

[FR Doc. E5-4502 Filed 8-17-05; 8:45 am]
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DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council; Notice of Renewal

The Secretary of Labor has determined that re-establishment of the charter of the Business Research Advisory Council (BRAC) is necessary and in the public interest in connection with the performance of duties imposed upon the Commissioner of Labor Statistics by 29 U.S.C. 1, 2, 3, 4, 5, 6, 7, 8, and 9. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Business Research Advisory Council.

Purpose and Objective: The Council presents advice and makes recommendations to the Department of Labor's Bureau of Labor Statistics from the perspective of the business community. The Council reviews Bureau programs, presents priorities for business users, suggests the addition of new programs, suggests changes in the emphasis of existing programs, and suggests dropping old programs. It also suggests alternative approaches for data collection and reporting.

Balanced Membership Plan: The BRAC membership is comprised of representatives from a broad perspective of the U.S. economy, with large and small companies represented as well as goods- and non-goods-producing industries. In order to maintain the independence and credibility of the advice, members of BRAC are designated by the Commissioner of Labor Statistics, under authorization from the Secretary of Labor, from nominations by the BRAC Membership Committee.

Duration: Continuing.

Agency Contact: Tracy Jack, 202-691-5869.

Signed in Washington, DC this 12th day of August, 2005.

Elaine L. Chao,

Secretary of Labor.

[FR Doc. 05-16352 Filed 8-17-05; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-263; ASLBP No. 05-841-02-LR]

In the Matter of Nuclear Management Company, LLC; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

Nuclear Management Company, LLC (Monticello Nuclear Generating Plant)

This proceeding concerns a July 9, 2005 request for hearing submitted by petitioner North American Water Office, in response to a May 5, 2005 notice of opportunity for hearing, 70 FR 25,117 (May 12, 2005), regarding the March 16, 2005 application of Nuclear Management Company, LLC, (NMC) for renewal of the operating license for its Monticello Nuclear Generating Plant. In its application, NMC requests that the operating license for its Monticello facility be extended for an additional twenty years beyond the period specified in the current license, which expires on September 8, 2010.

The Board is comprised of the following administrative judges: Lawrence G. McDade, Chair, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Dr. Anthony J. Baratta, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Dr. Richard E. Wardwell, 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 12th day of August 2005.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety
and Licensing Board Panel.

[FR Doc. E5-4506 Filed 8-17-05; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52244; File No. SR-Amex-2005-026]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Granting Approval to Proposed Rule Change Relating to Quotes in Nasdaq UTP Stocks To Be Disseminated by Amex Specialists before 9:30 a.m.

August 11, 2005.

On February 24, 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 codify its existing practice of allowing indicative quotes in Nasdaq UTP stocks to be disseminated by specialists between 9:25 and 9:30 a.m. for testing purposes. On April 14, 2005, the Amex amended the proposed rule change.³ On May 26, 2005, the Amex amended the proposed rule change.⁴ The proposed rule change, as amended, was published for comment in the **Federal Register** on June 20, 2005.⁵ The Commission received no comments on the proposed rule change, as amended. This order approves the proposed rule change, as amended.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange⁶ and, in particular, the requirements of Section 6 of the Act⁷ and the rules and regulations thereunder. Specifically, the Commission believes the proposal to be consistent with Section 6(b)(5) of the Act,⁸ in that 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. The Commission believes that by

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In Amendment No. 1, the Exchange made minor, non-substantive changes to the text of the proposed rule change and filing.

⁴ In Amendment No. 2, the Exchange made minor, non-substantive changes to the text of the proposed rule change and filing.

⁵ *See* Securities Exchange Act Release No. 51834 (June 13, 2005), 70 FR 35466 (June 20, 2005) (SR-Amex-2005-026).

⁶ In approving this proposed rule change, as amended, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

⁷ 15 U.S.C. 78f.

