

**NUCLEAR REGULATORY COMMISSION****Request for a License to Import Radioactive Waste**

Pursuant to 10 CFR 110.70(C) "Public notice of receipt of an application," please take notice that the U.S. Nuclear Regulatory Commission has received the following request for an import license.

Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <<http://www.nrc.gov/NRC/ADAMS/index.html>> at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene

shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning this amendment request follows.

**NRC IMPORT LICENSE APPLICATION**

Name of applicant Date of application	Description of material		End use	Country of origin
	Material type	Total quantity		
Diversified Scientific Services, Inc.; March [16, 2004; April 21, 2004; IW015; 11005485. Date received Application number Docket number	Class A radioactive mixed waste in various forms including solids, semi-solids, and liquids.	20,000 kg mixed waste containing 100 curies tritium and carbon-14, and 100 curies mixed fission product radionuclides and other contaminants.	Thermal destruction.	Mexico.

For the Nuclear Regulatory Commission.  
Dated this 21st day of May, 2004 at Rockville, Maryland.

**Edward T. Baker,**

*Deputy Director, Office of International Programs.*

[FR Doc. 04-12376 Filed 6-1-04; 8:45 am]

**BILLING CODE 7590-01-P**

**Week of June 7, 2004—Tentative**

Thursday, June 10, 2004

1:30 p.m.—Discussion of Security Issues (Closed—Ex. 1)

**Week of June 14, 2004—Tentative**

There are no meetings scheduled for the Week of June 14, 2004.

**Week of June 21, 2004—Tentative**

There are no meetings scheduled for the Week of June 21, 2004.

**Week of June 28, 2004—Tentative**

There are no meetings scheduled for the Week of June 28, 2004.

**Week of July 5, 2004—Tentative**

There are no meetings scheduled for the Week of July 5, 2004.

\*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: Dave Gamberoni, (301) 415-1651.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/what-we-do/policy-making/schedule.html>

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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, DC 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: May 27, 2004.

**Dave Gamberoni,**

*Office of the Secretary.*

[FR Doc. 04-12518 Filed 5-28-04; 9:38 am]

**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION****Sunshine Act Meeting**

**DATE:** Weeks of May 31, June 7, 14, 21, 28, July 5, 2004.

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

**STATUS:** Public and closed.

**MATTERS TO BE CONSIDERED:**

*Week of May 31, 2004*

Wednesday, June 2, 2004

9:30 a.m.—Briefing on Equal Employment Opportunity Program (Public Meeting) (Contact: Corenthis Kelley, 301-415-7380).

This meeting will be webcast live at the Web address—[www.nrc.gov](http://www.nrc.gov)

1:30 p.m.—Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, 301-415-7360).

This meeting will be webcast live at the Web address—[www.nrc.gov](http://www.nrc.gov)

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-49769; File No. SR-CBOE-2004-13]

**Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Board Options Exchange, Inc. Relating to Retroactive Crediting of Certain DPM Principal Acting as Agent Order Transaction Fees**

May 25, 2004.

On March 9, 2004, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), 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> a proposed rule change to change its Fee Schedule to retroactively credit Designated Primary Market-Makers ("DPMs") for transaction fees they incur related to the execution of outbound "principal acting as agent"

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

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

("P/A") Orders,<sup>3</sup> as defined in the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage (the "Linkage Plan"). On March 31, 2004, the CBOE submitted Amendment No. 1 to the proposed rule change.<sup>4</sup> The **Federal Register** published the proposed rule change, as amended, for comment on April 23, 2004.<sup>5</sup> The Commission received no comments on the proposed rule change. This order approved the proposed rule change, as amended.

After careful consideration, 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>6</sup> In particular, the Commission believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,<sup>7</sup> which requires, among other things, 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 using its facilities.

The Commission notes that the proposed rule change, which would apply retroactively to July 1, 2003 an existing program that rebates transaction and trade match fees that DPMs incur when they trade against a customer order that underlies a P/A Order the DPM sent through the Intermarket Option Linkage ("Linkage"), and that credits the DPMs up to an additional 50% of such transaction and trade match fees (the "50% rebate"),<sup>8</sup> will offset some of the fees that the DPMs have incurred for submitting P/A Orders through the Linkage since shortly after the full implementation of the Linkage. Moreover, the Commission notes that the proposed rule change clarifies that the DPM is eligible for the 50% rebate only when a DPM that sends a P/A Order incurs additional fees from

another Participant for the execution of such a P/A Order, and clarifies that the aggregate amount of the 50% rebate for all DPMs will be limited to no more than the total amount of fees that the Exchange earns from fees generated by inbound Linkage transaction and trade match fees.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>9</sup> that the proposed rule change (SR-CBOE-2004-13), as amended, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>10</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 04-12369 Filed 6-1-04; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49774; File No. SR-CHX-2003-24]

### Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the Chicago Stock Exchange, Inc. Relating to the Definition of Primary Market

May 26, 2004.

