

**ACTION:** Notice of intent to publish a rule that will permit the privatization of administrative functions requiring access to criminal history record information for noncriminal justice purposes.

**SUMMARY:** Pursuant to Title 28, Code of Federal Regulations (CFR), Chapter IX, the Compact Council (Council), established by the National Crime Prevention and Privacy Compact Act of 1998 (Compact), is issuing notice of its intent to promulgate a rule enabling third parties to act as agents for governmental and nongovernmental agencies while performing administrative functions requiring access to criminal history record information (CHRI) for authorized noncriminal justice purposes.

**Authority:** Title 42, United States Code, Section 14616.

Additionally, a limited number of third parties will be preapproved by the FBI to serve as conduits to send electronic noncriminal justice fingerprint requests to, and receive CHRI from, the FBI's Criminal Justice Information Services (CJIS) Division for dissemination to authorized recipients as provided by federal statute or federal executive order.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cathy L. Morrison, interim FBI Compact Officer, FBI CJIS Division, 1000 Custer Hollow Road, Module C3, Clarksburg, WV 26306; Telephone (304) 625-2736; E-mail [cmorriso@leo.gov](mailto:cmorriso@leo.gov); Fax number (304) 625-5388.

**SUPPLEMENTARY INFORMATION:** The Council is comprised of federal, state and local representatives of criminal and noncriminal justice agencies. The Compact authorizes the Council to establish rules, procedures, and standards for fingerprint-based noncriminal justice criminal history record checks. The Council, in cooperation with the FBI's CJIS Division and its Advisory Policy Board, is announcing its intent to promulgate a rule that will enable authorized local, state, and federal governmental agencies and nongovernmental entities to contract with the private sector to perform administrative duties relating to the noncriminal justice use of CHRI for employment, licensing, and other authorized purposes.

The reason for the proposed rule is that, over the last several years, the volume of authorized fingerprint-based noncriminal justice criminal history record checks has escalated. In many states, the number of fingerprint submissions for noncriminal justice purposes outnumber those submitted for

criminal justice purposes. The escalating number of noncriminal justice fingerprint submissions has resulted in increased workloads for local, state, and federal governmental agencies and for nongovernmental entities. Implementation of the Aviation and Transportation Security Act, the USA PATRIOT Act and other federal and state statutes since the terrorist attacks of September 11, 2001, has contributed to the recent increase of authorized criminal history record checks. Efforts are underway to modify the CFR to permit authorized recipients of CHRI to contract with the private sector to accomplish such fingerprint-based criminal history record checks for noncriminal justice purposes and to do so in an efficient, effective, and secure fashion.

Dated: February 19, 2003.

**Monte C. Strait,**

*Section Chief, Programs Development Section, Federal Bureau of Investigation.*

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## NUCLEAR REGULATORY COMMISSION

### Handbook of Parameter Estimation for Probabilistic Risk Assessment (PRA)

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

**ACTION:** Announcement of issuance for public comment, availability, and public meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued for public comment a document entitled "Handbook of Parameter Estimation for Probabilistic Risk Assessment." This handbook provides guidance on sources of information and methods of estimating distributions of parameters used in probabilistic risk assessment. This includes determination of both plant-specific and generic estimates for initiating event frequencies, component failure rates and unavailability, and equipment non-recovery probabilities. Interested individuals may obtain a copy of this document from the person identified under the caption **FOR FURTHER INFORMATION CONTACT.**

**DATES:** Please submit comments by May 23, 2003. Comments received after this date will be considered if is practical to do so, but the NRC Staff is able to ensure consideration only for comments received on or before this date.

A public meeting will be held on April 2, 2003, from 8:30 a.m. until 4:30 p.m. The purpose of this meeting is to

discuss the document and give guidance for its review and to address external stakeholder comments received before the public meeting. The primary authors will be available at the public meeting to answer questions and discuss items of interest to the public.

The NRC is interested in receiving comments on specific topics reviewers wish to discuss at the public meeting. Reviewers are requested to contact Mr. Arthur Salomon at 301-415-6552 or e-mail [ads@nrc.gov](mailto:ads@nrc.gov) by March 21, 2003, with comments or issues they wish to have addressed at the public meeting.

**ADDRESSES:** Please submit comments to Chief, Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Or, you may deliver comments to 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:30 p.m. Federal workdays.

The public meeting will be held at Two White Flint North, Room T10 A1, 11545 Rockville Pike, Rockville, Maryland.

The draft document and certain other documents related to this action may be examined in the NRC Public Document Room, 11555 Rockville Pike, Public File Area O1 F21, Rockville, Maryland.

### FOR FURTHER INFORMATION CONTACT:

Arthur D. Salomon, Division of Risk Analysis and Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: 301-415-6552, e-mail: [ads@nrc.gov](mailto:ads@nrc.gov).

