DisAbility ReDesign, Inc.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312-751-4920.

Dated: August 18, 2005.

**Beatrice Ezerski,**

*Secretary to the Board.*

[FR Doc. 05-16893 Filed 8-22-05; 9:51 am]

BILLING CODE 7905-01-M

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## RAILROAD RETIREMENT BOARD

### Sunshine Act; Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on August 30, 2005, 9:30 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, IL 60611. The agenda for this meeting follows:

- (1) IDMS to DB2 Conversion
- (2) Discussion on Field Service Hiring
- (3) Decision on Reconsideration—DisAbility ReDesign, Inc.
- (4) Discussion of the Fiscal Year 2007 Budget

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312-751-4920.

Dated: August 18, 2005.

**Beatrice Ezerski,**

*Secretary to the Board*

[FR Doc. 05-16900 Filed 8-22-05; 9:58 am]

BILLING CODE 7905-01-M

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## SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-52293; IA-2417; File No. S7-25-99]

RIN 3235-AH78

### Certain Broker-Dealers Deemed Not To Be Investment Advisers

AGENCY: Securities and Exchange Commission.

ACTION: Notice of OMB approval of collections of information.

#### FOR FURTHER INFORMATION CONTACT:

Robert L. Tuleya, Senior Counsel, (202) 551-6787, [IRules@sec.gov](mailto:IRules@sec.gov), Office of Investment Adviser Regulation, Division of Investment Management, U.S. Securities and Exchange Commission,

100 F Street, NE., Washington, DC 20549-0506.

**SUPPLEMENTARY INFORMATION:** In conjunction with Investment Advisers Act of 1940 rule 202(a)(11)-1,<sup>1</sup> the Securities and Exchange Commission submitted certain existing collections of information to the Office of Management and Budget ("OMB") in accordance with 44 U.S.C. 3507(d) and 5 CFR 1320.11. OMB has approved changes to these collection of information requirements which are described in *Certain Broker-Dealers Deemed Not To Be Investment Advisers*.<sup>2</sup> The titles of the affected collections of information are: "Form ADV" (OMB Control No. 3235-0049); "Form ADV-NR" (OMB Control No. 3235-0240); "Form ADV-W and Rule 203-2" (OMB Control No. 3235-0313); "Rule 203-3 and Form ADV-H" (OMB Control No. 3235-0538); "Rule 204-2" (OMB Control No. 3235-0278); "Rule 204-3" (OMB Control No. 3235-0047); "Rule 204A-1" (OMB Control No. 3235-0596); "Rule 206(4)-3" (OMB Control No. 3235-0242); "Rule 206(4)-4" (OMB Control No. 3235-0345); "Rule 206(4)-6" (OMB Control No. 3235-0571); and "Rule 206(4)-7" (OMB Control No. 3235-0585).

Dated: August 18, 2005.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 05-16867 Filed 8-23-05; 8:45 am]

BILLING CODE 8010-01-P

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52297; File No. SR-Amex-2005-080]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change Relating to Fees in Connection With Merger Spreads and Short Stock Interest Spreads

August 18, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 25, 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 and II below, which Items have been prepared

<sup>1</sup> 17 CFR 275.202(a)(11)-1.

<sup>2</sup> Investment Advisers Act Rel. No. 2376 (Apr. 12, 2005) [70 FR 20424 (Apr. 19, 2005)].

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

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

by the Exchange. The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to approve the proposal on an accelerated basis.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend the Amex Options Fee Schedule to include "merger spreads" and "short stock interest spreads" as qualified spread transactions ("Spread Trades").

