

**MARINE MAMMAL COMMISSION****Committee Management; Notice of Public Meeting; Advisory Committee on Acoustic Impacts on Marine Mammals**

**AGENCY:** Marine Mammal Commission.

**ACTION:** Notice of advisory committee meeting.

**SUMMARY:** The Marine Mammal Commission (Commission) will hold the fifth meeting of its Advisory Committee on Acoustic Impacts on Marine Mammals (Committee) 19 to 21 April, 2005 in Silver Spring, Maryland.

**DATES:** The Committee will meet Tuesday, April 19, 2005, from 9 a.m. to 6 p.m.; Wednesday, April 20, from 8:30 a.m. to 5:15 p.m.; and Thursday, April 21, from 8:30 a.m. to 5 p.m. This meeting is open to the public. These times and the agenda topics described below are subject to change. Please refer to the Commission's Web site ([www.mmc.gov](http://www.mmc.gov)) for the most up-to-date meeting information. The Committee's sixth public meeting is tentatively scheduled for 19–21 July 2005 in the Washington, DC metropolitan area. Further information on that meeting will be published in the **Federal Register** and posted on the Commission's Web site.

**ADDRESSES:** The 19–21 April meeting will be held at the Hilton Washington DC/Silver Spring Hotel, 8727 Colesville Road, Silver Spring, Maryland 20910, phone 301–589–5200, fax 301–588–1841, <http://www.silverspring.hilton.com>.

**FOR FURTHER INFORMATION CONTACT:** Erin Vos, Sound Project Manager, Marine Mammal Commission, 4340 East-West Hwy., Rm. 905, Bethesda, MD 20814, e-mail: [evos@mmc.gov](mailto:evos@mmc.gov), tel.: 301–504–0087, fax: 301–504–0099; or visit the Commission's Web site at <http://www.mmc.gov>.

**SUPPLEMENTARY INFORMATION:** This meeting is to be held pursuant to the directive in the Omnibus Appropriations Act of 2003 (Pub. L. 108–7) that the Commission convene a conference or series of conferences to “share findings, survey acoustic ‘threats’ to marine mammals, and develop means of reducing those threats while maintaining the oceans as a global highway of international commerce.” The meeting agenda includes presentations and discussions related to (1) The final draft report of the Subcommittee on Synthesis of Current Knowledge and the development of research recommendations; (2) a draft report from the Subcommittee on

Management and Mitigation; (3) draft reports and recommendations from working groups on animal welfare ethics and research ethics issues; (4) criteria for developing research priorities; (5) the development of a report chapter on international efforts to reduce the impacts of anthropogenic sound on marine mammals; (6) the development of the structure and content of the Advisory Committee's final report, including recommendations; and (7) the process for endorsement of the final report. The agenda also includes two public comment sessions. Guidelines for making public comments, background documents, and the meeting agenda, including the specific times of public comment periods, will be posted on the Commission's Web site prior to the meeting. Written comments may be submitted at the meeting.

Dated: March 23, 2004.

**David Cottingham,**

*Executive Director.*

[FR Doc. 05–6053 Filed 3–25–05; 8:45 am]

**BILLING CODE 6820–31–M**

**NUCLEAR REGULATORY COMMISSION****Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR part 100, “Reactor Site Criteria.”

2. *Current OMB approval number:* 3150–0093.

3. *How often the collection is required:* As necessary in order for NRC to assess the adequacy of proposed seismic design bases and the design bases for other geological hazards for nuclear power and test reactors constructed and licensed in accordance with 10 CFR parts 50 and 52 and the Atomic Energy Act of 1954, as amended.

4. *Who is required or asked to report:* Applicants and licensees for nuclear power and test reactors.

5. *The number of annual respondents:* .33 (1 respondent every 3 years).

6. *The number of hours needed annually to complete the requirement or request:* 8,711.

7. *Abstract:* 10 CFR part 100, “Reactor Site Criteria,” establishes approval requirements for proposed sites for the purpose of constructing and operating stationary power and testing reactors pursuant to the provisions of 10 CFR parts 50 or 52. These reactors are required to be sited, designed, constructed, and maintained to withstand geologic hazards, such as faulting, seismic hazards, and the maximum credible earthquake, to protect the health and safety of the public and the environment. Non-seismic siting criteria must also be evaluated. Non-seismic siting criteria include such factors as population density, the proximity of man-related hazards, and site atmospheric dispersion characteristics. NRC uses the information required by 10 CFR part 100 to evaluate whether natural phenomena and potential man-made hazards will be appropriately accounted for in the design of nuclear power and test reactors.

