

the NRC is proposing to condition the use of these two Code cases in the final guide unless public comments are received that the staff's proposed technical bases for the conditions are not applicable, incorrect, unnecessary to provide reasonable assurance of adequate protection to public health and safety and common defense and security, or otherwise not justified in light of the increase in protection to public health and safety or common defense and security that would be provided by imposition of the conditions.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted by mail to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; or they may be hand-delivered to the Rules and Directives Branch, Office of Administration, at 11555 Rockville Pike, Rockville, MD. Copies of comments received may be examined at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by September 2, 2004.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (<http://www.nrc.gov>). This site provides the ability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, (301) 415-5905; e-mail [CAG@NRC.GOV](mailto:CAG@NRC.GOV). For technical information about Draft Regulatory Guide DG-1125, contact Mr. W. E. Norris at (301) 415-6796 (e-mail [wen@nrc.gov](mailto:wen@nrc.gov)).

Although a deadline is given for comments on these draft guides, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555-0001; telephone (301) 415-4737 or (800) 397-4209; fax (301) 415-3548; e-mail [pdrc@nrc.gov](mailto:pdrc@nrc.gov). Requests for single copies of draft or final regulatory guides (which may be reproduced) or placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Reproduction and Distribution Services Section, or by fax to (301) 415-2289; e-

mail [distribution@nrc.gov](mailto:distribution@nrc.gov). Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland this 20th day of April, 2004.

For the Nuclear Regulatory Commission.

**Michael Mayfield,**

*Director, Division of Engineering Technology,  
Office of Nuclear Regulatory Research.*

[FR Doc. 04-17611 Filed 8-2-04; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Draft Regulatory Guide; Issuance, Availability**

The Nuclear Regulatory Commission has issued for public comment a proposed revision of a guide in its Regulatory Guide Series. Regulatory Guides are developed to describe and make available to the public such information as methods acceptable to the NRC for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide is temporarily identified by its task number, DG-1126, which should be mentioned in all correspondence concerning this draft guide. Draft regulatory guide DG-1126, "ASME Code Cases Not Approved for Use," is proposed Revision 1 of Regulatory Guide 1.193. The American Society of Mechanical Engineers (ASME) publishes a new edition of the Boiler and Pressure Vessel (B&PV) Code every three years and new addenda every year. The latest editions and addenda of Section III and Section XI that have been approved for use by the NRC are referenced in 10 CFR 50.55a(b). The ASME also publishes Code cases for Section III and Section XI quarterly. Code cases provide alternatives to the B&PV Code developed and approved by the ASME. Revision 32 of Regulatory Guide 1.84, "Design, Fabrication, and Materials Code Case Acceptability, ASME Section III," and Revision 13 of Regulatory Guide 1.147, "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1," are being revised to identify the Code cases that have been determined by the NRC to be acceptable alternatives to applicable parts of Section III and Section XI. This regulatory guide (DG-1126) lists the Code cases that the NRC has determined not to be acceptable for use on a generic basis. A brief description of the basis for

the determination is provided with each Code case. Licensees may submit a request to implement one or more of the Code cases listed in the guide through 10 CFR 50.55a(a)(3), which permits the use of alternatives to the Code requirements referenced in 10 CFR 50.55a provided that the proposed alternatives result in an acceptable level of quality and safety. A licensee must submit a plant-specific request that addresses the NRC's concern about the Code case at issue.

This is a draft guide and does not represent an official NRC staff position. Because Code cases approved by the NRC in a final guide may be used voluntarily by licensees as an alternative to compliance with ASME Code provisions, the final guide will be incorporated by reference into 10 CFR 50.55a through rulemaking.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted by mail to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; or they may be hand-delivered to the Rules and Directives Branch, Office of Administration, at 11555 Rockville Pike, Rockville, MD. Copies of comments received may be examined at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by September 2, 2004.

You may also provide comments via the NRC's interactive rulemaking Web site through the NRC home page (<http://www.nrc.gov>). This site provides the ability to upload comments as files (any format) if your Web browser supports that function. For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher, (301) 415-5905; e-mail [CAG@NRC.GOV](mailto:CAG@NRC.GOV). For technical information about Draft Regulatory Guide DG-1126, contact Mr. W.E. Norris at (301) 415-6796 (e-mail [WEN@NRC.GOV](mailto:WEN@NRC.GOV)).

Although a deadline is given for comments on these draft guides, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555-0001; telephone (301) 415-4737 or (800) 397-4209; fax (301) 415-3548; e-mail [pdrc@nrc.gov](mailto:pdrc@nrc.gov). Requests for single copies of draft or final regulatory guides (which may be reproduced) or placement on an automatic distribution

list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Reproduction and Distribution Services Section, or by fax to (301) 415-2289; e-mail [DISTRIBUTION@NRC.GOV](mailto:DISTRIBUTION@NRC.GOV). Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated in Rockville, Maryland this 20th day of April 2004.

