

C of the "Topical Guidelines" be deleted for consistency with the more general categories in the document. The commenter stated that deleting many of the subcategories would not detract from the scope of the topics to be included in the Licensing Support Network, because the regulatory guide makes clear that " \* \* \* the user should consider each topic to be inclusive rather than exclusive with regard to documents germane to that topic. \* \* \*" The commenter also stated that maintaining the "Topical Guidelines" at a high level of detail provides flexibility to all parties or potential parties to the proceeding to include documents in a broad sense, and not to be constrained by detailed subtopics that may change in the final "Yucca Mountain Review Plan."

*Response 5.* Section C of the regulatory guide reflects the structure of Revision 2 of the "Yucca Mountain Review Plan," dated July 2003. Detailed subcategories such as 2.1.1.5.1 and 2.2.1.3.1 refer to 10 CFR Part 63 requirements, are consistent with the level of detail in other areas, and provide explanatory information useful to the reader. The suggested deletion is not necessary.

*Comment 6.* The commenter stated that Section C.3 of the "Topical Guidelines" appears to mirror the "Table of Contents" of the DOE Yucca Mountain environmental impact statement, including several subcategories of information. The commenter recommended that many of the subcategories could be deleted without impacting the scope or topics of documentary material to be included in the LSN.

*Response 6.* Section C.3 of the regulatory guide provides a listing of environmental impact statement topics. This is consistent with the level of detail in Sections C.1 and C.2, which are based on the Yucca Mountain Review Plan, and other areas of the regulatory guide. The subcategories provided useful information and no deletion is necessary.

*Comment 7.* The commenter recommended that the regulatory guide explicitly state whether Item 1 of Appendix A, "Types of Documents To Be Included in the Licensing Support Network," when read together with the 10 CFR 2.1001 definition of documentary material, should be interpreted to mean that the requirement to include circulated drafts in the LSN applies only to circulated drafts related to technical reports and analyses.

*Response 7.* Item 1 of Appendix A paraphrases the definition of

documentary material in 10 CFR 2.1001, which requires, in part, availability of all reports or studies, and all related "circulated drafts," relevant to both the license application and the Topical Guidelines in Regulatory Guide 3.69. No further clarification is necessary.

*Comment 8.* The commenter stated that several other items in Appendix A, "Types of Documents To Be Included in the Licensing Support Network," could be clarified, in addition to the item described in comment 7 above.

Specifically, the commenter noted that Items 8.12 and 8.13 indicate that public and agency comments on documents and responses to comments are to be included in the LSN. The commenter stated that it interprets these items to be specific to those public and agency comments received by DOE in response to a DOE request for comments (e.g., comments on the draft Yucca Mountain environmental impact statement or the Secretary of Energy's consideration of site recommendation). In addition, the commenter noted that Items 8.16 and 8.17 indicate that DOE project-decision schedules and program-management documents are to be included in the LSN. The commenter suggested that further clarification is appropriate to help identify documents covered by these categories.

*Response 8.* Items 8.12 and 8.13 (now Items 7.13 and 7.14) encompasses public comments by agencies, including by the DOE, that are relevant to the licensing of a repository at Yucca Mountain or bear on a party's position in the proceeding. The DOE, as the developer of a potential Yucca Mountain repository, is required by section 114(e) of the Nuclear Waste Policy Act, as amended, 42 U.S.C. 10134(e), to prepare a project decision schedule and is in the best position to identify documents encompassed by Items 8.16 and 8.17 (now Items 7.17 and 7.18). Further clarification is not necessary.

*Comment 9.* The commenter recommended that the term "relevant" be clarified in the regulatory guide, because it is used in the 10 CFR 2.1001 definition of documentary material and its clarification would be beneficial to all parties. Because it is the general practice of the Commission to follow the Federal Rules of Civil Procedure, the commenter recommended that the term be interpreted in light of Rule 26 of the Federal Rules of Civil Procedure and case law interpreting it.

*Response 9.* The term "relevant" does not need clarification in the regulatory guide. The regulatory guide includes the 10 CFR 2.1001 definition that was promulgated in 1998 (see 63 FR 71729,

71736–71737, December 30, 1998). The NRC has previously indicated that relevance is defined in terms of whether documentary material (1) has any possible bearing on a party's supporting information or a party's position in a proceeding or (2) is a report or study that has a bearing on the license application and any of the Topical Guidelines in Regulatory Guide 3.69. See 66 FR 29453, 29460 n.3. (May 31, 2001).

*Comment 10.* The commenter requested additional guidance on how potentially sensitive documents are to be handled in the LSN, because 10 CFR 2.790 and 10 CFR 2.1003(a)(4)(iii) do not cover all potentially sensitive information, such as sensitive homeland security information.

*Response 10.* Subsequent to receipt of this comment, the NRC revised 10 CFR Part 2 (69 FR 2182, January 14, 2004), and 10 CFR 2.790 is now 10 CFR 2.390. The purpose of the regulatory guide is to identify the scope of documentary that should be identified in or made available via the LSN. The regulatory guide also indicates that certain documents may be excluded or withheld from disclosure under 10 CFR 2.1003, 2.1005, and 2.1006. Under 10 CFR 2.1003(a)(4) documents withheld from disclosure are to be identified by a LSN bibliographic header only (for example, safeguards, privileged, or confidential financial information). No additional guidance is necessary. (5 U.S.C. 552(a))

Dated at Rockville, MD this 23rd day of June, 2004.

