

NUCLEAR REGULATORY COMMISSION**[Docket No. 03005310]****Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Termination for ExxonMobil Research and Engineering Company's Facility in Annandale, NJ****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Notice of Availability.**FOR FURTHER INFORMATION CONTACT:**

Kathy Modes, Materials Security & Industrial Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337-5251, fax (610) 337-5269; or by e-mail: kad@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

The Nuclear Regulatory Commission (NRC) is terminating Materials License No. 29-05260-13 issued to ExxonMobil Research and Engineering Company, and authorizing release of its facility in Annandale, New Jersey for unrestricted use. NRC has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The license will be terminated following the publication of this Notice.

II. EA Summary

The purpose of the action is to authorize the release of the licensee's Annandale, New Jersey facility for unrestricted use. ExxonMobil Research and Engineering Company (ExxonMobil) has been authorized by NRC since June 30, 1986, to use radioactive materials for research and development purposes at the Annandale, New Jersey site. On December 18, 2003, ExxonMobil requested that NRC release the facility for unrestricted use. ExxonMobil has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

NRC staff has prepared an EA in support of the license amendment. The facility was remediated and surveyed prior to the licensee requesting the license amendment. The NRC staff has

reviewed the information and final status survey submitted by ExxonMobil. Based on the reviews, the staff has determined that there are no additional remediation activities necessary to complete the proposed action. Therefore, the staff considered the impact of the residual radioactivity at the facility and concluded that since the residual radioactivity meets the requirements in Subpart E of 10 CFR Part 20, a Finding of No Significant Impact is appropriate.

III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the termination of the license and release of the facility for unrestricted use. The NRC staff has evaluated ExxonMobil's request and the results of the surveys and has concluded that the completed action complies with the criteria in Subpart E of 10 CFR Part 20. The staff has found that the environmental impacts from the action are bounded by the impacts evaluated by NUREG-1496, Volumes 1-3, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (ML042310492, ML042320379, and ML042330385). On the basis of the EA, the NRC has concluded that the environmental impacts from the action are expected to be insignificant and has determined not to prepare an environmental impact statement for the action.

IV. Further Information

Documents related to this action, including the application for the license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this Notice are: The Environmental Assessment (ML042930009), Letter dated December 17, 2003, requesting termination of the license (ML040130270), letter dated August 12, 2004, providing additional information (ML042380119), and letter dated August 31, 2004, providing additional information (ML042510189). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at (800) 397-4209 or

(301) 415-4737, or by e-mail to pdrr@nrc.gov.

These documents may be viewed electronically at the NRC Public Document Room (PDR), O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD, 20852. The PDR reproduction contractor will copy documents for a fee. The PDR is open from 7:45 a.m. to 4:15 p.m., Monday through Friday, except on Federal holidays.

Dated at King of Prussia, Pennsylvania this 25th day of October, 2004.

For the Nuclear Regulatory Commission.

John D. Kinneman,

Chief, Materials Security & Industrial Branch, Division of Nuclear Materials Safety Region I.

[FR Doc. 04-24305 Filed 10-29-04; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION**Solicitation of Public Comments on the Implementation of the Reactor Oversight Process****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Request for public comment.

SUMMARY: Nearly 5 years have elapsed since the U.S. Nuclear Regulatory Commission (NRC) implemented its revised Reactor Oversight Process (ROP). The NRC is currently soliciting comments from members of the public, licensees, and interest groups related to the implementation of the ROP. This solicitation will provide insights into the self-assessment process and a summary of the feedback will be included in the annual ROP self-assessment report to the Commission.

DATES: The comment period expires on December 16, 2004. The NRC will consider comments received after this date if it is practical to do so, but is only able to ensure consideration of comments received on or before this date.

ADDRESSES: Completed questionnaires and/or comments may be e-mailed to nrcprep@nrc.gov or sent to Michael T. Lesar, Chief, Rules and Directives Branch, Office of Administration (Mail Stop T-6D59), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Comments may also be hand-delivered to Mr. Lesar at 11554 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Documents created or received at the NRC after November 1, 1999, are

available electronically through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm.html>. From this site, the public can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. For more information, contact the NRC's Public Document Room (PDR) reference staff at 301-415-4737 or 800-397-4209, or by e-mail at pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Serita Sanders, Office of Nuclear Reactor Regulation (Mail Stop: OWFN 7A15), U.S. Nuclear Regulatory Commission, Washington DC 20555-0001. Ms. Sanders can also be reached by telephone at 301-415-2956 or by e-mail at SXS5@nrc.gov.

SUPPLEMENTARY INFORMATION:

Program Overview

The mission of the NRC is to regulate the civilian uses of nuclear materials in the United States to protect the health and safety of the public and the environment, and to promote the common defense and security by preventing the proliferation of nuclear material. This mission is accomplished through the following activities:

- License nuclear facilities and the possession, use, and disposal of nuclear materials.
- Develop and implement requirements governing licensed activities.
- Inspect and enforce licensee activities to ensure compliance with these requirements and the law.