Submit, by May 27, 2005, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail to [infocollects@nrc.gov](mailto:infocollects@nrc.gov).

Dated in Rockville, Maryland, this 22nd day of March, 2005.

For the Nuclear Regulatory Commission.  
**Brenda Jo. Shelton,**  
*NRC Clearance Officer, Office of Information Services.*  
 [FR Doc. E5-1344 Filed 3-25-05; 8:45 am]  
**BILLING CODE 7590-01-P**

## 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: Rule 482, SEC File No. 270-508, OMB Control No. 3235-0565.

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 (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Like most issuers of securities, when an investment company<sup>1</sup> ("fund") offers its shares to the public, its promotional efforts become subject to the advertising restrictions of the Securities Act of 1933, as amended (the "Securities Act"). In recognition of the particular problems faced by funds that continually offer securities and wish to advertise their securities, the Commission has previously adopted advertising safe harbor rules. The most important of these is rule 482 under the Securities Act, which, under certain circumstances, permits funds to advertise investment performance data, as well as other information. Rule 482 advertisements are deemed to be "prospectuses" under section 10(b) of the Securities Act.<sup>2</sup>

Rule 482 contains certain requirements regarding the disclosure that funds are required to provide in qualifying advertisements. These requirements are intended to encourage the provision to investors of information that is balanced and informative, particularly in the area of investment performance. For example, a fund is required to include disclosure advising investors to consider the fund's

investment objectives, risks, charges and expenses, and other information described in the fund's prospectus or accompanying profile (if applicable), and highlighting the availability of the fund's prospectus. In addition, rule 482 advertisements that include performance data of open-end funds or insurance company separate accounts offering variable annuity contracts are required to include certain standardized performance information, information about any sales loads or other nonrecurring fees, and a legend warning that past performance does not guarantee future results. Such funds including performance information in rule 482 advertisements are also required to make available to investors month-end performance figures via Web site disclosure or by a toll-free telephone number, and to disclose the availability of the month-end performance data in the advertisement. The rule also sets forth requirements regarding the prominence of certain disclosures, requirements regarding advertisements that make tax representations, requirements regarding advertisements used prior to the effectiveness of the fund's registration statement, requirements regarding the timeliness of performance data, and certain required disclosures by money market funds.

Rule 482 advertisements must be filed with the Commission or, in the alternative, with NASD Regulation, Inc. ("NASDR").<sup>3</sup> This information collection differs from many other federal information collections that are primarily for the use and benefit of the collecting agency.

As discussed above, rule 482 contains requirements that are intended to encourage the provision to investors of information that is balanced and informative, particularly in the area of investment performance. The Commission is concerned that in the absence of such provisions fund investors may be misled by deceptive rule 482 performance advertisements and may rely on less-than-adequate information when determining in which funds they should invest their money. As a result, the Commission believes it is beneficial for funds to provide investors with balanced information in fund advertisements in order to allow investors to make better-informed decisions.

The Commission estimates that 56,936 responses are filed annually pursuant to rule 482 by 4,384 investment companies offering 37,500 portfolios. Respondents consist of all the investment companies that take advantage of the safe harbor offered by the rule for their advertisements. The burden associated with rule 482 is presently estimated to be 5.16 hours per response. The hourly burden is therefore approximately 293,790 hours (56,936 responses times 5.16 hours per response).

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Cost burden is the cost of services purchased to comply with rule 482, such as for the services of computer programmers, outside counsel, financial printers, and advertising agencies. The Commission attributes no cost burden to rule 482.

Written comments are invited on: (a) Whether the proposed collection of information is 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 collection 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: March 22, 2005.

**Margaret H. McFarland,**  
*Deputy Secretary.*  
 [FR Doc. E5-1366 Filed 3-25-05; 8:45 am]

**BILLING CODE 8010-01-P**

<sup>1</sup> "Investment company" refers to both investment companies registered under the Investment Company Act of 1940, as amended, and business development companies.

<sup>2</sup> 15 U.S.C. 77j(b).

<sup>3</sup> See Rule 24b-3 under the Investment Company Act [17 CFR 270.24b-3], which provides that any sales material, including rule 482 advertisements, shall be deemed filed with the Commission for purposes of Section 24(b) of the Investment Company Act upon filing with the NASDR.