For the Nuclear Regulatory Commission.

**John W. Craig,**  
Deputy Director, Office of Nuclear Regulatory Research.

[FR Doc. 04–15172 Filed 7–2–04; 8:45 am]

BILLING CODE 7590–01–P

---

## OFFICE OF PERSONNEL MANAGEMENT

### Submission for OMB Review; Comment Request for Review of a Revised Information Collection: RI 30– 10

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Notice.

**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 (OPM) has submitted to the Office of Management and Budget (OMB) a request for review of a revised information collection. RI 30–10,

Disabled Dependent Questionnaire, is used to collect sufficient information about the medical condition and earning capacity for OPM to be able to determine whether a disabled adult child is eligible for health benefits coverage and/or survivor annuity payments under the Civil Service Retirement System or the Federal Employees' Retirement System.

Approximately 2,500 RI 30–10 forms will be completed annually. The form takes approximately one hour to complete. The annual burden is 2,500 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, FAX (202) 418–3251 or via e-mail to [mbtoomey@opm.gov](mailto:mbtoomey@opm.gov). Please include a mailing address with your request.

**DATES:** Comments on this proposal should be received within 30 calendar days from the date of this publication.

**ADDRESSES:** Send or deliver comments to—Ronald W. Melton, Deputy Assistant Director, Retirement Services Program, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3305, Washington, DC 20415–3540; and Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

#### FOR INFORMATION REGARDING

**ADMINISTRATIVE COORDINATION—CONTACT:** Cyrus S. Benson, Team Leader, RIS Support Services/Support Group, Publications Team, (202) 606–0623.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

[FR Doc. 04–15132 Filed 7–2–04; 8:45 am]

**BILLING CODE 6325–30–P**

#### OFFICE OF PERSONNEL MANAGEMENT

#### Submission for OMB Review; Comment Request for the Review of a Revised Information Collection: SF 2809

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**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 (OPM) has submitted to the Office of Management and Budget (OMB) a request for the review of a revised information collection. SF 2809,

Health Benefits Election Form, is used by Federal employees, annuitants other than those under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) [including individuals receiving benefits from the Office of Workers' Compensation Programs], former spouses eligible for benefits under the Spouse Equity Act of 1984, and separated employees and former dependents eligible to enroll under the Temporary Continuation of Coverage provisions of the FEHB law (5 U.S.C. 8905a). A different form (OPM 2809) is used by CSRS and FERS annuitants whose health benefit enrollments are administered by OPM's Retirement Services Program.

Approximately 18,000 SF 2809 forms are completed annually. Each form takes approximately 30 minutes to complete. The annual estimated burden is 9,000 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or e-mail to [mbtoomey@opm.gov](mailto:mbtoomey@opm.gov). Please include your mailing address with your request. This proposal is not available electronically.

**DATES:** Comments on this proposal should be received within 30 calendar days from the date of this publication.

**ADDRESSES:** Send or deliver comments to—Frank D. Titus, Assistant Director, Insurance Services Program, Center for Retirement & Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3400, Washington, DC 20415; and Joseph F. Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

#### FOR INFORMATION REGARDING

**ADMINISTRATIVE COORDINATION—CONTACT:** Cyrus S. Benson, Team Leader, RIS Support Services/Support Group, Publications Team, (202) 606–0623.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

[FR Doc. 04–15133 Filed 7–2–04; 8:45 am]

**BILLING CODE 6325–38–P**

#### OFFICE OF PERSONNEL MANAGEMENT

#### Proposed Collection; Comment Request for Review of an Expiring Information Collection: OPM Form 1644

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**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 (OPM) intends to submit to the Office of Management and Budget a request for review of an expiring information collection. OPM Form 1644, Child Care Tuition Assistance Program for Federal Employees, is used to verify that child care providers are licensed or regulated by local or State authorities, as appropriate. Public Law 106–58 passed by Congress on September 29, 1999, permits Federal agencies to use appropriated funds to help their lower income employees with their costs for child care provided by a contractor licensed or regulated by local or State authorities, as appropriate. Therefore, agencies need to verify that child care providers to whom they make disbursements in the form of child care subsidies meet the statutory requirement. We estimate approximately 2000 OPM 1644 forms will be completed annually. The form will take approximately 10 minutes to complete by each provider. The annual estimated burden is 333.3 hours.

*Comments are particularly invited on:*

—Whether the form adequately captures the information needed to verify child care provider local or State licensure and regulation;

—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 use of the appropriate technological collection techniques or other information collection strategies.

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](mailto:mbtoomey@opm.gov). Please provide a mailing address because this proposal is not available electronically.

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

**ADDRESSES:** Send or deliver comments to: Bonnie Storm, Manager, WorkLife Group, U.S. Office of Personnel Management, 1900 E St., NW., Washington, DC 20415.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

[FR Doc. 04–15134 Filed 7–2–04; 8:45 am]

**BILLING CODE 6325–39–P**