

process at a facility, to be known as the American Centrifuge Plant, that would be located in Piketon, Ohio. At the outset of this proceeding, the Commission indicated it would make threshold standing determinations itself, and would refer the petitions of persons with the requisite standing to the Atomic Safety and Licensing Board Panel for further adjudicatory proceedings (CLI-04-30, 60 NRC 426, 429 (2004); *see also* 69 FR 61411 (Oct. 18, 2004)). In its May 12 issuance, the Commission found that both organizational petitioner Portsmouth/Piketon Residents for Environmental Safety and Security (PRESS) and individual petitioner Geoffrey Sea have standing to intervene and, accordingly, referred their petitions and associated contentions to the Panel for further appropriate action.

The Board is comprised of the following administrative judges:  
Lawrence G. McDade, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.  
Dr. Paul B. Abramson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.  
Dr. Richard E. Wardwell, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 CFR 2.302.

Issued at Rockville, Maryland, this 17th day of May, 2005.

**G. Paul Bollwerk, III,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. E5-2583 Filed 5-20-05; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting

**DATE:** Weeks of May 23, 30 June 6, 13, 20, 27, 2005.

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

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

### Week of May 23, 2005

*Monday, May 23, 2005*

10 a.m. Discussion of Intergovernmental Issues (Closed—Ex. 9)

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

*Wednesday, May 25, 2005*

9:25 a.m. Affirmation Session (Public Meeting)

a. Final Rule to Amend 10 CFR Part 9, Subpart A, "Freedom of Information Act Regulations," and Subpart B, "Privacy Act Regulations"

9:30 a.m. Briefing on Results of the Agency Action Review Meeting (Public Meeting) (Contact: Lois James, 301-415-1112)

This meeting will be webcast live at the Web address <http://www.nrc.gov>.

1 p.m. Briefing on Threat Environment Assessment (Closed—Ex. 1)

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

### Week of May 30, 2005—Tentative

*Wednesday, June 1, 2005*

9:30 a.m. Discussion of Security Issues (Closed—Ex. 1)

*Thursday, June 2, 2005*

9:30 a.m. Briefing on Office of International Programs (OIP) Programs, Performance, and Plans (Public Meeting) (Contact: Margie Doane, 301-415-2344)

This meeting will be webcast live at the Web address <http://www.nrc.gov>.

2:30 p.m. Discussion of Management Issues (Closed—Ex. 2 & 9) **Note:** new time, originally scheduled for 1:30 p.m.

### Week of June 6, 2005—Tentative

There are no meetings scheduled for the Week of June 6, 2005.

### Week of June 13, 2005—Tentative

There are no meetings scheduled for the Week of June 13, 2005.

### Week of June 20, 2005—Tentative

There are no meetings scheduled for the Week of June 20, 2005.

### Week of June 27, 2005—Tentative

*Tuesday, June 28, 2005*

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

This meeting will be webcast live at the Web address <http://www.nrc.gov>.

\* 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.

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet

at: <http://www.nrc.gov/what-we-do/policy-making/schedule.html>.

\* \* \* \* \*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, August Spector, at 301-415-7080, TDD: 301-415-2100, or by e-mail at [aks@nrc.gov](mailto:aks@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

\* \* \* \* \*

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 18, 2005.

**Dave Gamberoni,**

*Office of the Secretary.*

[FR Doc. 05-10285 Filed 5-19-05; 9:32 am]

BILLING CODE 7590-01-M

## NUCLEAR REGULATORY COMMISSION

### Appointments to Performance Review Boards for Senior Executive Service; Correction

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Appointments to Performance Review Boards for Senior Executive Service; Correction.

**SUMMARY:** This document corrects a notice published on May 17, 2005 (70 FR 28324), that announces the appointments to the NRC Performance Review Boards. This notice is necessary to correct an omission in the listing.

On page 28324, in the third column, insert "Annette Vietti-Cook, Secretary of the Commission" after the listing for "Jack R. Strosnider, Director, Office of Nuclear Material Safety and Safeguards."

Dated at Rockville, Maryland, this 17th day of May, 2005.

