

*Duke Energy Corporation, et al., Docket No. 50-414, Catawba Nuclear Station Unit 2, York County, South Carolina*

*Date of amendment request:* February 5, 2005, as supplemented by letter dated February 7, 2005.

*Description of amendment request:* The amendment revises the system bypass leakage acceptance criterion for the charcoal adsorber in the 2B Auxiliary Building Filtered Ventilation Exhaust System train as listed in Technical Specification 5.5.11, "Ventilation Filter Testing Program."

*Date of issuance:* February 7, 2005.

*Effective date:* As of the date of issuance and shall be implemented within 30 days from the date of issuance.

*Amendment No.:* 213.

*Renewed Facility Operating License No. NPF-52:* Amendments revised the Technical Specifications.

*Public comments requested as to proposed no significant hazards consideration (NSHC):* No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated February 7, 2005.

*Attorney for licensee:* Ms. Anne Cottingham, Esquire.

*NRC Section Chief:* John A. Nakoski.

Dated in Rockville, Maryland, this 17th day of February 2005.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 05-3627 Filed 2-28-05; 8:45 am]

**BILLING CODE 7590-01-P**

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## OFFICE OF PERSONNEL MANAGEMENT

### Submission for OMB Review; Comment Request for Revision of an Expiring Information Collection: Mail Reinterview Form (OFI 10), OMB No. 3206-0106

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13), this notice announces that the Office of Personnel Management has submitted to the Office of Management and Budget (OMB) a request for revision of an expiring information collection (Mail Reinterview Form OFI 10; OMB No. 3206-0106). OPM sends the OFI 10

questionnaire to a random sampling of record and personal sources contacted during background investigations when investigators have performed fieldwork. The OFI 10 is used as a quality control instrument designed to ensure the accuracy and integrity of the investigative product, as it inquires of the sources about the investigative procedure employed by the investigator, the investigator's professionalism, and the information discussed and reported.

It is estimated that 9,600 OFI 10 forms are sent to individual sources annually. Of those, it is estimated that 5,600 individuals respond.

We anticipate sending and receiving a similar number of OFI 10 forms in the years ahead. Each form takes approximately six minutes to complete. The estimated annual burden is 560 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, Fax (202) 418-3251 or e-mail to [mbtoomey@opm.gov](mailto:mbtoomey@opm.gov). Please be sure to include a mailing address with your request.

**DATES:** Comments on this proposal should be received within 30 calendar days from the date of this publication.

**ADDRESSES:** Send or deliver comments to:

Kathy Dillaman, Deputy Associate Director, Center for Federal Investigative Services, U.S. Office of Personnel Management, 1900 E. Street, Room 5416, Washington, DC 20415; and,

Joseph Lackey, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Doug Steele—Program Analyst, Program Services Group, Center for Federal Investigative Services, U.S. Office of Personnel Management. (202) 606-2325.

Office of Personnel Management.

**Dan G. Blair,**

*Acting Director.*

[FR Doc. 05-3838 Filed 2-28-05; 8:45 am]

**BILLING CODE 6325-38-P**

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 28, 2005:

A Closed Meeting will be held on Wednesday, March 2, 2005 at 10 a.m., and an Open Meeting will be held on Thursday, March 3, 2005 at 10 a.m. in Room 1C30, William O. Douglas Meeting Room.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Campos, as duty officer, voted to consider the items listed for the closed meeting in closed session and that no earlier notice thereof was possible.

The subject matter of the Closed Meeting scheduled for Wednesday, March 2, 2005, will be:

Formal orders of investigations;

Institution and settlement of injunctive actions; and

Institution and settlement of administrative proceedings of an enforcement nature.

The subject matters of the Open Meeting scheduled for Thursday, March 3, 2005, will be:

1. The Commission will consider whether to adopt new rule 22c-2 under the Investment Company Act of 1940. The rule would allow registered open-end investment companies ("funds") to impose a redemption fee, not to exceed two percent of the amount redeemed, to be retained by the fund. The new rule also would require funds to enter into written agreements with intermediaries (such as broker-dealers and retirement plan administrators) that hold fund shares on behalf of other investors, under which the intermediaries must agree to (i) provide funds with certain shareholder identity and transaction information at the request of the fund, and (ii) implement fund instructions to implement trading restrictions against traders the fund has identified as violating the fund's market timing policies. The Commission is also seeking additional comment on whether it should establish uniform standards for redemption fees charged under the rule.

2. The Commission will consider whether to propose a new rule, under the Securities Exchange Act of 1934, that would define the term "nationally recognized statistical rating organization" (or "NRSRO").