The text of the proposed rule change is available from the Exchange's Web site (<http://www.amex.com>), at the principal office of the Exchange, 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 Amex 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 III below. The Exchange 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 the Statutory Basis for, the Proposed Rule Change*

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

The purpose of the proposed rule change is to amend the Amex Options Fee Schedule to include "merger spreads" and "short stock interest spreads" in the definition of "Spread Trades," which are subject to reduced transaction fees<sup>3</sup> for non-member market makers and non-member broker-dealers, and a \$2,000 fee cap per trade, exclusive of any license fees, applicable to specialists, registered options traders ("ROTs"), member broker-dealers (*i.e.*, Firms), non-member market makers, and non-member broker-dealers (*i.e.*, Broker-Dealers).<sup>4</sup> In addition, the proposal would revise footnote 1 of the Options

Fee Schedule to reflect the change of the symbol for the Nasdaq-100 Index Tracking Stock from "QQQ" to "QQQQ."<sup>5</sup> Qualified Spread Trades currently include: (a) Reversals and conversions, (b) dividend spreads, (c) box spreads, and (d) butterfly spreads.<sup>6</sup>

The Amex currently imposes charges for transactions in options executed on the Exchange by specialists, ROTs, member broker-dealers, non-member market makers, and non-member broker-dealers. Current per-contract transaction fees for specialists, ROTs, member broker-dealers, non-member market makers, and non-member broker-dealers in equity options are \$0.20, \$0.20, \$0.26, \$0.30, and \$0.26, respectively, per contract side. In connection with index options, current per-contract transaction fees for specialists, ROTs, member broker-dealers, non-member broker-dealers, and non-member market makers are \$0.31, \$0.31, \$0.22, \$0.22, and \$0.31, respectively, per contract side.<sup>7</sup>

A non-member broker-dealer or a non-member market maker that executes a Cabinet Trade or a qualified Spread Trade already would be subject to a fee rebate program. The options transaction fee, the options comparison fee, and the options floor brokerage fee are reduced by \$0.03, \$0.01, and \$0.02, respectively. With respect to a Cabinet Trade or a qualified Spread Trade in a QQQQ option, the options transaction fee, the options comparison fee, and the options floor brokerage fee are reduced by \$0.09, \$0.01, and \$0.02, respectively. In addition, a Cabinet Trade or a Spread Trade by a specialist, a ROT, a member broker-dealer, a non-member market maker, or a non-member broker-dealer also would be subject to a fee cap of \$2,000 per trade, exclusive of the options licensing fee.<sup>8</sup>

A merger spread is defined as a transaction executed pursuant to a merger spread strategy involving the simultaneous purchase and sale of options of the same class and expiration date, but with different strike prices, followed by the exercise of the resulting long option position. Merger spreads are executed prior to the date that shareholders of record are required to elect their respective form of consideration (*i.e.*, cash or stock).

A short stock interest spread is defined as a spread that uses two deep in-the-money put options followed by the exercise of the resulting long position of the same class in order to establish a short stock interest arbitrage position. This strategy is used to capture short stock interest.

The Exchange submits that merger spreads and short stock interest spreads should qualify as Spread Trades under the Amex Options Fee Schedule for the purpose of attracting additional order flow. The Exchange notes that merger spreads and short stock interest spreads are entered into by professionals with narrow profit margins and, therefore, believes that, by qualifying for reduced and capped fees, these professionals may find the Exchange an attractive venue to execute their trades. The Exchange further believes that qualifying merger spreads and short stock interest spreads as Spread Trades will increase the ability of the Exchange to compete with the other options exchanges for order flow in connection with these options strategies.

##### **2. Statutory Basis**

The Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act<sup>9</sup> in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members of the exchange and other persons using exchange facilities.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were solicited or received with respect to the proposed rule change.

### **III. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or

<sup>3</sup> Transaction fees are comprised of options transaction fees, options comparison fees, and options floor brokerage fees. See Amex Options Fee Schedule. See also footnote 4, *infra*.

<sup>4</sup> The Commission notes that clarifying changes were made to the purpose section of the proposed rule change. Telephone conversations between Jeffrey P. Burns, Associate General Counsel, Amex, Cyndi N. Rodriguez, Special Counsel, and Johnna B. Dumler, Attorney, Division of Market Regulation, Commission, on August 10 & 18, 2005.

<sup>5</sup> On December 1, 2004, the Nasdaq-100 Index Tracking Stock transferred its listing from the Amex to the Nasdaq Stock Market, Inc. It now trades on Nasdaq under the symbol QQQQ. The Amex, pursuant to unlisted trading privileges, trades the QQQQ.

<sup>6</sup> See Amex Options Fee Schedule, footnote 1. See also footnote 4, *supra*.

<sup>7</sup> See footnote 4, *supra*.

