

Indicator Guideline," Section 2.2 "Mitigating Systems Performance Index" and Appendix F "Methodologies for Computing the Unavailability Index, the Unreliability Index, and Determining Performance Index Validity".

The MSPI was developed as a potential replacement for the Safety System Unavailability (SSU) performance indicator. The purpose of the MSPI is to "monitor the performance of selected systems based on their ability to perform risk-significant functions \* \* \*". The NRC's Office of Nuclear Regulatory Research developed the MSPI to address several specific problems with the currently used performance indicators including: the use of fault exposure hours in the SSU, the omission of unreliability elements in the indicator, the use of mostly one-size-fits-all performance thresholds irrespective of risk-significance of the system, and the cascading of support system failures onto mitigating system unavailability. A twelve-month pilot program on the MSPI consisting of twenty nuclear power plant units was initiated in September of 2002. For the first six months, licensees submitted system and component performance data, and exercised the MSPI algorithm. Over the second six months of the pilot, the NRC staff worked to fully assess the results as well as to identify technical issues and to provide recommendations for their resolution. Numerous meetings involving both internal and external stakeholders have been held to discuss developmental details of the MSPI. The MSPI was extensively tested, evaluated, and reviewed during the pilot plant trial and evaluation period. Although the NRC staff recently announced that use of the MSPI in the ROP, as piloted, would not be pursued further, the subject draft report is being made available to document the results of the NRC evaluation of technical issues and detailed proposed changes to the MSPI methodology. The report can be found as ADAMS Accession #ML040550036 via the NRC public Web site at <http://www.nrc.gov>. A briefing on the results of the MSPI pilot before the Advisory Committee on Reactor Safeguards Subcommittee on Reliability and PRA, and Plant Operations, is currently scheduled for April 14, 2004 from 8 a.m. to 11 a.m. at NRC Headquarters in T2B3 of Two White Flint, Rockville, MD. Separately, the Office of Nuclear Reactor Regulation intends to document the concerns with the piloted MSPI and conduct a public meeting to solicit further stakeholder input regarding the MSPI. Information regarding this public meeting will be provided at a later date.

At this time, we are interested in comments regarding all aspects of the subject report, particularly the following areas:

- Fundamental mathematical formulation of the MSPI.
- Recommended improvements to the originally formulated MSPI methodology per draft revision to NEI 99-02.
- Overall technical findings and results of the MSPI pilot, including validity of MSPI outcomes.

Dated at Rockville, Maryland, this 7th day of April, 2004.

For the Nuclear Regulatory Commission.

**Charles E. Ader,**

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

[FR Doc. 04-8749 Filed 4-16-04; 8:45 am]

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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:* Rule 17a-12; SEC File No. 270-442; OMB Control No. 3235-0498.

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 17a-12, Reporting Requirements for OTC Derivatives Dealers

Rule 17a-12 under the Securities Exchange Act of 1934 requires OTC derivatives dealers to file quarterly Financial and Operational Combined Uniform Single Reports ("FOCUS" reports) on Part IIB of Form X-17A-5,<sup>1</sup> the basic document for reporting the financial and operational condition of OTC derivatives dealers. Rule 17a-12 also requires that OTC derivatives dealers annually file audited financial statements. The reports required under Rule 17a-12 provide the Commission with information used to monitor the operations of OTC derivatives dealers and to enforce their compliance with the Commission's rules. These reports also enable the Commission to review

the business activities of OTC derivatives dealers and to anticipate, where possible, how these dealers may be affected by significant economic events.

The staff estimates that the average amount of time necessary to prepare and file the information required by Rule 17a-12 is 180 hours per OTC derivatives dealer annually: an average of twenty hours preparing each of four quarterly reports and an additional 100 hours on the annual audit. Three entities are presently registered as OTC derivatives dealers and the staff estimates that three additional OTC derivatives dealers may become registered within the next three years. Thus the total burden is estimated to be 1,080 hours annually for six OTC derivatives dealers.

General comments regarding the estimated burden hours should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) 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 OMB within thirty days of this notice.

Dated: April 12, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04-8730 Filed 4-16-04; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** See the issue of Friday, April 16, 2004.