For the Nuclear Regulatory Commission.

**Michael E. Mayfield,**

*Director, Division of Engineering Technology,  
Office of Nuclear Regulatory Research.*

[FR Doc. 04-17612 Filed 8-2-04; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### **Proposed Generic Communication; Draft Revision to NRC Inspection Manual Chapter 9900, "Technical Guidance," Operability Determinations and Resolution of Nonconformances of Structures, Systems, and Components" ("Regulatory Issue Summary 2004-XX")—(MC2262)**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of opportunity for public comment and notice of public meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is proposing to issue a Regulatory Issue Summary (RIS) to provide the nuclear power industry with updated staff guidance on operability determinations and resolution of degraded and nonconforming conditions of Structures, Systems, and Components (SSCs). This proposed RIS updates the previous guidance in NRC Inspection Manual Chapter (IMC) 9900, "Technical Guidance," and endorsed by the NRC in Generic Letter 91-18, "Information to Licensees Regarding Two NRC Inspection Manual Sections on Resolution of Degraded and Nonconforming Conditions and on Operability." The guidance is being updated to reflect relevant changes in the NRC regulatory process and regulations contained in 10 CFR 50.59, "Changes, Tests, and Experiments," and 10 CFR 50.65, "Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants;" and to clarify the guidance for selected issues based on operating experience, and; to consolidate and streamline the

guidance in two previously separate NRC IMC 9900 sections.

Earlier guidance on these subjects was provided to the industry in two sections of IMC 9900 as an attachment to GL 91-18, issued on November 7, 1991. An update of guidance on degraded and nonconforming conditions was issued as Revision 1 on October 8, 1997. In addition, on September 13, 2001, the NRC issued for public comment an earlier draft revision of the guidance on degraded and nonconforming conditions. The NRC also held a public workshop on August 14, 2003, as part of the development of the proposed revision. The staff has addressed the comments received in the present revision.

The NRC is seeking comment from interested parties on the clarity and utility of the proposed RIS and the draft updated IMC 9900 guidance, as outlined under the Supplementary Information heading. The NRC will consider the comments received in its final evaluation of the proposed RIS and updated guidance. Comments should address the contents of the guidance but not the associated regulations.

The NRC will hold a public workshop on August 25, 2004, in the Two White Flint North Auditorium at the NRC offices in Rockville, Maryland, at 8:30 a.m.—4:30 p.m., for discussion of the proposed revision to the guidance. Comments provided during this workshop will be considered by the NRC when it finalizes the proposed RIS and IMC guidance. Written comments may also be provided as discussed below.

**DATES:** The comment period expires 60 days after this notice is published. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date. Interested parties are also encouraged to provide comments by August 18, 2004, to be discussed during the public workshop on August 25, 2004.

**ADDRESSES:** Submit written comments to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Mail Stop T6-D59, Washington, DC 20555-0001, and cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to NRC Headquarters, 11545 Rockville Pike (Room T-6D59), Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

### **FOR FURTHER INFORMATION, CONTACT:**

Kerri Kavanagh at (301) 415-3743 or by e-mail to [kak@nrc.gov](mailto:kak@nrc.gov).

### **SUPPLEMENTARY INFORMATION:**

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The NRC's Agencywide Documents Access and Management System (ADAMS) provides text and image files of NRC's public documents. The proposed RIS and the draft updated IMC 9900 guidance are available under ADAMS accession number ML042080035. These documents may be accessed through the NRC's Public Electronic Reading Room (PERR) on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or if you have problems in accessing documents in ADAMS, contact the NRC Public Document Room (PDR) reference staff by phone at 1-800-397-4209 or 301-415-4737, by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov), or by fax to 301-415-3548.

Dated at Rockville, Maryland, this 27th day of July 2004.

For the Nuclear Regulatory Commission.

**Terrence Reis,**

*Acting Chief, Reactor Operations Branch,  
Division of Inspection Program Management,  
Office of Nuclear Reactor Regulation.*

[FR Doc. 04-17608 Filed 8-2-04; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

### **Issuer Delisting; Notice of Application of Morgan's Foods, Inc. To Withdraw Its Common Stock, No Par Value, From Listing and Registration on the American Stock Exchange LLC File No. 1-08395**

July 28, 2004.

On June 30, 2004, Morgan's Foods, Inc., an Ohio 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) thereunder,<sup>2</sup> to withdraw its common stock, no par value ("Security"), from listing and registration on the American Stock Exchange LLC ("Amex" or "Exchange").

The Board of Directors ("Board") of the Issuer unanimously approved a resolution on June 29, 2004 to withdraw the Issuer's Security from listing on the

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

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