⁸ 15 U.S.C. 78f(b)(5).

amending the Amex rules to allow specialists in Nasdaq securities to send quotations to the SIP between 9:25 and 9:30 a.m. for test purposes only⁹ more accurately reflects an existing practice.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁰ that the proposed rule change (SR-Amex-2005-026), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5-4508 Filed 8-17-05; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52242; File No. SR-CHX-2005-16]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change and Amendment Nos. 1 and 2 Thereto To Amend Exchange Article VI, Rule 9 Relating to Continuing Education for Registered Persons

August 11, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on June 20, 2005, the Chicago Stock Exchange, Inc. ("CHX" 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 Exchange. On July 18, 2005, the Exchange filed Amendment No. 1 to the proposed rule change.³ On August 5, 2005, the Exchange filed Amendment No. 2 to the proposed rule change.⁴ The CHX has filed the proposal as a "non-controversial" rule change pursuant to Section 19(b)(3)(A) of the Act⁵ and Rule 19b-4(f)(6) thereunder,⁶ 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 CHX proposes to eliminate the current exemptions from the Exchange's continuing education requirements that apply to persons who have been continuously registered for more than 10 years. Below is the text of the proposed rule change. Proposed new language is in *italics*. Deletions are in [brackets].

ARTICLE VI

Restrictions and Requirements

* * * * *

Continuing Education for Registered Persons

RULE 9. (a) Regulatory Element—No member or member organization shall permit any registered person to continue to, and no registered person shall continue to, perform duties as a registered person, unless such person has complied with the continuing education requirements of Section (a) of this Rule.

Each registered person shall complete the Regulatory Element of the continuing education program on the occurrence of their second registration anniversary date and every three years thereafter, or as otherwise prescribed by the Exchange. On each of the occasions, the Regulatory Element must be completed within one hundred twenty days after the person's registration anniversary date. A person's initial registration date, *also known as the "base date,"* shall establish the cycle of anniversary dates for purposes of this rule. The content of the Regulatory Element of the program shall be determined by the Exchange for each registration category of persons subject to the rule.

[(1) Registered persons who have been continuously registered for more than ten years as of March 1, 2000 shall be exempt from participation in the Regulatory Element of the continuing education program, provided such persons have not been subject to any disciplinary action within the last ten years as enumerated in subsection (a)(3)(i)–(ii) of this Rule. However, persons delegated supervisory responsibility or authority and are registered in such capacity are exempt from participation in the Regulatory Element under this provision only if they have been continuously registered in a supervisory capacity for more than

ten years as of March 1, 2000 and provided that such supervisory person has not been subject to any disciplinary action under subsection (a)(3)(i)–(ii) of this Rule.]

[Persons who have been currently registered for ten years or less as of March 1, 2000 shall participate in the Regulatory Element of the continuing education program within one hundred twenty days after the occurrence of their next registration anniversary date and every three years thereafter.]

[(2) Failure to complete—Unless otherwise determined by the Exchange, any registered persons who have not completed the Regulatory Element of the program within the prescribed time frames will have their registration deemed inactive until such time as the requirements of the program have been satisfied. Any person whose registration has been deemed inactive under this Rule shall cease all activities as a registered person and is prohibited from performing any duties and functioning in any capacity requiring registration.]

The Exchange may, upon application and a showing of good cause, allow for additional time for a registered person to satisfy the program requirements.

[(3) Re-entry into program]

Disciplinary Actions—Unless otherwise determined by the Exchange, a registered person will be required to [re-enter] *re-take* the Regulatory Element and satisfy all of its requirements if such person:

(i) Becomes subject to any statutory disqualification as defined in Section 3(a)(39) of the Securities Exchange Act of 1934;

(ii) becomes subject to suspension or to the imposition of a fine of \$5,000 or more for violation of any provision of any securities law or regulation, or any agreement with or rule or standard of conduct of any securities governmental agency, securities self-regulatory organization, or as imposed by any such regulatory or self-regulatory organization in connection with a disciplinary proceeding; or

(iii) is ordered as a sanction in a disciplinary proceeding to [re-enter] *re-take* the continuing education program by any securities governmental agency or any securities self-regulatory organization.

The re-taking of the Regulatory Element [Re-entry] shall commence with [initial] participation within 120 days of the registered person becoming subject to the statutory disqualification, in the case of (i) above, or the disciplinary action becoming final, in the case of (ii) or (iii) above.

* * * * *

⁹ Any such pre-opening quotations are not available to create a binding contract.

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In Amendment No. 1, the Exchange amended the proposed rule change to incorporate the new "base date" term used by other self-regulatory organizations and to make other minor changes to the rule text.

⁴ In Amendment No. 2, the Exchange withdrew its request for accelerated effectiveness and made minor edits to the rule text.

⁵ 15 U.S.C. 78s(b)(3)(A).

⁶ 17 CFR 240.19b-4(f)(6).