#### I. Introduction

On August 14, 2003, the Chicago Stock Exchange, Inc. ("CHX") filed with the Securities and Exchange Commission ("Commission"), 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> a proposed rule change to permit the Exchange's Rules Subcommittee to designate the primary market in each listed issue for purposes of determining limit order execution guarantees to be offered on the CHX. On January 29, 2004, the CHX amended the proposed rule change.<sup>3</sup> The proposed rule change, as amended, was published for comment in the **Federal Register** on March 24, 2003.<sup>4</sup> The Commission received no comment letters with respect to the proposal.

<sup>1</sup> 15 U.S.C. 78s(b)(2).

<sup>2</sup> 17 CFR 200.30-3(a)(12).

<sup>3</sup> 15 U.S.C. 78s(b)(1).

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

<sup>5</sup> See Letter from Kathleen Boege, Associate General Counsel, CHX, to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), Commission, dated January 28, 2004 ("Amendment No. 1"). Amendment No. 1 replaced and superseded the CHX's original 19b-4 filing in its entirety.

<sup>6</sup> See Securities Exchange Act Release No. 49437 (March 17, 2003), 69 FR 13924.

On May 12, 2004, the CHX again amended the proposed rule change.<sup>5</sup> This order approves the proposed rule change, as amended by Amendment Nos 1 and 2. Because there was a mistake in the language of the proposed rule change as previously published, the Commission is publishing the language in this order.

The text of the proposed rule change, as amended, is below. Proposed new language is *italicized*; proposed deletions are in [brackets].

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## CHICAGO STOCK EXCHANGE RULES

### Article XX—Guaranteed Execution System and Midwest Automated Execution System

\* \* \* \* \*

#### Rule 37

(a) Guaranteed Executions

\* \* \* \* \*

(1)–(2) No change to text.

(3) Execution of Agency Limit Orders. Subject to Interpretation and Policy .10 ("Exempted Trade-throughs"), all agency limit orders in Dual Trading System issues will be filled under the following circumstances:

(a) Exhaustion of primary market bid or offer. When the bid or offering at the limit price has been exhausted in the primary market (as *designated by the Rules Subcommittee pursuant to Interpretation and Policy .07* [defined in the CTA Plan]), agency limit orders will be executed in whole or in part, based on the rules of priority and precedence, on a share for share basis with trades executed at the limit price in the primary market.

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#### Interpretations and Policies

\* \* \* \* \*

.07 [[Reserved for future use]]  
*Unless otherwise authorized by the Exchange's Board of Governors, in designating the "primary market" for purposes of Rule 37(a)(3) of this Article XX, the Rules Subcommittee shall designate the initial listing market for a security as the primary market, unless that security is traded by either the New York Stock Exchange ("NYSE") or the American Stock Exchange ("Amex"), in which case the primary market shall be the NYSE (for the securities it trades) or*

<sup>5</sup> See Letter from Kathleen Boege, Associate General Counsel, CHX, to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), Commission, dated May 11, 2004 ("Amendment No. 2"). Amendment No. 2 replaces and supersedes the CHX's original 19b-4 filing and Amendment No. 1 in their entirety. Amendment No. 2 only makes a technical correction to the proposed rule text; therefore, it is not subject to notice and comment.

<sup>3</sup> A "P/A Order" is defined as an order for the principal account of a Market Maker that is authorized to represent Customer orders, reflecting the terms of a related unexecuted Customer order for which the Market Maker is acting as agent. See Section 2(16) of the Linkage Plan.

<sup>4</sup> See Letter from Chris Hill, Attorney, CBOE, to Nancy Sanow, Assistant Director, Commission, dated March 26, 2004 ("Amendment No. 1"). In Amendment No. 1, the CBOE submitted a new Form 19b-4, which replaced and superseded the original filing in its entirety.

<sup>5</sup> See Securities Exchange Act Release No. 49575 (April 16, 2004), 69 FR 22110.

<sup>6</sup> In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>7</sup> 15 U.S.C. 78f(b)(4).

<sup>8</sup> See Securities Exchange Act Release No. 49341 (March 1, 2004), 69 FR 10492 (March 5, 2004) (Notice of Filing and Immediate Effectiveness of SR-CBOE-2004-08).