

to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.<sup>1</sup> Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical—primarily concerns/issues relating to technical and/or health and safety matters discussed or referenced in the applications.

2. Environmental—primarily concerns/issues relating to matters discussed or referenced in the environmental analysis for the applications.

3. Miscellaneous—does not fall into one of the categories outlined above.

As specified in 10 CFR 2.309, if two or more petitioners/requestors seek to co-sponsor a contention, the petitioners/requestors shall jointly designate a representative who shall have the authority to act for the petitioners/requestors with respect to that contention. If a petitioner/requestor

seeks to adopt the contention of another sponsoring petitioner/requestor, the petitioner/requestor who seeks to adopt the contention must either agree that the sponsoring petitioner/requestor shall act as the representative with respect to that contention, or jointly designate with the sponsoring petitioner/requestor a representative who shall have the authority to act for the petitioners/requestors with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [HearingDocket@nrc.gov](mailto:HearingDocket@nrc.gov); or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to (301) 415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the licensee.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer or the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(I)-(viii).

*Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan*

*Date of amendment request:* September 12, 2005.

*Description of amendment request:* The amendments replace the paragraph of Improved Technical Specification (ITS) Surveillance Requirement (SR) 3.8.1.18 with the wording of previous TS SR 4.8.1.1.2.e.11.

*Date of issuance:* September 23, 2005.

*Effective date:* Immediately.

*Amendment Nos.:* 290, 272.

*Facility Operating License Nos. (DPR-58 and DPR-74):* Amendment revises the technical specifications.

*Public comments requested as to proposed no significant hazards consideration (NSHC):* Yes. Herald-Palladium on September 18, 2005. The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. No comments have been received.

The Commission's related evaluation of the amendment, finding of exigent circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated September 23, 2005.

*Attorney for licensee:* James M. Petro, Jr., Esquire, One Cook Place, Bridgman, MI 49106.

*NRC Section Chief:* L. Raghavan.

Dated at Rockville, Maryland, this 3rd day of October 2005.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

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

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-31514]

### Issuer Delisting; Notice of Application of Meredith Enterprises, Inc. to Withdraw Its Common Stock, \$.01 Par Value, From Listing and Registration on the American Stock Exchange LLC

October 4, 2005.

On September 15, 2005, Meredith Enterprises, Inc., a Delaware corporation ("Issuer"), filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d)

<sup>1</sup> To the extent that the applications contain attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel and discuss the need for a protective order.

<sup>1</sup> 15 U.S.C. 78j(d).

thereunder,<sup>2</sup> to withdraw its common stock, \$.01 par value ("Security"), from listing and registration on the American Stock Exchange LLC ("Amex").

On September 8, 2005, the Board of Directors ("Board") of the Issuer approved resolutions to withdraw the Security from listing and registration on Amex. The Issuer stated the following reasons, among others, factored into the Board's decision to withdraw the Security from Amex. First, the ongoing costs and expenses, both direct and indirect, associated with the preparation and filing of the Issuer's periodic reports with the Commission. The Issuer expects to save each year approximately the equivalent of the current quarterly dividend in out-of-pocket accounting, legal, and other costs. Second, the substantial increase in costs and expenses that the Issuer expects to incur in 2006, and thereafter as a public company in light of the Sarbanes-Oxley Act of 2002, particularly in complying with Section 404 of such act. Third, going private will enable management to focus more time on running the business rather than on Commission compliance. Fourth, liquidity of the Security on Amex has been limited, and volatility has been greater than the Issuer believes is warranted.

The Issuer stated that it has met the requirements of Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration by complying with all the applicable laws in effect in Delaware, the State in which it is incorporated, and by providing Amex with the required documents for withdrawal from Amex.

The Issuer's application relates solely to the withdrawal of the Security from listing on Amex and from registration under Section 12(b) of the Act,<sup>3</sup> and shall not affect its obligation to be registered under Section 12(g) of the Act.<sup>4</sup>

Any interested person may, on or before October 28, 2005, comment on the facts bearing upon whether the application has been made in accordance with the rules of Amex, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

#### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/delist.shtml>); or

- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include the File Number 1-31514 or;

#### Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File Number 1-31514. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/delist.shtml>). Comments are also available for public inspection and copying in the Commission's Public Reference Room. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>5</sup>

**Jonathan G. Katz,**  
Secretary.

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**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52559; File No. 10-131]

### The Nasdaq Stock Market Inc., Notice of Filing of Amendment Nos. 4 and 5 to Its Application for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934

October 4, 2005.

