

routine and complex sites in a manner that is consistent with the goals of the SDMP and SDMP Action Plan.

Viewed in the context of this comprehensive decommissioning program, which includes routine decommissioning sites, formerly licensed sites, SDMP sites, non-routine/complex sites, fuel cycle sites, and test/research and power reactors, the continued use of the SDMP does not provide the same benefits that it did when it was first developed. The staff believes the cleanup of these sites is managed more effectively as part of this larger program. As the SDMP sites will be managed as complex sites under this comprehensive program, the level of safety currently in place at SDMP sites will not be diminished. In addition, as sites are identified and managed as complex sites, and as more sites are evaluated pursuant to the comprehensive decommissioning program, common problematic technical issues should be identified more easily, and resolutions to these issues should be implemented in a more consistent manner.

**FOR FURTHER INFORMATION, CONTACT:** Daniel M. Gillen, Mail Stop: T-7F27, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-7295; Internet: [dmg2@nrc.gov](mailto:dmg2@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The SDMP was developed by the staff, in response to the Commission's direction to develop a comprehensive strategy for NRC to deal with a number of contaminated sites, so that closure on cleanup issues could be attained in a timely manner. In 1992, the staff developed the SDMP Action Plan to: (1) Identify criteria that would be used to guide the cleanup of sites; (2) state the NRC's position on finality; (3) describe the NRC's expectation that cleanup would be completed within 3-4 years; (4) identify guidance on site characterization; and (5) describe the process for timely cleanup on a site-specific basis.

##### **Discussion**

Since development of the SDMP Action Plan, the staff has addressed the issues identified in the Action Plan, as follows. The criteria for site cleanup and NRC's position on finality were codified in 10 CFR part 20, subpart E [License Termination Rule (LTR)]. NRC's expectations regarding the completion of site decommissioning have been codified in 10 CFR 30.36, 40.42, 70.38, and 72.54. Issues associated with site

characterization have been addressed in the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) (NUREG-1575, Rev. 1, August 2000) and in Volume 2: Characterization, Survey, and Determination of Radiological Criteria, of the Consolidated NMSS Decommissioning Guidance (NUREG-1757, Vol. 2, September 2003). The process for timely cleanup on a site-specific basis is addressed in NUREG-1757, Consolidated NMSS Decommissioning Guidance.

In addition, the NRC staff tracks significant decommissioning issues in its operating plan, and resolution of an issue is integrated with the work being done at the site and with other activities in the decommissioning program. The staff has also developed a standard review plan (NUREG-1727, NMSS Decommissioning Standard Review Plan, September 2000) and has completed its efforts to consolidate, risk-inform, and performance-base the policies and guidance for its decommissioning program, with the issuance of a three-volume NUREG report (NUREG-1757, Consolidated NMSS Decommissioning Guidance). This guidance addresses compliance with the radiological criteria for license termination of the LTR, and it incorporates the risk-informed and performance-based alternatives of the rule. The guidance provides NRC staff with the evaluation and acceptance criteria for use in reviewing decommissioning plans, allowing NRC staff to determine if the decommissioning could be conducted such that the public health and safety are protected and the facility could be released in accordance with NRC's requirements.

Dated at Rockville, MD, this 7th day of June, 2004.

For the Nuclear Regulatory Commission.

**Daniel M. Gillen,**

*Deputy Director for the Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards.*

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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:**

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") 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 for extension and approval.

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 1532.5 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).

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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed 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.

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: June 8, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of June 21, 2004:

An Open Meeting will be held on Wednesday, June 23, 2004 at 9:30 a.m. in Room 1C30; and a Closed Meeting will be held on Thursday, June 24, 2004 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Goldschmid, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter for the Open Meeting scheduled for Wednesday June 23, 2004 will be:

1. The Commission will consider whether to adopt amendments to short sale regulation under new Regulation SHO, and revisions to Rule 105 of Regulation M (short selling in connection with a public offering), both under the Securities Exchange Act of 1934.

For further information please contact Kevin Campion, Lillian Hagen, or Alexandra Albright at (202) 942-0772.

2. The Commission will consider whether to adopt amendments to Schedule 14A under the Securities Exchange Act of 1934, and to

Forms N-1A, N-2, and N-3 under the Securities Act of 1933 and the Investment Company Act of 1940. The amendments would require a registered management investment company to provide disclosure in its reports to shareholders regarding the basis for the board of directors' approval of an investment advisory contract. They would also enhance existing disclosure requirements in proxy statements regarding the basis for the board's recommendation that shareholders approve an advisory contract.

For further information, please contact Deborah D. Skeens at (202) 942-0562.

3. The Commission will consider whether to adopt amendments to rules 0-1, 10f-3, 12b-1, 15a-4, 17a-7, 17a-8, 17d-1, 17e-1, 17g-1, 18f-3, and 23c-3 under the Investment Company Act of 1940, to require investment companies that rely on certain exemptive rules to adopt certain governance practices. The Commission also will consider whether to adopt an amendment to rule 31a-2, the investment company recordkeeping rule, to require that investment companies retain copies of written materials that the directors consider when approving investment advisory contracts.

For further information, please contact Catherine E. Marshall at (202) 942-0719.

The subject matter for the Closed Meeting scheduled for Thursday, June 24, 2004 will be:

Formal orders of investigation;

Institution and settlement of injunctive actions; and

Institution and settlement of administrative proceedings of an enforcement nature.

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: June 15, 2004.

**Jonathan G. Katz,**

*Secretary.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-49846; International Series Release No. 1277]

### List of Foreign Issuers That Have Submitted Information Under the Exemption Relating to Certain Foreign Securities

June 10, 2004.

Foreign private issuers with total assets in excess of \$10,000,000 and a class of equity securities held of record by 500 or more persons, of which 300 or more reside in the United States, are subject to registration under section