<sup>8</sup> *Id.*

<sup>9</sup> 15 U.S.C. 78f(b)(4).

• Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-Amex-2005-080 on the subject line.

#### Paper Comments

• Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File No. SR-Amex-2005-080. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). 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 in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-Amex-2005-080 and should be submitted on or before September 14, 2005.

#### IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

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.<sup>10</sup> In particular, the Commission believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,<sup>11</sup> which requires that the rules of the exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons

<sup>10</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>11</sup> 15 U.S.C. 78f(b)(4).

using the exchange's facilities. Amending the Amex's Options Fee Schedule to include "merger spreads" and "short stock interest spreads" in the definition of "Spread Trades," thereby rendering these types of trades eligible for reduced and capped fees, is a reasonable measure to improve the Exchange's competitiveness. The Commission notes that similar proposals to reduce and cap fees for certain trades, including those occurring as part of merger spreads and short stock interest spreads, have been adopted by other options exchanges.<sup>12</sup>

The Amex has requested that the Commission approve the proposed rule change prior to the thirtieth day after publication of notice thereof in the **Federal Register**. Granting accelerated approval of the proposal will allow the Amex to immediately implement a fee change that is similar to arrangements already in place at other option exchanges. Furthermore, the Commission believes that granting accelerated approval of the proposed rule change will allow the Amex to implement reasonable fee reductions to various market participants without undue delay. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,<sup>13</sup> for approving the proposed rule change prior to the thirtieth day after the publication of notice thereof in the **Federal Register**.

#### V. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR-Amex-2005-080), is hereby approved on an accelerated basis.

<sup>12</sup> Most of the proposals by other options exchanges were filed as pilot programs pursuant to Section 19(b)(3)(A) of the Act, rendering the proposals effective upon filing with the Commission. See Securities Exchange Act Release Nos. 51468 (April 1, 2005), 70 FR 17742 (April 7, 2005) (SR-CBOE-2005-18); 51596 (April 21, 2005), 70 FR 22381 (April 29, 2005) (SR-Phlx-2005-19); 51657 (May 5, 2005), 70 FR 24851 (May 11, 2005) (SR-Phlx-2005-22); 51787 (June 6, 2005), 70 FR 34174 (June 13, 2005) (SR-PCX-2005-65); and 51828 (June 13, 2005), 70 FR 35475 (June 20, 2005) (SR-CBOE-2005-42). However, one proposal to make the fee cap applicable to short stock interest spread transactions retroactive to January 1, 2005 was filed with and approved by the Commission pursuant to Section 19(b)(2) of the Act. See Securities Exchange Act Release No. 52083 (July 20, 2005), 70 FR 43733 (July 28, 2005) (SR-PCX-2005-67).

<sup>13</sup> 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

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

[FR Doc. E5-4626 Filed 8-23-05; 8:45 am]

BILLING CODE 8010-01-P

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52296; File No. SR-BSE-2005-30]

#### Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 2 Thereto Relating to the Removal of Unreliable Quotes From the Exchange's Calculation of the National Best Bid or Offer

August 18, 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 July 27, 2005, the Boston Stock Exchange, Inc. ("BSE") 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 BSE. The BSE filed Amendment No. 1 to the proposed rule change on August 5, 2005 and withdrew Amendment No. 1 on August 12, 2005. The BSE filed Amendment No. 2 to the proposed rule change on August 12, 2005.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE is proposing to add subsection (e) of Section 3 of Chapter XII of the Boston Options Exchange ("BOX") Rules to add provisions for declaring an away market's quote(s) in a particular class of option(s) unreliable, and to thereby exclude quote(s) from BOX's NBBO determination when an away market: (1) Is disconnected from the Intermarket Option Linkage ("Linkage"); (2) disseminates non-firm quotes; or (3) has other quoting problems. The text of the proposed rule change is available on the BSE's Web site (<http://www.bostonstock.com>), at

<sup>14</sup> 17 CFR 200.30-3(a)(12).

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

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

<sup>3</sup> See Form 19b-4 dated August 12, 2005 ("Amendment No. 2"). Amendment No. 2 added clarifying language and corrected typographical and technical errors.