For the Nuclear Regulatory Commission.  
**Carolyn J. Swanson,**  
*Secretary, Executive Resources Board.*  
 [FR Doc. E5-2584 Filed 5-20-05; 8:45 am]  
 BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51695; File No. SR-NYSE-2005-30]

### Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto Relating to the Reduction of Transaction Fees for Exchange-Listed Exchange Traded Funds

May 13, 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 27, 2005, the New York Stock Exchange, Inc. ("NYSE" 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 NYSE. On May 9, 2005, the NYSE submitted Amendment No. 1 to the proposed rule change.<sup>3</sup> The proposed rule change has been filed by the NYSE as establishing or changing a due, fee, or other charge, pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>4</sup> and Rule 19b-4(f)(2) thereunder,<sup>5</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, as amended, from interested persons.

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

The Exchange proposes to reduce the Exchange Traded Fund ("ETF") transaction fees for transactions in Exchange-listed ETFs<sup>6</sup> to \$0.30 per

round-lot for on-Floor proprietary transactions (specialist and other), capped at \$300 per trade, and \$0.30 per round-lot for off-Floor transactions (customer and broker/dealer), capped at \$100 per trade. The Exchange stated that it intends the reduction in these ETF transaction fees to take effect on April 27, 2005. Proposed new language is *italicized*; proposed deletions are in [brackets].

\* \* \* \* \*

#### 2005 Price List

\* \* \* \* \*

#### Transaction Fees

\* \* \* \* \*

#### Regular Session Trading

##### Equity Transactions

\* \* \* \* \*

#### Exchange Traded Funds—Public Agency and Principal

##### Transactions

Broker/Dealer—price per round-lot—\$[0.60] *0.30*.

Maximum price per trade —100.00.

System Orders under 5,100 shares (4)—No Charge.

Specialists and other on-floor proprietary trading—price per round-lot—[0.63] *0.30*.

Maximum price per trade—300.00.

Exchange Traded Funds admitted to dealings on an unlisted trading privileges (UTP) basis (5)—No Charge.

#### Notes:

\* \* \* \* \*

(4) Not inclusive of orders of a member or member organization trading for its own account as a competing market maker, or trading as an agent for the account of a non-member competing market maker. Competing Market Maker: a specialist or market-maker registered as such on a registered stock exchange (other than the NYSE), or a market-maker bidding and offering over-the-counter, in a New York Stock Exchange traded security.

(5) There is a transaction fee moratorium on ETF Products traded on a UTP basis. This moratorium will be in effect until further notice.

\* \* \* \* \*

#### 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

The Exchange currently imposes transaction fees for trades in ETFs of \$0.63 per 100 shares for specialists (capped at \$300 per trade) and \$0.60 per 100 shares for customer and broker-dealer orders (capped at \$100 per trade). There is no charge for System orders (*i.e.*, orders entered through SuperDot) up to 5,099 shares, subject to certain exceptions for competing market maker orders. The Exchange does not currently charge transaction fees for transactions in ETFs traded on the Exchange pursuant to unlisted trading privileges. For purposes of the Exchange's ETF transaction fee schedule, ETFs include Investment Company Units, Trust Issued Receipts and streetTRACKS® Gold Shares.

The Exchange proposes to reduce the ETF transaction fees for transactions in Exchange-listed ETFs<sup>7</sup> to \$0.30 per round-lot for on-Floor proprietary transactions (specialist and other), capped at \$300 per trade, and \$0.30 per round-lot for off-Floor transactions (customer and broker/dealer), capped at \$100 per trade. The Exchange believes reduced transaction fees are necessary for the Exchange to maintain or improve its competitive position compared to other markets trading ETFs, and that reduced costs would benefit Exchange members and the investing public. The Exchange stated that it intends the reduction in these ETF transaction fees to take effect on April 27, 2005.

##### 2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with Section 6(b) of the Act,<sup>8</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act,<sup>9</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.

<sup>7</sup> *Id.*

<sup>8</sup> 5 U.S.C. 78f(b).

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

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

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

<sup>3</sup> See Partial Amendment, dated May 9, 2005 ("Amendment No. 1"). In Amendment No. 1, the NYSE made technical corrections to the rule text of the proposed rule change.

For purposes of calculating the 60-day abrogation period, the Commission considers the period to commence on May 9, 2005, the date on which the Exchange submitted Amendment No. 1.

<sup>4</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>5</sup> 7 CFR 240.19b-4(f)(2).

<sup>6</sup> Telephone conversation on May 13, 2005, among Michael Cavalier, Assistant General Counsel, NYSE; David Hsu, Special Counsel, Division of

Market Regulation ("Division"), Commission; and David Michehl, Attorney, Division, Commission.