

- Minimal amount of fixed and transient combustibles present
- Smoke detector provisions
- Separation between redundant trains of core spray valves, RHR cooling valves, and suppression pool level transmitters

• Ability of SPOTMOS to continue to operate with at least one RTD on one train in the operable-but-degraded mode for any fire in fire zone 1F that involved both conduit trains

The NRC staff further concludes that pursuant to 10 CFR 50.12(a)(2)(ii), application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule. Therefore, NMC's exemption request is acceptable.

#### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants NMC a permanent exemption from the requirements of 10 CFR Part 50, Appendix R, Section III.G.2.b, to not provide an automatic fire suppression system for fire area IV/fire zone 1F at MNGP.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (69 FR 46187).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 6th day of August 2004.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

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

[FR Doc. 04-18885 Filed 8-17-04; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### FY 2004-2009 Strategic Plan, NUREG-1614, Volume 3; Notice of Availability

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is announcing the availability of NUREG-1614, Volume 3, "U.S. Nuclear Regulatory Commission, FY 2004-2009 Strategic Plan," dated August 12, 2004.

**SUPPLEMENTARY INFORMATION:** The Nuclear Regulatory Commission today issued its new Strategic Plan for fiscal years 2004-2009, establishing how the agency intends to carry out its mission.

The plan includes five goals of safety, security, openness, effectiveness, and management, which together support our ability to maintain the public health and safety. It also reflects the interrelationship among safety, security, and emergency response. Each goal has strategic outcomes, which will provide a general barometer whether the goals are being achieved. There are also strategies that describe actions intended to accomplish the goals.

The agency's five goals are described below in further detail:

#### Safety

Ensure protection of public health and safety and the environment. The NRC's primary goal continues to be the safe use of radioactive materials to ensure the protection of public health and safety and the environment. Specific strategies are identified to ensure there are no reactor accidents or releases of radioactive materials that result in significant radiation exposures, fatalities or adverse environmental impacts.

#### Security

Ensure the secure use and management of radioactive materials. The goal on security has been added in response to the events of September 11, 2001. To achieve this goal, specific strategies are identified to ensure there are no instances in which licensed radioactive materials are used in a terrorist act in the United States.

#### Openness

Ensure openness in our regulatory process. The agency recognizes that stakeholders need to be informed about, and have an opportunity to participate in the NRC's regulatory process. The NRC views nuclear regulation as the public's business and, as such, it should be transacted openly and candidly, to the extent possible in order to maintain the public's confidence but not jeopardize national security.

#### Effectiveness

Ensure that NRC actions are effective, efficient, realistic, and timely. The Agency's drive to improve its performance, coupled with increasing demands on the NRC's finite resources, clearly indicates a need for the Agency to become more effective, efficient, realistic, and timely in its regulatory activities. Initiatives related to this goal are congruent with the Agency's safety

and security goals, and serve to ensure that available resources are optimally directed toward the NRC's mission.

#### Management

Ensure excellence in Agency management to carry out the NRC's Strategic Objective. The Agency believes that management excellence is essential to support the staff in accomplishing the Agency's mission. This goal includes strategies for the management of human capital, infrastructure management, financial management, electronic government, budget and performance integration, and internal communications.

Success in achieving each goal will be gauged primarily through performance measures developed for the agency's annual performance budget and will be reported in the annual Performance and Accountability Report.

Stakeholder feedback was particularly valuable in helping the Commission develop the Strategic Plan.

NUREG-1614, Volume 3, and other publicly available documents related to this notice are available for electronic viewing on public computers in the NRC's Public Document Room (PDR), Public File Area O1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR's reproduction services contractor will provide copies of publicly available documents for a fee.

Publicly available documents related to this notice, including public comments received, are also available electronically through the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>. ADAMS provides text and image files of NRC's public documents. NUREG-1614, Volume 3, is publicly available in ADAMS under Accession No. ML042230185, or on the agency's Web site at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1614>. If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1 (800) 397-4209, (301) 415-4737, or by e-mail to [PDR@nrc.gov](mailto:PDR@nrc.gov).

