

design and installation practices that are currently applied throughout the commercial power industry.

Toward that end, the NRC staff has selected for endorsement a total of four standards issued by the Institute of Electrical and Electronics Engineers (IEEE), which taken together, provide comprehensive lightning protection guidance for nuclear power plants. Specifically, the four standards are IEEE Std. 665–1995 (2001 revision), IEEE Guide for Generating Station Grounding, IEEE Std. 666–1991, IEEE Design Guide for Electrical Power Service Systems for Generating Stations, IEEE Std. 1050–1996, IEEE Guide for Instrumentation and Control Equipment Grounding in Generating Stations, and IEEE Std. C62.23–1995 (2001 revision), IEEE Application Guide for Surge Protection of Electric Generating Plants.

The NRC staff is soliciting comments on Draft Regulatory Guide DG–1137, and comments may be accompanied by relevant information or supporting data. Please mention DG–1137 in the subject line of your comments. Comments on this draft regulatory guide submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS). Personal information will not be removed from your comments. You may submit comments by any of the following methods.

Mail comments to: Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

E-mail comments to: [NRCREP@nrc.gov](mailto:NRCREP@nrc.gov). You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking Web site to Carol A. Gallagher (301) 415–5905; e-mail [CAG@nrc.gov](mailto:CAG@nrc.gov).

Hand-deliver comments to: Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Fax comments to: Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 415–5144.

Requests for technical information about Draft Regulatory Guide DG–1137 may be directed to Christina E. Antonescu at (301) 415–6792 or via e-mail to [CEA1@nrc.gov](mailto:CEA1@nrc.gov).

Comments would be most helpful if received by April 20, 2005. Comments received after that date will be considered if it is practical to do so, but

the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of the draft regulatory guide are available through the NRC's public Web site under Draft Regulatory Guides in the Regulatory Guides document collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>, under Accession #ML050480101. Note, however, that the NRC has temporarily suspended public access to ADAMS so that the agency can complete security reviews of publicly available documents and remove potentially sensitive information. Please check the NRC's Web site for updates concerning the resumption of public access to ADAMS.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland; the PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4205, by fax at (301) 415–3548, and by e-mail to [PDR@nrc.gov](mailto:PDR@nrc.gov). Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Reproduction and Distribution Services Section; by email to [DISTRIBUTION@nrc.gov](mailto:DISTRIBUTION@nrc.gov); or by fax to (301) 415–2289. Telephone requests cannot be accommodated.

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Dated at Rockville, Maryland, this 17th day of February, 2005.

For the Nuclear Regulatory Commission.

**Michael E. Mayfield,**

*Director, Division of Engineering Technology,  
Office of Nuclear Regulatory Research.*

[FR Doc. 05–3626 Filed 2–24–05; 8:45 am]

**BILLING CODE 7590–01–P**

## OFFICE OF MANAGEMENT AND BUDGET

### Improving Government Charge Card Management

**AGENCY:** Office of Management and Budget, Executive Office of the President.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Office of Management and Budget (OMB) requests comments on a draft guidance document entitled *Improving Government Charge Card Management*. The draft guidance, located at [http://www.whitehouse.gov/omb/financial/fia\\_travel.html](http://www.whitehouse.gov/omb/financial/fia_travel.html), consolidates and updates current government charge card program guidance previously issued by OMB, the General Services Administration, the Department of the Treasury, and other Federal agencies. The draft guidance applies to all Executive Branch departments and agencies, establishing standard minimum requirements and suggested best practices in areas of charge card management such as planning, training, risk management, data collection, credit worthiness, and strategic buying. When this guidance is finalized, it will be issued as either a new OMB Circular or as an addendum to an existing OMB Circular.

**DATES:** To ensure consideration of comments, interested parties should submit comments in writing to the Office of Federal Financial Management (OFFM), Office of Management and Budget, on or before March 28, 2005.

**ADDRESSES:** We are still experiencing delays in receiving regular mail, including first class and express mail. To ensure that your comments are received, we recommend that comments on this draft guidance be electronically mailed to [FIAREports@omb.eop.gov](mailto:FIAREports@omb.eop.gov), or faxed to (202) 395–3952. You may also submit written comments to Sally Clark Beecroft, Office of Federal Financial Management, Office of Management and Budget, NEOB Room 6025, 725 17th Street, NW., Washington, DC 20503, (202) 395–3993.

**SUPPLEMENTARY INFORMATION:** In coordinating and overseeing the Administration's financial management and procurement policies, the Office of Management and Budget (OMB) is authorized by 31 U.S.C. 1111; Reorganization Plan No. 2 of 1970; Executive Order 11541; the Chief Financial Officers Act of 1990 (31 U.S.C. 501–506); and the Office of Federal Procurement Policy Act (41 U.S.C. 405), to establish rules, regulations, circulars, bulletins, or other forms administrative

guidance for Executive branch agencies. As part of the Administration's ongoing effort to improve the efficiency and integrity of government charge card programs, OMB recently convened an interagency working group to update, consolidate, and/or clarify current rules and requirements in this important area of financial management and procurement policy. As a result, the working group developed the above-referenced draft guidance document that is designed to serve as a single source for all relevant charge card management requirements. In most cases, the draft guidance document re-states and clarifies existing guidance (e.g., required policies and procedures for eliminating payment delinquencies, charge card misuse, fraud, and other forms of waste and abuse). One notable addition to the existing guidance contained in the draft is a new set of provisions related to the implementation of Sec. 639 of the Consolidated Appropriations Act, 2005 (Pub. L. 108-447), requiring Federal agencies to assess the credit worthiness of travel or purchase card applicants prior to issuing a card.