While the NRC's responsibility is to monitor and regulate licensees' performance, the primary responsibility for safe operation and handling of nuclear materials rests with each licensee.

As the nuclear industry in the United States has matured for more than 27 years, the NRC and its licensees have learned much about how to safely operate nuclear facilities and handle nuclear materials. In April 2000, the NRC began to implement more effective and efficient inspection, assessment, and enforcement approaches, which apply insights from these years of regulatory oversight and nuclear facility operation. Key elements of the Reactor Oversight Process (ROP) include NRC inspection procedures, plant performance indicators, a significance determination process, and an assessment program that incorporates various risk-informed thresholds to help determine the level of NRC oversight and enforcement. Since ROP

development began in 1998, the NRC has frequently communicated with the public by various initiatives: conducting public meetings in the vicinity of each licensed commercial nuclear power plant, issuing FRNs soliciting feedback on the ROP, publishing press releases about the new process, conducting multiple public workshops, placing pertinent background information in the NRC's Public Document Room, and establishing an NRC Web site containing easily accessible information about the ROP and licensee performance.

NRC Public Stakeholder Comments

The NRC continues to be interested in receiving feedback from members of the public, various public stakeholders, and industry groups on their insights regarding the CY 2004 implementation of the ROP. In particular, the NRC is seeking responses to the questions listed below, which will provide important information that the NRC can use in ongoing program improvement. A summary of the feedback obtained will be provided to the Commission and included in the annual ROP self-assessment report.

This solicitation of public comments has been issued each year since ROP implementation in 2000. In previous years, the question had been free-form in nature requesting written responses. Although written responses are still encouraged, we have added specific choices to best describe your experience to enable us to more objectively determine your level of satisfaction.

In addition, we are asking for feedback under distinct time frames to enable us to trend your level of satisfaction: During the initial year of ROP implementation (2000), and current ROP implementation. In future years, we will ask for feedback only for current ROP implementation.

Questions

As previously discussed, we are asking for feedback under distinct time frames to enable us to trend your level of satisfaction. The questionnaire has been modified to benchmark the results. In responding to these questions, please consider your experiences using the NRC oversight process during initial implementation (first year of ROP) and current ROP implementation.

Shade in the circle that most applies to your experiences as follows: (1) Very much (2) somewhat (3) neutral (4) somewhat less than needed (5) far less than needed

If there are experiences that are rated as unsatisfied, or if you have specific thoughts or concerns, please elaborate in the "Comments" section that follows

the question and offer your opinion for possible improvements. If there are experiences or opinions that you would like to express that cannot be directly captured by the questions, document that in question number 20.

Questions Related to Specific ROP Program Areas

(As appropriate, please provide specific examples and suggestions for improvement.)

(1) Does the Performance Indicator Program promote plant safety?

	1	2	3	4	5
Initial ROP Implementation	☐	☐	☐	☐	☐
Current ROP	☐	☐	☐	☐	☐

Comments:

(2) Does appropriate overlap exist between the Performance Indicator Program and the Inspection Program?

	1	2	3	4	5
Initial ROP Implementation	☐	☐	☐	☐	☐
Current ROP	☐	☐	☐	☐	☐

Comments:

(3) Is the reporting of PI data efficient?

	1	2	3	4	5
Initial ROP Implementation	☐	☐	☐	☐	☐
Current ROP	☐	☐	☐	☐	☐

Comments:

(4) Does NEI 99-02, "Regulatory Assessment Performance Indicator Guideline" provide clear guidance regarding Performance Indicators?

	1	2	3	4	5
Initial ROP Implementation	☐	☐	☐	☐	☐
Current ROP	☐	☐	☐	☐	☐

Comments:

(5) Is the information in the inspection reports useful to you?

	1	2	3	4	5
Initial ROP Implementation	☐	☐	☐	☐	☐
Current ROP	☐	☐	☐	☐	☐

Comments:

(6) Does the Significance Determination Process yield equivalent results for issues of similar significance in all ROP cornerstones?

	1	2	3	4	5
Initial ROP Implementation	☐	☐	☐	☐	☐
Current ROP	☐	☐	☐	☐	☐

Comments:

(7) Does the NRC take appropriate actions to address performance issues for those licensees outside of the Licensee Response Column of the Action Matrix?

	1	2	3	4	5
Initial ROP Implementation	☐	☐	☐	☐	☐
Current ROP	☐	☐	☐	☐	☐

Comments:

(8) Is the information contained in assessment reports relevant, useful, and written in plain English?

