

7. The LaSalle Plant Manager or Site Vice President will meet with contract leadership prior to the next two refueling outages to establish personnel expectations in following radiological work requirements.

8. The licensee shall pay a civil penalty in the amount of \$10,000 within 30 days of the date of this Order, in accordance with NUREG/BR-0254. In addition, at the time of making the payment, the licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

The Director, Office of Enforcement, may relax or rescind, in writing, any of the above conditions upon a showing by the licensee of good cause.

## V

Any person adversely affected by this Confirmatory Order, other than the licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications Staff, Washington, DC 20555. Copies of the hearing request shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555; to the Assistant General Counsel for Materials Litigation and Enforcement at the same address; to the Regional Administrator, NRC Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352, and to the licensee. Because of continuing disruptions in delivery of mail to U.S. Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to (301) 415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and also to the Office of the General Counsel either by means of facsimile transmission to (301) 415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person, other than the licensee, whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

For the Nuclear Regulatory Commission.

Dated this 22nd day of November 2005.

**Michael R. Johnson,**  
*Director, Office of Enforcement.*

### Attachment—Consent and Hearing Waiver Form

Exelon Generation Company, LLC (EGC) hereby agrees to comply with the commitments described in the NRC's letter dated November 15, 2005, and agrees to incorporation of those commitments into a Confirmatory Order that will be immediately effective upon issuance. I recognize that by signing below, EGC consents to the issuance of the Confirmatory Order, effective immediately, with the commitments agreed to at an Alternative Dispute Resolution mediation session held in Warrenville, IL, on July 11, 2005; as documented in an August 25, 2005, letter from EGC to the NRC; and as incorporated in the draft Confirmatory Order. I also recognize that by signing below, pursuant to 10 CFR 2.202(a)(3) and (d), EGC waives the right to request a hearing on all or any part of the Order.

Dated: November 18, 2005.

T. S. O'Neill,  
*Vice President, Licensing and Regulatory Affairs.*

[FR Doc. E5-6827 Filed 12-2-05; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 040-09011]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for the Department of the Army, Watervliet Arsenal's Facility in Watervliet, NY

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Availability.

#### FOR FURTHER INFORMATION CONTACT:

Betsy Ullrich, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406, telephone (610) 337-5040, fax (610) 337-5269; or by e-mail: [exu@nrc.gov](mailto:exu@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The Nuclear Regulatory Commission (NRC) is issuing a license amendment to the Department of the Army, Watervliet Arsenal for Materials License No. STB-1554, to authorize release of Building 120 at its facility in Watervliet, New York, 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 amendment will be issued following the publication of this Notice.

#### II. EA Summary

The purpose of the action is to authorize the release of Building 120 at the licensee's Watervliet, New York, facility for unrestricted use. The Department of the Army, Watervliet Arsenal was authorized by NRC from 1972 to use radioactive materials for research and development purposes at the site. On March 7, 2005, the Department of the Army, Watervliet Arsenal, requested that NRC release Building 120 at the facility for unrestricted use. The Department of the Army has conducted surveys of the facility and provided information to the NRC to demonstrate that Building 120 meets the license termination criteria in subpart E of 10 CFR part 20 for unrestricted use.

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

status survey submitted by the Department of the Army. Based on its review, the staff has determined that there are no additional remediation activities necessary to complete the proposed action. Therefore, the staff considered the impact of 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. Additionally, no non-radiological or cumulative impacts were identified.

### III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the license amendment to release Building 120 for unrestricted use. The NRC staff has evaluated the Department of the Army, Watervliet Arsenal'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 radiological 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). Additionally, no non-radiological or cumulative impacts were identified. 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 [ML053290136] and the Final Survey Report for Room 255, Building 120, Watervliet Arsenal, dated March 2005 [ADAMS Accession No. ML051080464]. 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 [pdr@nrc.gov](mailto:pdr@nrc.gov).

Documents related to operations conducted under this license not specifically referenced in this Notice may not be electronically available and/or may not be publicly available. Persons who have an interest in reviewing these documents should submit a request to the NRC under the Freedom of Information Act (FOIA). Instructions for submitting a FOIA request can be found on the NRC's Web site at <http://www.nrc.gov/reading-rm/foia-privacy.html>.

Dated at King of Prussia, Pennsylvania, this 25th day of November, 2005.

For the Nuclear Regulatory Commission.

**James P. Dwyer,**

*Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.*

[FR Doc. E5-6829 Filed 12-2-05; 8:45 am]

**BILLING CODE 7590-01-P**

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## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request; Upon Written Request, Copy Available From: Securities and Exchange, Commission, Office of Filings and Information Services, Washington, DC 20549

Extension: Form N-54A; SEC File No. 270-182; OMB Control No. 3235-0237.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*] (the "PRA"), the Securities and Exchange Commission (the "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.

- Form N-54A under the Investment Company Act of 1940; Notification of Election to be Subject to Sections 55 through 65 of the Investment Company Act of 1940 Filed Pursuant to Section 54(a) of the Act.

Form N-54A [17 CFR 274.53] is a notification to the Commission of election to be regulated as a business development company. A company making such an election only has to file a Form N-54A once.

It is estimated that approximately 46 respondents per year file with the Commission a Form N-54A. Form N-54A requires approximately 0.5 burden hours per response resulting from creating and filing the information required by the Form. The total burden hours for Form N-54A would be 23.0

hours per year in the aggregate. The estimated annual burden of 23.0 hours represents an increase of 21.0 hours over the prior estimate of 2.0 hours. The increase in burden hours is attributable to an increase in the number of respondents from 4 to 46.

The estimate of average burden hours for Form N-54A is made solely for the purposes of the PRA and is not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms.

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

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

Dated: November 23, 2005.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. E5-6819 Filed 12-2-05; 8:45 am]

**BILLING CODE 8010-01-P**

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** [To Be Announced].

**STATUS:** Closed Meeting.

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

**DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING:** Thursday, December 8, 2005, at 2 p.m.

**CHANGE IN THE MEETING:** Deletion of Item.

The following item will not be considered during the Closed Meeting on December 8, 2005:

### Adjudicatory Matter

Commissioner Atkins, as duty officer, determined that no earlier notice thereof was possible.