3. The Commission will consider whether to approve the budget of the Public Company Accounting Oversight Board and will consider the annual accounting support fees under section 109 of the Sarbanes-Oxley Act of 2002.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

Dated: February 24, 2005.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 05-3995 Filed 2-25-05; 11:34 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51234; File No. SR-CBOE-2004-58]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendments No. 1 and 2 Thereto by the Chicago Board Options Exchange, Incorporated Relating to Market-Maker Quoting and Market-Maker Appointments

February 22, 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 August 19, 2004, the Chicago Board Options Exchange, Incorporated (“CBOE” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in items I, II, and III below, which items have been prepared by CBOE. On February 2, 2005, CBOE filed Amendment No. 1 to the proposed rule change.<sup>3</sup> On February 17, 2005, CBOE filed Amendment No. 2 to the proposed rule change.<sup>4</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

CBOE proposes to amend existing rules and adopt new rules governing quoting by Market-Makers (“Market-Makers” or “MM”).

The text of the proposed rule change, as amended, is available on the CBOE’s Web site (<http://www.cboe.com>), at the

CBOE’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 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 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 Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

On July 12, 2004, the Commission approved a CBOE proposal to add a new category of market-making participant called “e-DPMs,” who function as remote competing specialists in their allocated securities. By contrast, regular Designated Primary Market-Makers (“DPMs”) and Market Makers (“MMs”) on CBOE are required to operate from within their appointed trading station. The ability to stream quotes electronically from remote locations (*i.e.*, outside of the individual’s appointed trading station) is an option the Exchange believes would enhance the competitiveness of its MMs.<sup>5</sup> Accordingly, the Exchange proposes to grant its MMs the ability to stream quotes from locations other than their appointed trading stations.<sup>6</sup> As such, the Exchange proposes to amend its rules governing the MM appointment process (CBOE Rule 8.3), and MM obligations (CBOE Rule 8.7), and to adopt new CBOE Rule 8.3A to establish an upper limit on the number of members that may quote electronically in a given product.

<sup>5</sup> For example, rather than “calling in sick” to work and thereby relinquishing the ability to quote altogether, a MM would be able to stream quotes from his/her home office. CBOE believes that allowing the MM to continue to quote increases liquidity available in the class, thereby enhancing the competitiveness of the Exchange.

<sup>6</sup> This rule filing only allows current MMs to quote remotely (*i.e.*, from outside of their appointed trading stations). File No. SR-CBOE-2004-75 establishes rules for Remote Market-Makers. See Securities Exchange Act Release No. 51107 (January 31, 2005), 70 FR 6051 (February 4, 2005) (“RMM filing”).

#### CBOE Rule 8.1 Market-Maker Defined

The Exchange proposes to amend the definition of MM to remove the requirement that transactions be effected on the floor of the Exchange. As amended, transactions effected in accordance with CBOE Rule 8.7.03 would count as MM transactions.

#### CBOE Rule 8.3 Appointment of Market-Makers

Currently, a MM’s appointment consists of all classes traded at a particular station, regardless of the number of classes actually trading at that station and regardless of whether the MM owns or leases a membership. In addition, CBOE Rule 8.3(c) currently provides that MMs may have appointments in up to ten trading stations on the floor. The Exchange proposes to amend these requirements in several respects.

First, as proposed, a MM’s appointment would confer the right to quote electronically in all classes traded on the Hybrid Trading System that are located in one designated trading station (“appointed trading station”) and it would confer the right to quote in open outcry all classes traded on the Exchange, regardless of the trading station at which they are located. With respect to Hybrid 2.0 Classes (as defined in proposed CBOE Rule 1.1(aaa)), a MM would only be eligible to submit electronic quotations in up to 40 classes for each Exchange membership it owns or up to 30 classes for each Exchange membership it leases, all of which must be located in the MM’s appointed trading station.<sup>7</sup>

This means that a MM would only be eligible to submit electronic quotations into classes located at one appointed trading station. A MM also would be eligible to trade in open outcry in any classes on the Exchange, irrespective of the trading station in which such classes are located.<sup>8</sup> A MM that trades in open outcry away from his/her appointed trading station would be restricted to open outcry trading only and would not be eligible to quote electronically in those classes until such time that the MM notifies the Exchange of his/her intent to change his/her appointment. On any day a MM trades in open outcry outside of his/her appointed trading station, that MM may be required to undertake market-making obligations in

<sup>7</sup> If a trading station consists of less than 40 (30 Hybrid 2.0 classes, each MM that owns (leases) a membership would be eligible to submit electronic quotations in each of the Hybrid 2.0 classes at that trading station, in accordance with the requirements of CBOE Rule 8.3A.

<sup>8</sup> For margin purposes, these transactions would qualify as MM transactions.

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

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

<sup>3</sup> Amendment No. 1 replaces and supercedes CBOE’s original 19b-4 filing in its entirety.

<sup>4</sup> Amendment No. 2 replaces and supercedes CBOE’s original 19b-4 filing and Amendment No. 1 in their entirety.