A free single copy of NUREG-1614, Volume 3, to the extent of availability, may be requested by writing to the Office of the Chief Information Officer, Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Printing and Graphics Branch, Washington, DC 20555-0001; facsimile: (301) 415-2289; e-mail: [DISTRIBUTION@nrc.gov](mailto:DISTRIBUTION@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:**

George Smolik on (301) 415-0222 or William Lovell on (301) 415-6230, in the Division of Planning, Budget, and Analysis, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 12th day of August, 2004.

For the Nuclear Regulatory Commission.

**Jesse L. Funches,**

*Chief Financial Officer.*

[FR Doc. 04-18884 Filed 8-17-04; 8:45 am]

**BILLING CODE 7590-01-P**

## **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:**

Rule 301 and Forms ATS and ATS-R—SEC File No. 270-451—OMB Control No. 3235-0509.

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.

Regulation ATS provides a regulatory structure that directly addresses issues related to alternative trading systems’ role in the marketplace. Regulation ATS allows alternative trading systems to choose between two regulatory structures. Alternative trading systems have the choice between registering as broker-dealers and complying with Regulation ATS or registering as national securities exchanges. Regulation ATS provides the regulatory framework for those alternative trading systems that choose to be regulated as broker-dealers. Rule 301 of Regulation ATS contains certain notice and reporting requirements, as well as additional obligations that only apply to alternative trading systems with significant volume. Rule 301 describes the conditions with which an alternative trading system must comply to be registered as a broker-dealer. The Rule requires all alternative trading systems that wish to comply with Regulation ATS to file an initial operation report on Form ATS. The

initial operation report requires information regarding operation of the system including the method of operation, access criteria and the types of securities traded. Alternative trading systems are also required to supply updates on Form ATS to the Commission, describing material changes to the system, and quarterly transaction reports on Form ATS-R. Alternative trading systems are also required to file cessation of operations reports on Form ATS.

Alternative trading systems with significant volume are required to comply with requirements for fair access and systems capacity, integrity and security. Under Rule 301, such alternative trading systems are required to establish standards for granting access to trading on its system. In addition, upon a decision to deny or limit an investor’s access to the system, an alternative trading system is required to provide notice to the investor of the denial or limitation and their right to an appeal to the Commission. Regulation ATS requires alternative trading systems to preserve any records made in the process of complying with the systems’ capacity, integrity and security requirements. In addition, such alternative trading systems are required to notify Commission staff of material systems outages and significant systems changes.

The Commission uses the information provided pursuant to the Rule to comprehensively monitor the growth and development of alternative trading systems to confirm that investors effecting trades through the systems are adequately protected, and that the systems do not impede the maintenance of fair and orderly securities markets or otherwise operate in a manner that is inconsistent with the federal securities laws. In particular, the information collected and reported to the Commission by alternative trading systems enables the Commission to evaluate the operation of alternative trading systems with regard to national market system goals, and monitor the competitive effects of these systems to ascertain whether the regulatory framework remains appropriate to the operation of such systems. Without the information provided on Forms ATS and ATS-R, the Commission would not have readily available information on a regular basis in a format that will allow it to determine whether such systems have adequate safeguards.

Respondents consist of alternative trading systems that choose to register as broker-dealers and comply with the requirements of Regulation ATS. The Commission estimates that there are

currently approximately 50 respondents.

An estimated 50 respondents will file an average total of 379 responses per year, which corresponds to an estimated annual response burden of 1,532.5 hours. At an average cost per burden hour of approximately \$77.03, the resultant total related cost of compliance for these respondents is \$118,046.26 per year (1,532.5 burden hours multiplied by \$77.03 per hour; a slight discrepancy is due to arithmetic rounding).

Compliance with Rule 301 is mandatory. The information required by the Rule 301 is available only to the examination of the Commission staff, state securities authorities and the SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 522 (“FOIA”), and the Commission’s rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

Regulation ATS requires alternative trading systems to preserve any records, for at least three years, made in the process of complying with the systems capacity, integrity and security requirements.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (a) The Desk Officer for the SEC, by sending an e-mail to: [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov); and (b) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: August 13, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04-18910 Filed 8-17-04; 8:45 am]

**BILLING CODE 8010-01-P**