	1	2	3	4	5
Initial ROP Implementation	☐	☐	☐	☐	☐

Current ROP	○	○	○	○	○	Initial ROP Implementation	○	○	○	○	○
<i>Comments:</i>						<i>Comments:</i>					
(9) Are the ROP oversight activities predictable (<i>i.e.</i> , controlled by the process) and reasonably objective (<i>i.e.</i> , based on supported facts, rather than relying on subjective judgement)?						(17) Has the NRC implemented the ROP as defined by program documents?					
Initial ROP Implementation	○	○	○	○	○	Initial ROP Implementation	○	○	○	○	○
Current ROP	○	○	○	○	○	Current ROP	○	○	○	○	○
<i>Comments:</i>						<i>Comments:</i>					
(10) Is the ROP risk-informed, in that the NRC's actions are graduated on the basis of increased significance?						(18) Does the ROP reduce unnecessary regulatory burden on licensees?					
Initial ROP Implementation	○	○	○	○	○	Initial ROP Implementation	○	○	○	○	○
Current ROP	○	○	○	○	○	Current ROP	○	○	○	○	○
<i>Comments:</i>						<i>Comments:</i>					
(11) Is the ROP understandable and are the processes, procedures and products clear and written in plain English?						(19) Does the ROP minimize unintended consequences?					
Initial ROP Implementation	○	○	○	○	○	Initial ROP Implementation	○	○	○	○	○
Current ROP	○	○	○	○	○	Current ROP	○	○	○	○	○
<i>Comments:</i>						<i>Comments:</i>					
(12) Does the ROP provide adequate regulatory assurance when combined with other NRC regulatory processes that plants are being operated and maintained safely?						(20) Please provide any additional information or comments related to the Reactor Oversight Process.					
Initial ROP Implementation	○	○	○	○	○	Dated at Rockville, Maryland, this 25th day of October 2004.					
Current ROP	○	○	○	○	○	For the U.S. Nuclear Regulatory Commission .					
<i>Comments:</i>						Stuart A. Richards,					
(13) Does the ROP improve the efficiency, effectiveness, and realism of the regulatory process?						<i>Office of Nuclear Reactor Regulation, Division of Inspection Program Management, Inspection Program Branch.</i>					
Initial ROP Implementation	○	○	○	○	○	[FR Doc. 04-24304 Filed 10-29-04; 8:45 am]					
Current ROP	○	○	○	○	○	BILLING CODE 7590-01-P					
<i>Comments:</i>						OFFICE OF PERSONNEL MANAGEMENT					
Initial ROP Implementation	○	○	○	○	○	Comment Request for Review of a Revised Information Collection: OPM Online Form 1417					
Current ROP	○	○	○	○	○	AGENCY: Office of Personnel Management.					
<i>Comments:</i>						ACTION: Notice.					
(14) Does the ROP ensure openness in the regulatory process?						SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management intends to submit to the Office of Management and Budget a request for clearance of a revised information collection. Online OPM Form 1417, Combined Federal Campaign Results Form, is used to collect information from the 320 local CFC's around the country to verify campaign results. Revisions to the form clarify OPM's request for budgeted campaign costs and provide the ability to create a printer friendly copy of the report.					
Initial ROP Implementation	○	○	○	○	○	We estimate 320 Online OPM Forms 1417 are completed annually. Each form					
Current ROP	○	○	○	○	○						
<i>Comments:</i>											
(15) Has the public been afforded adequate opportunity to participate in the ROP and to provide inputs and comments?											
Initial ROP Implementation	○	○	○	○	○						
Current ROP	○	○	○	○	○						
<i>Comments:</i>											
(16) Has the NRC been responsive to public inputs and comments on the ROP?											
Initial ROP Implementation	○	○	○	○	○						
Current ROP	○	○	○	○	○						

takes approximately 20 minutes to complete. The annual estimated burden is 107 hours.

Comments are particularly invited on: Whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the appropriate use of technological collection techniques or other forms of information technology.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, Fax (202) 418-3251 or E-mail to mbtoomey@opm.gov. Please be sure to include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Curtis Rumbaugh, CFC Operations Manager, Office of CFC Operations, U.S. Office of Personnel Management, 1900 E Street, NW., Room 5450, Washington, DC 20415.

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 04-24337 Filed 10-29-04; 8:45 am]

BILLING CODE 6325-46-U

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 26643; 812-12953]

PacifiCare of Arizona, Inc., *et al.*; Notice of Application and Commission Statement

October 25, 2004.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: (1) Notice of application for an order under sections 3(b)(2) and 45(a) of the Investment Company Act of 1940 (the "Act") and (2) a Commission statement that the Commission is considering clarifying the primary business test under sections 3(b)(1) and (2) of the Act with respect to health maintenance organizations and similar entities that provide managed health care services (collectively, "HMOs").

APPLICANTS: PacifiCare of Arizona, Inc., PacifiCare of California, PacifiCare of Colorado, Inc., PacifiCare of Nevada,