

during movement of irradiated fuel assemblies within containment, (2) to require verification of the ability to close the equipment hatch periodically during refueling operations, and (3) to include requirements for operability of the control room post accident recirculation system during fuel handling operations in which the fuel that is being moved has been irradiated within less than 30 days.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on February 17, 2004 (69 FR 7525). However, by letter dated June 8, 2004, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated January 16, 2004, and the licensee's letter dated June 8, 2004, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or (301) 415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated in Rockville, Maryland, this 16th day of June, 2004.

For the Nuclear Regulatory Commission.

**Carl F. Lyon,**

*Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-14298 Filed 6-23-04; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Notice of Availability of 2004-09; Regulatory Issue Summary for Status on Deferral of Active Regulation of Ground-Water Protection at In Situ Leach Uranium Extraction Facilities

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has developed Regulatory Issue Summary (RIS) 2004-09, "Status on Deferral of Active Regulation of Ground-Water Protection at In Situ Leach (ISL) Uranium Extraction Facilities," to inform interested parties of NRC's proposal to defer active ground-water regulation at ISL facilities to the U.S. Environmental Protection Agency (EPA)-authorized States. The NRC shares the regulatory oversight of ground-water at ISL facilities with the EPA and EPA-authorized States, under the Safe Drinking Water Act (SDWA). The RIS summarizes the process that the NRC plans to use to assure that EPA-authorized States' ground-water protection programs provides adequate protection of public health and safety, and the environment, equivalent to the NRC program. On February 23, 2004, the NRC issued RIS 2004-02, requesting interested parties to submit information, on a voluntary basis, regarding the proposed action. RIS 2004-09 summarizes the comments received from interested parties and supersedes RIS 2004-02 in its entirety. No specific action or written response is required to this RIS.

**ADDRESSES:** Electronic copies of this document are available for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (The Public Electronic Reading Room). RIS 2004-09 is under Adams Accession Number ML041540558. The document is also available for inspection or copying for a fee at the NRC's Public Document Room, 11555 Rockville Pike, Room O1-F21, Rockville, Maryland 20852. This guidance document is not copyrighted, and Commission approval is not required to reproduce it.

**FOR FURTHER INFORMATION CONTACT:** John Lusher, Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle Safety and Safeguards, Mail Stop T-8A33, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone (301) 415-7694, or by e-mail to [jhl@nrc.gov](mailto:jhl@nrc.gov).

Dated at Rockville, Maryland this 14th day of June, 2004.

For the Nuclear Regulatory Commission.

**Robert A. Nelson,**

*Chief, Uranium Processing Section, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 04-14297 Filed 6-23-04; 8:45 am]

BILLING CODE 7590-01-P

## POSTAL SERVICE

### Sunshine Act Meeting; Notification of Item Added to Meeting Agenda; Board of Governors

**DATE OF MEETING:** June 15, 2004.

**STATUS:** Closed.

**PREVIOUS ANNOUNCEMENT:** 69 FR 31647, June 4, 2004.

**ADDITION:** Proposed Filing with the Postal Rate Commission for Repositionable Notes (RPNs) Pricing Experiment.

At its closed meeting on June 15, 2004, the Board of Governors of the United States Postal Service voted unanimously to add this item to the agenda of its closed meeting and that no earlier announcement was possible. The General Counsel of the United States Postal Service certified that in her opinion discussion of this item could be properly closed to public observation.

#### FOR FURTHER INFORMATION CONTACT:

William T. Johnstone, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-1000.

**William T. Johnstone,**

*Secretary.*

[FR Doc. 04-14516 Filed 6-22-04; 3:09 pm]

BILLING CODE 7710-12-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49885; File No. 4-429]

### Joint Industry Plan; Order Approving Joint Amendment No. 10 to the Plan for the Purpose of Creating and Operating an Intermarket Options Linkage Relating to the Handling of Principal Acting as Agent Orders

June 17, 2004.

#### I. Introduction

On February 18, 2004, March 1, 2004, March 23, 2004, April 20, 2004, April 23, 2004, and April 27, 2004, the International Securities Exchange, Inc. ("ISE"), American Stock Exchange, LLC ("Amex"), Chicago Board Options Exchange, Inc. ("CBOE"), Pacific Exchange, Inc. ("PCX"), Philadelphia

Stock Exchange, Inc. ("Phlx"), and Boston Stock Exchange, Inc. ("BSE") (collectively the "Participants") respectively submitted to the Securities and Exchange Commission ("SEC" or "Commission") Amendment No. 10 to the Plan for the Purpose of Creating and Operating an Intermarket Options Linkage (the "Linkage Plan").<sup>1</sup> The amendment proposes to modify the manner in which a member of a Participant may send Principal Acting as Agent Orders ("P/A Orders") that are larger than the Firm Customer Quote Size ("FCQS").

