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**Robert Brook,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 05-16852 Filed 8-24-05; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Settlement Pursuant to Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that an agreement between the Department of the Interior, National Park Service and the Washington Gas Light Company has been approved, subject to public comment, by the Department of Justice pursuant to Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.* The settlement provides for recovery of \$285,000 in costs incurred by the Park Service in response to contamination on a portion of the National Capitol Parks-East, located beside the Anacostia River in Washington, DC.

For a period of thirty (30) days from the date of this publication, comments relating to the proposed settlement will be received. Such comments should be addressed to Shawn P. Mulligan, National Park Service, 1050 Walnut Street, Suite 220, Boulder, Colorado 80302, (303) 415-9014, or via e-mail at [Shawn\\_Mulligan@nps.gov](mailto:Shawn_Mulligan@nps.gov) and should refer to the NPS Washington Gas Light Site.

A copy of the proposed settlement agreement may be obtained from, or reviewed at: National Capital Parks-East Headquarters, 1900 Anacostia Drive, SE., Washington, DC 20020, (202) 690-5185. In requesting a copy, please enclose a check in the amount of \$2.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert Brook,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 05-16851 Filed 8-24-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a current valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.
2. *The title of the information collection:* 10 CFR Part 33—Specific Domestic Licenses of Broad Scope for Byproduct Material.
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* There is a one-time submittal of information to receive a license. Once a specific license has been issued, there is a 10-year resubmittal of the information for renewal of the license.
5. *Who will be required or asked to report:* All applicants requesting a license of broad scope for byproduct material and all current licensees requesting renewal of a broad scope license.
6. *An estimate of the number of responses:* All of the information collections in Part 33 are captured under OMB clearance number 3150-0120 for NRC Form 313.
7. *The estimated number of annual respondents:* See item 6, above.

8. An estimate of the number of hours needed annually to complete the requirement or request: See item 6 above.

9. *An indication of whether Section 3507(d), Public Law 104-13 applies:* Not applicable.

10. *Abstract:* 10 CFR Part 33 contains mandatory requirements for the issuance of a broad scope license authorizing the use of byproduct material. The subparts cover specific requirements for obtaining a license of broad scope. These requirements include equipment, facilities, personnel, and procedures adequate to protect

health and minimize danger to life or property.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: <http://www.nrc.gov/public-involvement/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by September 26, 2005. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

John Asalone, Office of Information and Regulatory Affairs (3150-0016), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to [John\\_A.\\_Asalone@omb.eop.gov](mailto:John_A._Asalone@omb.eop.gov) or submitted by telephone at (202) 395-4650.

The NRC Clearance Officer is Brenda Jo Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 18th day of August, 2005.

For the Nuclear Regulatory Commission.

**Brenda Jo Shelton,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. E5-4648 Filed 8-24-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

### FirstEnergy Nuclear Operating Company, Davis-Besse Nuclear Power Station, Unit 1; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of FirstEnergy Nuclear Operating Company (the licensee) to withdraw its August 25, 2003, application for proposed amendment to Facility Operating License No. NPF-3; for the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

The proposed amendment would have revised the Technical Specifications (TSs) pertaining to the Steam and Feedwater Rupture Control System (SFRCS) instrumentation setpoints and surveillance intervals.

Specifically, the proposed amendment would have clearly identified the appropriate actions to be taken if an SFRCS instrumentation channel's output logic becomes inoperable; relocated the SFRCS instrumentation trip setpoints from the TSs to the Updated Safety Analysis Report; and decreased the SFRCS instrument channel functional test frequency from monthly to quarterly and made associated changes to the trip setpoint allowable values.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on September 30, 2003 (68 FR 56343). However, by letter dated August 9, 2005, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated August 25, 2003 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML032410076), as supplemented by letter dated June 4, 2004 (ADAMS Accession No. ML041610286), and the licensee's letter dated August 9, 2005 (ADAMS Accession No. ML052230259), which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/html>. 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 1-800-397-4209, or 301-415-4737 or by email to [pdrr@nrc.gov](mailto:pdrr@nrc.gov).

Dated at Rockville, Maryland, this 18th day of August 2005.

For the Nuclear Regulatory Commission,  
**William A. Macon, Jr.,**

*Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. E5-4646 Filed 8-24-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Draft Regulatory Guide: Issuance, Availability

The U.S. Nuclear Regulatory Commission (NRC) has issued for public comment a draft revision to an existing guide in the agency's Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft Revision 4 of Regulatory Guide 1.97, entitled "Criteria for Accident Monitoring Instrumentation for Nuclear Power Plants," is temporarily identified by its task number, DG-1128, which should be mentioned in all related correspondence. Like its predecessors, this proposed revision describes a method that the NRC staff considers acceptable for use in complying with the agency's regulations with respect to satisfying criteria for accident monitoring instrumentation in nuclear power plants. Specifically, the method described in this regulatory guide relates to General Design Criteria 13, 19, and 64, as set forth in Appendix A to Title 10, Part 50, of the Code of Federal Regulations (10 CFR Part 50), "Domestic Licensing of Production and Utilization Facilities."

This proposed revision of Regulatory Guide 1.97 represents an ongoing evolution in the nuclear industry's thinking and approaches with regard to accident monitoring systems for the Nation's nuclear power plants. Specifically, this revision endorses (with certain clarifying regulatory positions specified in Section C of Draft Regulatory Guide DG-1128) the "Criteria for Accident Monitoring Instrumentation for Nuclear Power Generating Stations," which the Institute of Electrical and Electronics Engineers (IEEE) promulgated as IEEE Std. 497-2002.

This revised regulatory guide is intended for licensees of new nuclear power plants.<sup>1</sup> Previous revisions of this regulatory guide remain in effect for

<sup>1</sup> The terms "new nuclear power plant" and "new plant" refer to any nuclear power plant for which the licensee obtained an operating license after the NRC issued Revision 4 of Regulatory Guide 1.97. The terms "current operating reactor" and "current plant" refer to any nuclear plant for which the licensee obtained an operating license before the NRC issued Revision 4 of Regulatory Guide 1.97.

licensees of current operating reactors,<sup>1</sup> who are unaffected by this proposed revision. However, licensees of current operating reactors may voluntarily convert their entire accident monitoring program to the criteria in this proposed revision.

The NRC staff is soliciting comments on Draft Regulatory Guide DG-1128, and comments may be accompanied by relevant information or supporting data. Please mention DG-1128 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.

Email comments to: [NRCREP@nrc.gov](mailto:NRCREP@nrc.gov). You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.lnl.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-1128 may be directed to George M. Tartal at (301) 415-0016 or by email to [GMT1@nrc.gov](mailto:GMT1@nrc.gov).

Comments would be most helpful if received by October 14, 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