

**ADDRESSES:** Not applicable.

**FOR FURTHER INFORMATION CONTACT:** Paul Klein, NRR, (301) 415-4030; e-mail: [pak@nrc.gov](mailto:pak@nrc.gov) or Maitri Banerjee, NRR; (301) 415-2277; e-mail: [mxb@nrc.gov](mailto:mxb@nrc.gov).

**SUPPLEMENTARY INFORMATION:** Generic Letter 2004-01 may be examined and/or copied for a fee at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and is 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>. The ADAMS Accession No. for the generic letter ML042370766.

If you do not have access to ADAMS or if there are problems in accessing documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at (301) 415-4737 or 1-800-397-4209, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 1st day of September 2004.

**Francis M. Costello,**

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

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**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Regulatory Guide: Issuance, Availability, Workshop

The U.S. Nuclear Regulatory Commission (NRC) has issued a draft new appendix to a guide in its *Regulatory Guide* series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in its review of applications for permits and licenses, and data needed by the NRC staff in its review of applications for permits and licenses.

The NRC has issued for comment draft Regulatory Guide DG-1138, which is a preliminary draft of the staff's regulatory position on ANSI/ANS 58.21-2003, "External Events PRA Methodology Standard." The staff's position is documented in Appendix C, "NRC Staff Regulatory Position on ANSI External Hazards PRA Standard" to Regulatory Guide 1.200, "An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed

Activities." Regulatory Guide 1.200 was issued for trial use in February 2004 and did not contain Appendix C. The NRC staff is only soliciting comments on Appendix C to RG 1.200; Appendix C has not been issued for use. It is the staff's intent to issue a draft Revision 1 to RG 1.200 with Appendix C for public review and comment before issuing Revision 1 to RG 1.200 as final for use in mid-2005.

The NRC staff is soliciting comments on draft Appendix C. Comments may be accompanied by relevant information or supporting data. Please mention DG-1138 in the subject line of your comments. Comments on regulatory guides submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking Web site. Personal information will not be removed from your comments. You may submit comments by any one of the following methods.

*Mail comments to:* Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*E-mail comments to:* [NRCREP@nrc.gov](mailto:NRCREP@nrc.gov). You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking Web site to Carol Gallagher (301) 415-5905; e-mail [CAG@nrc.gov](mailto:CAG@nrc.gov).

*Hand deliver comments to:* Rules and Directives Branch, Office of Administration, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

*Fax comments to:* Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 415-5144.

Requests for information about the draft Appendix C may be directed to Mr. A. Singh at (301) 415-0250; e-mail [axs3@NRC.GOV](mailto:axs3@NRC.GOV).

Comments will be most helpful if received by **October 29, 2004**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given for comments on this draft Appendix C, 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.

The NRC intends to conduct a workshop on November 9, 2004, to be held in the auditorium at NRC headquarters, 11545 Rockville Pike,

Rockville, Maryland, (the agenda will be announced in a future public notice), to discuss and explain the staff's position on the ANS standard, and the staff's response to the public comments received. In the workshop, the staff will discuss each public comment and the basis for the staff's position, and answer questions.

Electronic copies of the draft Appendix C and RG 1.200 are available on the NRC's Web site <http://www.nrc.gov> in the "Reference Library" under "Regulatory Guides". Electronic copies are also available in NRC's Public Electronic Reading Room (ADAMS System) at the same Web site; draft Appendix C is under ADAMS Accession Number ML042430314. 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; telephone (301) 415-4737 or (800) 397-4205; fax (301) 415-3548; e-mail [PDR@NRC.GOV](mailto:PDR@NRC.GOV). Requests for single copies of draft or final guides (which may be reproduced) or for 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, Attention: Reproduction and Distribution Services Section; or by e-mail to [DISTRIBUTION@NRC.GOV](mailto:DISTRIBUTION@NRC.GOV); or by fax to (301) 415-2289. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 31st day of August 2004.

For the Nuclear Regulatory Commission.

**Charles E. Ader,**

*Director, Division of Risk Analysis and Applications, Office of Nuclear Regulatory Research.*

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## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

*Extension:*

Regulation S: OMB Control No. 3235-0357; SEC File No. 270-315.

Rule 13e-3 (Schedule 13E-3); OMB Control No. 3235-0007; SEC File No. 270-1.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Regulation S (OMB Control No. 3235-0357; SEC File No. 270-315) includes rules governing offers and sales of securities made outside the United States without registration under the Securities Act of 1933. The purpose of Regulation S is to provide clarification of the extent to which Section 5 of the Securities Act applies to sales and resales of securities outside of the United States. Regulation S is assigned one burden hour for administrative convenience.

Rule 13e-3 and Schedule 13E-3 (OMB Control No. 3235-0007; SEC File No. 270-1)—Rule 13e-3 prescribes the filing, disclosure and dissemination requirements in connection with an on going private transaction by an issuer or an affiliate. Schedule 13E-3 provides shareholders and the marketplace with information concerning on going private transactions that is important in determining how to respond to such transactions. The information collected permits verification of compliance with securities laws requirements and ensures the public availability and dissemination of the collected information. Approximately 600 issuers file Schedule 13E-3 annually and it takes approximately 137.25 hours per response for a total of 82,350 annual burden hours. It is estimated that 25% of the 82,350 total burden hours (20,588 burden hours) is prepared by the company. The remaining 75% of the total burden is attributed to outside cost.

Written comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted

in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

Dated: August 30, 2004.

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

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## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

#### Extension:

Form 3; OMB Control No. 3235-0104; SEC File No. 270-125

Form 4; OMB Control No. 3235-0287; SEC File No. 270-126

Form 5; OMB Control No. 3235-0362; SEC File No. 270-323.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Exchange Act Forms 3, 4 and 5 are filed by insiders of public companies that have a class of securities registered under Section 12 of the Exchange Act. Form 3 is an initial statement beneficial ownership of securities, Form 4 is a statement of changes in beneficial ownership of securities and Form 5 is an annual statement of beneficial ownership of securities. Approximately 29,000 insiders file Form 3 annually and it takes approximately .50 hours to prepare for a total of 14,500 annual burden hours. Approximately 225,000 insiders file Form 4 annually and it takes approximately .50 hours to prepare for a total of 112,500 annual burden hours. Approximately 12,000 insiders file Form 5 annually and it takes approximately one hour to prepare for a total of 12,000 annual burden hours. Written comments are invited on: (a) Whether these collections of information are necessary for the proper performance of the functions of the

agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549.

Dated: August 31, 2004.

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

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## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

#### Extension:

Form BDN/Rule 15b11-1; SEC File No. 270-498; OMB Control No. 3235-0556.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 15b11-1 and Form BD-N (17 CFR 249.501b) serve as the form of notice for futures commission merchants and introducing brokers that register as broker-dealers by notice pursuant to Section 15(b)(11)(A) of the Exchange Act. Specifically, the form requires a broker-dealer registering by notice to indicate whether it is filing a notice registration to conduct a securities business in security futures products and if so, that it satisfies the statutory conditions for notice registration.

The total annual burden imposed by Rule 15b11-1 and Form BD-N is approximately 36 hours, based on