**STATUS:** Closed meeting.

**PLACE:** 450 Fifth Street, NW., Washington, DC.

**DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING:** Wednesday, April 20, 2004, at 2 p.m.

**CHANGE IN THE MEETING:** Additional item. The following item has been added to the closed meeting of Wednesday, April 20, 2004: An adjudicatory matter.

Commissioner Atkins, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further

<sup>1</sup> Form X-17A-5 (17 CFR 249.617).

information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 942-7070.

Dated: April 14, 2004.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 04-8856 Filed 4-14-04; 4:12 pm]

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** [To be published on April 16, 2004].

**STATUS:** Closed meeting.

**PLACE:** 450 Fifth Street, NW., Washington, DC.

**DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING:** Tuesday, April 20, 2004, at 2 p.m.

**CHANGE IN THE MEETING:** Time change.

The Closed Meeting scheduled for Tuesday, April 20, 2004, at 2 p.m. has been changed to Tuesday, April 20, 2004, at 10:30 a.m.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 942-7070.

Dated: April 15, 2004.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 04-8962 Filed 4-15-04; 3:51 pm]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49544A; File No. PCAOB-2004-03]

### Public Company Accounting Oversight Board; Notice of Filing of Proposed Rule on Auditing Standard No. 2, *An Audit of Internal Control Over Financial Reporting Performed in Conjunction With an Audit of Financial Statements*; Correction

April 13, 2004.

#### Correction

On April 8, 2004, the Securities and Exchange Commission issued Release No. 34-49544 to solicit comments on the Public Company Accounting Oversight Board's Proposed Rule on Auditing Standard No. 2, *An Audit of Internal Control Over Financial*

*Reporting Performed in Conjunction with an Audit of Financial Statements.* The last sentence in Section IV of this release incorrectly indicates a 21-day comment period instead of a 30-day comment period for the proposed rule.

Accordingly, the last sentence under the section heading "IV. *Solicitation of Comments*" should be revised to read "All comments should be submitted on or before May 17, 2004."

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04-8731 Filed 4-16-04; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49557; File No. SR-ISE-2004-11]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange, Inc. To Amend Its Schedule of Fees To Adopt a \$.10 Per Contract Surcharge for Certain Transactions in Options on Exchange Traded Funds Based on the S&P SmallCap 600 Index and the S&P MidCap 400 Index

April 12, 2004.

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 April 5, 2004, the International Securities Exchange, Inc. ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The proposed rule change has been filed by the ISE as establishing or changing a due, fee, or other charge, pursuant to Section 19(b)(3)(A)(ii)<sup>3</sup> of the Act and Rule 19b-4(f)(2)<sup>4</sup> thereunder, which renders the proposal effective upon filing with the Commission. 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

The Exchange proposes to amend its Schedule of Fees to adopt a \$.10 per contract surcharge for certain transactions in options on exchange traded funds based on the S&P

SmallCap 600 Index and the S&P MidCap 400 Index. The text of the proposed rule change is available at the ISE and at the Commission.

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

In its filing with the Commission, the ISE 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 IV below. The ISE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

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

###### 1. Purpose

The Exchange is proposing to amend its Schedule of Fees to adopt a \$.10 per contract surcharge for certain transactions in options on exchange traded funds based on the S&P SmallCap 600 Index and the S&P MidCap 400 Index. The Exchange's Schedule of Fees currently has in place a surcharge fee item that calls for a \$.10 per contract fee for transactions in certain licensed products. That surcharge fee item excludes Public Customer Orders.<sup>5</sup> The Exchange recently licensed the right to list options on exchange traded funds based on the S&P SmallCap 600 Index and the S&P MidCap 400 Index. In order to defray the licensing costs associated with listing these two new products, the Exchange is proposing to add these two new products to the surcharge fee item. The Exchange believes that charging participants who trade in options on these products is the most equitable means of recovering the costs of the license. The Exchange proposes to exclude Public Customer Orders from this surcharge fee, because the Exchange believes that competitive pressures in the industry have resulted in the waiver of all transaction fees for customers. Accordingly, this surcharge fee will be charged only with respect to non-Public Customer Orders.

<sup>5</sup> Public Customer Order is defined in Exchange Rule 100(a)(33) as an order for the account of a Public Customer. Public Customer is defined in Exchange Rule 100(a)(32) as a person that is not a broker or dealer in securities.

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

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

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

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