On August 15, 2005, The Nasdaq Stock Market Inc. ("Nasdaq") submitted to the Securities and Exchange Commission ("SEC" or "Commission") Amendment No. 4<sup>1</sup> to its application for registration as a national securities exchange ("Form 1") under Section 6<sup>2</sup>

<sup>5</sup> 17 CFR 200.30-3(a)(1).

<sup>1</sup> See Letter to Robert L.D. Colby, Deputy Director, Division of Market Regulation ("Division"), SEC, from Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, dated August 15, 2005 ("Amendment No. 4").

<sup>2</sup> 15 U.S.C. 78(f).

of the Securities Exchange Act of 1934 ("Exchange Act"). Nasdaq's Amendment No. 4 supersedes and replaces Nasdaq's original filing and intervening amendments. On September 23, 2005, Nasdaq filed Amendment No. 5 to its Form 1.<sup>3</sup> The Commission is publishing this notice to solicit comments on Nasdaq's Form 1 as amended by Amendment Nos. 4 and 5.<sup>4</sup>

#### I. Background

Nasdaq originally submitted its Form 1 on March 15, 2001, which the Commission published for comment in the **Federal Register** on June 13, 2001.<sup>5</sup> Nasdaq subsequently amended its Form 1 three times.<sup>6</sup> In response to Nasdaq's Form 1 and its amendments, the Commission has received 82 comment letters.<sup>7</sup>

Nasdaq currently is exempt from the definition of an "exchange" under Rule 3a1-1 because it is operated by the National Association of Securities Dealers, Inc. ("NASD").<sup>8</sup> In order for NASD to relinquish regulatory control of Nasdaq, Nasdaq must register as a national securities exchange.<sup>9</sup> Accordingly, Nasdaq has filed a completely new Form 1, including all of

<sup>3</sup> See Letter to Robert L.D. Colby, Deputy Director, Division, SEC, from Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, dated September 23, 2005 ("Amendment No. 5"). In Amendment No. 5, Nasdaq corrected typographical errors that were submitted in Amendment No. 4.

<sup>4</sup> Complete copies of Nasdaq's Amendment Nos. 4 and 5 to its Form 1 are available in the Commission's Public Reference Room, File No. 10-131. Portions of Nasdaq's Form 1 as amended by Amendment Nos. 4 and 5, including Nasdaq's rules, are available on the Commission's Internet Web site (<http://www.sec.gov>).

<sup>5</sup> See Exchange Act Release No. 44396 (June 7, 2001), 66 FR 31952 ("Original Notice"). The Commission extended the comment period for Nasdaq's Original Notice for 30 days. See Exchange Act Release No. 44625 (July 31, 2001), 66 FR 41056 (August 6, 2001).

<sup>6</sup> See Letters from Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, to Annette Nazareth, Director, Division, SEC, dated November 13, 2001 ("Amendment No. 1"); Jonathan G. Katz, Secretary, SEC, dated December 5, 2001 ("Amendment No. 2"); and Annette Nazareth, Director, Division, SEC, dated January 8, 2002 ("Amendment No. 3").

<sup>7</sup> The comment letters are available in the Commission's Public Reference Room and some of these comment letters are available on the Commission's Internet Web site (<http://www.sec.gov>).

<sup>8</sup> Pursuant to Rule 3a1-1, an organization, association, or group of persons shall be exempt from the definition of "exchange" if it is operated by a national securities association. Unless another exemption from the definition of "exchange" applies, such organization, association, or group of persons that otherwise meets the definition of an "exchange" must register as such with the Commission. 17 CFR 240.3a1-1.

<sup>9</sup> For a complete description of NASD's current ownership in Nasdaq see Exhibit K to the Form 1.

<sup>2</sup> 17 CFR 240.12d2-2(d).

<sup>3</sup> 15 U.S.C. 781(b).

<sup>4</sup> 15 U.S.C. 781(g).