**Clay Johnson III,**

*Deputy Director for Management.*

[FR Doc. 05-3637 Filed 2-24-05; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51227; File No. SR-Amex-2005-010]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Listing and Trading of Notes Linked to the Performance of the Nikkei 225 Index

February 18, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, as amended ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 14, 2005, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and is

approving the proposal on an accelerated basis.

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

The Exchange proposes to list and trade notes linked to the performance of Nikkei 225 Index ("Nikkei 225" or "Index").

The text of the proposed rule change is available on the Amex's Web site <http://www.amex.com>, at the Amex's Office of the Secretary, and at the Commission's Public Reference Room.

#### 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 Amex 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 Amex 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 the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

Under Section 107A of the Amex Company Guide ("Company Guide"), the Exchange may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.<sup>3</sup> The Amex proposes to list for trading under Section 107A of the Company Guide notes linked to the performance of the Nikkei 225 (the "Nikkei Notes" or "Notes").<sup>4</sup> Morgan Stanley will issue the Notes under the name "PLUS<sup>SM</sup>." The Nikkei 225 is determined, calculated and maintained solely by NKS.<sup>5</sup> The Notes will provide for a

<sup>3</sup> See Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990) (order approving File No. SR-Amex-89-29).

<sup>4</sup> Morgan Stanley & Co. Incorporated ("Morgan Stanley") and Nihon Keizai Shimbun, Inc. ("NKS") have entered into a non-exclusive license agreement providing for the use of the Nikkei 225 by Morgan Stanley and certain affiliates and subsidiaries in connection with certain securities including the Notes. NKS is not responsible and will not participate in the issuance and creation of the Notes.

<sup>5</sup> The Nikkei 225 is calculated, published and disseminated by NKS. The Notes are not sponsored, endorsed, sold or promoted by NKS. NKS is a recognized service with business information in Japan and publishes a large business daily, The Nihon Keizai Shimbun, and four other financial

multiplier of any positive performance of the Nikkei 225 during their term subject to a maximum payment amount or ceiling to be determined at the time of issuance ("Capped Value").

The Nikkei 225 Notes will conform to the initial listing guidelines under Section 107A<sup>6</sup> and continued listing guidelines under Sections 1001-1003<sup>7</sup> of the Company Guide. The Notes are senior non-convertible debt securities of Morgan Stanley. The Notes will have a term of no more than ten (10) years. Morgan Stanley will issue the Notes in denominations of whole units ("Unit"),

newspapers. NKS is not affiliated with a securities broker or dealer. The Index measures the composite price performance of selected Japanese stocks. The Index is currently based on 225 underlying stocks trading on the Tokyo Stock Exchange ("TSE") and represents a broad cross-section of Japanese industry. All 225 of the stocks underlying the Index ("Underlying Stocks") are stocks listed in the First Section of the TSE. Stocks listed in the First Section are among the most actively traded stocks on the TSE. The Index is a modified, price-weighted index. Each component stock's weight in the Index is based on its price per share rather than the total market capitalization of the issuers. NKS calculates the Index by multiplying the per share price of a component stock by the corresponding weighting factor for the stock ("Weight Factor"), calculating the sum of all these products and dividing that sum by a divisor. The divisor, initially set on May 16, 1949, at 225, was 23.947 as of January 14, 2005, and is subject to periodic adjustments. Each Weight Factor is computed by dividing ¥50 by the par value of the relevant component stock, so that the share price of each component stock when multiplied by its Weight Factor corresponds to a share price based on a uniform par value of ¥50. Each Weight Factor represents the number of shares of the related component stock, which are included in one trading unit of the Index. The stock prices used in the calculation of the Index are those reported by a primary market for the component stocks, which is currently the TSE.

<sup>6</sup> The initial listing standards for the Notes require: (1) A minimum public distribution of one million units; (2) a minimum of 400 shareholders; (3) a market value of at least \$4 million; and (4) a term of at least one year. In addition, the listing guidelines provide that the issuer has assets in excess of \$100 million, stockholders' equity of at least \$10 million, and pre-tax income of at least \$750,000 in the last fiscal year or in two of the three prior fiscal years. In the case of an issuer which is unable to satisfy the earning criteria stated in Section 101 of the Company Guide, the Exchange will require the issuer to have the following: (1) Assets in excess of \$200 million and stockholders' equity of at least \$10 million; or (2) assets in excess of \$100 million and stockholders' equity of at least \$20 million.

<sup>7</sup> The Exchange's continued listing guidelines are set forth in Sections 1001 through 1003 of Part 10 of the Exchange's Company Guide. Section 1002(b) of the Company Guide states that the Exchange will consider removing from listing any security where, in the opinion of the Exchange, it appears that the extent of public distribution or aggregate market value has become so reduced as to make further dealings on the Exchange inadvisable. With respect to continued listing guidelines for distribution of the Notes, the Exchange will rely, in part, on the guidelines for bonds in Section 1003(b)(iv). Section 1003(b)(iv)(A) provides that the Exchange will normally consider suspending dealings in, or removing from the list, a security if the aggregate market value or the principal amount of bonds publicly held is less than \$400,000.

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

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