The proposed amendment to the Plan was published in the **Federal Register** on May 19, 2004.<sup>2</sup> No comments were received on the proposed amendment. This order approves the proposed amendment to the Plan.

## II. Description of the Proposed Amendment

In Joint Amendment No. 10, the Participants explain that currently, the Linkage Plan provides a market maker with two ways to handle principal acting as agent ("P/A") Orders<sup>3</sup> that are larger than the Firm Customer Quote Size ("FCQS").<sup>4</sup> First, the market maker may send a P/A Order larger than the FCQS representing the entire customer order for manual processing at the receiving Participant. Second, the market maker may send an initial P/A Order for up to the FCQS. If the market maker then seeks to send another P/A Order, it must send an order for the lesser of the entire remaining size of the underlying customer order or 100 contracts.

Proposed Joint Amendment No. 10 addresses the handling of P/A orders if the market maker chooses the second alternative, the sending of multiple P/A

Orders. As currently drafted, the Linkage Plan does not recognize the possibility that a Participant's disseminated quotation may be for less than either the remaining size of the customer order or 100 contracts. Thus, the proposed Amendment specifies that a market maker sending a second P/A Order may limit such order to the lesser of: The remaining size of the customer order; 100 contracts; or the size of the receiving Participant's disseminated quotation.

In addition, the Participants believe that there is a practical issue if multiple exchanges are displaying the same bid or offer. In that case, the Linkage Plan is unclear as to whether a market maker must send the entire order to one Participant or can send orders to multiple Participants, as long as they are for the size of the entire order, or 100 contracts, in the aggregate. The Amendment clarifies the Linkage Plan to specify that a market maker may send P/A Orders to multiple exchanges, as long as all such orders, in the aggregate, are for the lesser of the entire remaining size of the customer order or 100 contracts. However, a market maker may limit the size of any single additional order to the size of the receiving market's disseminated quotation.

Finally, the proposed Amendment modifies the provisions of the Linkage Plan relating to the time period within which a receiving Participant must inform the sending Participant of the amount of the order executed and the amount, if any, that was canceled, and the time period for which a sending Participant must wait while the receiving Participant continues to disseminate the same price at the national best bid or offer before sending a second P/A Order. Currently, the applicable time period for each such circumstance is 15 seconds. The proposed Amendment would permit the Options Linkage Authority to determine different applicable time periods for both circumstances, subject to approval by the Commission.

## III. Discussion

After careful consideration, the Commission finds that the proposed amendment to the Plan seeking to extend the current pilot is consistent with the requirements of the Act and the rules and regulations thereunder. Specifically, the Commission finds that the proposed amendment to the Plan is consistent with Section 11A of the Act<sup>5</sup> and Rule 11Aa3-2 thereunder,<sup>6</sup> in that it should help to clarify the Participant's

obligations in handling P/A Orders, which should facilitate the efficient and active trading of P/A Orders through the Linkage in furtherance of the goals of a national market system.

## IV. Conclusion

*It is therefore ordered*, pursuant to Section 11A of the Act<sup>7</sup> and Rule 11Aa3-2 thereunder,<sup>8</sup> that the proposed Joint Amendment No. 10 is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

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

[FR Doc. 04-14301 Filed 6-23-04; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of June 28, 2004:

A closed meeting will be held on Thursday, July 1, 2004, at 2 p.m.

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 Atkins, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter for the closed meeting scheduled for Thursday, July 1, 2004, will be:

Formal orders of investigation;  
Institution and settlement of injunctive actions;  
Institution and settlement of administrative proceedings of an enforcement nature;  
Litigation matter;  
Report on investigation;  
Consideration of amicus participation;  
and an Opinion

<sup>7</sup> 15 U.S.C. 78k-1.

<sup>8</sup> 17 CFR 240.11Aa3-2.

<sup>9</sup> 17 CFR 200.30-3(a)(29).

<sup>1</sup> On July 28, 2000, the Commission approved a national market system plan for the purpose of creating and operating an intermarket options market linkage proposed by the Amex, CBOE, and ISE. See Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000). Subsequently, upon separate requests by the Phlx, PCX and BSE, the Commission issued orders to permit these exchanges to participate in the Linkage Plan. See Securities Exchange Act Release Nos. 43573 (November 16, 2000), 65 FR 70850 (November 28, 2000), 43574 (November 16, 2000), 65 FR 70851 (November 28, 2000) and 49198 (February 5, 2004), 69 FR 7029 (February 12, 2004).

<sup>2</sup> See Securities Exchange Act Release No. 49689 (May 12, 2004), 69 FR 28953.

<sup>3</sup> A P/A Order is 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)(a) of the Linkage Plan.

<sup>4</sup> The FCQS is the minimum size for which an exchange must provide an execution in its automatic execution system for a P/A Order, if the exchange's automatic execution system is available. See Section 2(11) of the Linkage Plan.

<sup>5</sup> 15 U.S.C. 78k-1.

<sup>6</sup> 17 CFR 240.11Aa3-2.