**SUPPLEMENTARY INFORMATION:** During the last several years the NRC and the nuclear industry have recognized that PRA has evolved to the point where it can be used as a tool in the regulatory decision-making process. The increased use of PRA has led to the conclusion that the PRA scope and model must be commensurate with the applications. Several procedural guides and standards (such as the "Standard For Probabilistic Risk Assessment For Nuclear Power Plant Applications" published by The American Society of Mechanical Engineers in 2002) have been and are being developed that identify requirements for the PRA models. This handbook was prepared to supplement these documents. It provides a compendium of good practices that a PRA analyst can use to develop parameter distributions required for quantifying PRA models. It complements the ASME PRA Standard by providing guidance for estimation of parameters related to initiating events; by describing statistical techniques for estimating parameters used in analysis

of basic events such as equipment failures; and by addressing methods for estimating equipment unavailability. Furthermore, the handbook includes appendices describing the basics of probability and statistics used in performing the more detailed analyses discussed in the main portion of the document.

The handbook provides the basic information needed to generate estimates of the parameters commonly used in PRA analysis. It begins by describing the probability models and plant data used to evaluate each of the parameters. Possible sources for the plant data are identified and guidance on the collection, screening, and interpretation is provided. The statistical techniques (both Bayesian and classical methods) required to analyze the collected data and test the validity of statistical models are described. Examples are provided to help the PRA analyst utilize the different techniques. The handbook also provides advanced techniques that address modeling of time trends. Methods for combining data from a number of similar, but not identical sources are also provided. This includes empirical and hierarchical Bayesian approaches. Examples are provided to guide the analyst. The handbook does not provide guidance on parameter estimation for all of the events included in a PRA. Specifically, common cause failure and human error probabilities are not addressed. In addition, guidance is not provided regarding the use of expert elicitation. However, suggested references regarding these technical areas are provided in the handbook introduction.

Dated at Rockville, Maryland, this 21st day of February, 2003.

For the Nuclear Regulatory Commission.

**Scott F. Newberry,**

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

[FR Doc. 03-4624 Filed 2-26-03; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34-47386; File No. SR-NASD-2003-20]**

### **Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1 by the National Association of Securities Dealers, Inc. Relating to the Listing and Trading of Strategic Return Notes Linked to the Select Ten Index**

February 20, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 14, 2003, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. On February 20, 2003, the Amex submitted Amendment No. 1 to the proposed rule change.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Nasdaq proposes to list and trade Strategic Return Notes® Linked to the Select Ten Index ("Notes") issued by Merrill Lynch & Co., Inc. ("Merrill Lynch").

#### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See letter from John D. Nachmann, Senior Attorney, Nasdaq, to Katherine A. England, Assistant Director, Division of Market Regulation, Commission, dated February 20, 2003.

#### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

##### **1. Purpose**

Nasdaq proposes to list and trade notes, the return on which is based upon an approximately equal-dollar weighted portfolio of securities representing the ten highest dividend yielding stocks in the Dow Jones Industrial Average ("DJIA") from year to year ("Select Ten Index" or "Index").<sup>4</sup>

Under Rule 4420(f), Nasdaq may approve for listing and trading innovative securities which cannot be readily categorized under traditional listing guidelines.<sup>5</sup> Nasdaq proposes to list for trading notes based on the Select Ten Index under Rule 4420(f). The Select Ten Index is expected to be determined, calculated and maintained solely by the American Stock Exchange ("Amex").<sup>6</sup>

The Notes will initially be subject to Nasdaq's listing criteria for other securities under Rule 4420(f).

Specifically, under Rule 4420(f)(1):

(A) The issuer shall have assets in excess of \$100 million and stockholders' equity of at least \$10 million. In the case of an issuer which is unable to satisfy the income criteria set forth in paragraph (a)(1), Nasdaq generally will require the issuer to have the following: (i) assets in excess of \$200 million and stockholders' equity of at least \$10 million; or (ii) assets in excess of \$100 million and stockholders' equity of at least \$20 million;

(B) There must be a minimum of 400 holders of the security, provided, however, that if the instrument is traded in \$1,000 denominations, there must be a minimum of 100 holders;

(C) For equity securities designated pursuant to this paragraph, there must be a minimum public distribution of 1,000,000 trading units;

(D) The aggregate market value/principal amount of the security will be at least \$4 million.

<sup>4</sup> The portfolio of securities comprising the Select Ten Index currently consists of the ten common stocks in the DJIA having the highest dividend yield on May 24, 2002, and are as follows: Caterpillar Inc.; Eastman Kodak Company; E.I. du Pont de Nemours and Company; Exxon Mobil Corporation; General Motors Corporation; International Paper Company; J.P. Morgan Chase & Co.; Merck & Co., Inc.; Philip Morris Companies Inc.; and SBC Communications Inc.

<sup>5</sup> See Securities Exchange Act Release No. 32988 (September 29, 1993); 58 FR 52124 (October 6, 1993).

<sup>6</sup> Subject to the criteria in the prospectus supplement regarding the construction of the Index, the Amex has sole discretion regarding changes to the Index due to annual reconstitutions and adjustments to the Index and the multipliers of the individual components.