

placing an A in front of the current Article language. The subsequent paragraphs A through E are renumbered as paragraphs 1 through 5. After the current amended language, the following new Paragraph B is added to read:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct material as defined in Section 11e.(2) of the Act:

1. Prior to the termination of a State license for such byproduct material, or for any activity that resulted in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met;

2. The Commission reserves the authority to establish minimum standards governing reclamation, long-term surveillance or maintenance, and ownership of such byproduct material and of land used as a disposal site for such material. Such reserved authority includes:

a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State of Utah at the option of the State (provided such option is exercised prior to termination of the license);

c. The authority to permit use of the surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to 2.b. in this Section in a manner consistent with the provisions of the Uranium Mill Tailings Radiation Control Act of 1978, as amended, provided that the Commission determines that such use would not endanger public health, safety, welfare, or the environment;

d. The authority to require, in the case of a license for any activity that produces such byproduct material (which license was in effect on November 8, 1981), transfer of land and material pursuant to paragraph 2.b. in this Section taking into consideration the status of such material and land and interests therein, and the ability of the licensee to transfer title and custody thereof to the United States or the State;

e. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect public health and safety, and other actions as the Commission deems necessary; and

f. The authority to enter into arrangements as may be appropriate to assure Federal long-term surveillance or maintenance of such

byproduct material and its disposal site on land held in trust by the United States for any Indian Tribe or land owned by an Indian Tribe and subject to a restriction against alienation imposed by the United States."

Section 4. Article IX of the 1984 Agreement, as amended, is renumbered as Article X and a new Article IX is inserted to read:

#### "ARTICLE IX

In the licensing and regulation of byproduct material as defined in Section 11e.(2) of the Act, or of any activity which results in the production of such byproduct material, the State shall comply with the provisions of Section 274o of the Act. If in such licensing and regulation, the State requires financial surety arrangements for reclamation or long-term surveillance and maintenance of such byproduct material:

A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such byproduct material and its disposal site is transferred to the United States upon termination of the State license for such byproduct material or any activity that results in the production of such byproduct material. Such funds include, but are not limited to, sums collected for long-term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

B. Such surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long-term management of such byproduct material and its disposal site."

This amendment shall become effective on August 15, 2004, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII of the Agreement of March 29, 1984, as amended.

Done at Rockville, Maryland, in triplicate, this 10th day of August 2004.

For the United States Nuclear Regulatory Commission.

/RA/  
Nils J. Diaz,

*Chairman.*

Done at Salt Lake City, Utah, in triplicate, this 16th day of August 2004.

For the state of Utah.

/RA/  
Olene S. Walker,  
*Governor.*

[FR Doc. 04-20190 Filed 9-3-04; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### State of Utah: Final Determination on Proposed Alternative Groundwater Standards for 11e.(2) Byproduct Material

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Final Commission Determination under Section 274o of the Atomic Energy Act of 1954, as amended; State of Utah Proposed Alternative Groundwater Standards.

**SUMMARY:** This notice is announcing that on August 4, 2004, the Nuclear Regulatory Commission (NRC) made the determination required by section 274o of the Atomic Energy Act of 1954, as amended (Act) for Agreement State proposed alternative standards for 11e.(2) byproduct material. The Commission has determined that the State of Utah's proposed alternative groundwater standards will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and non-radiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275 of the Act. This notice completes the notice and public hearing process required in section 274o of the Act for proposed State alternative standards.

**FOR FURTHER INFORMATION CONTACT:** Dennis M. Sollenberger, Office of State and Tribal Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone (301) 415-2819 or e-mail [DMS4@nrc.gov](mailto:DMS4@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission approved a similar process to that specified at 10 CFR part 2, subpart H to fulfill both provisions for notice and for opportunity for public hearing required by section 274o of the Act. The Commission published a notice and opportunity for public hearing in the **Federal Register** on the State of Utah's proposed alternative groundwater standards for a 30-day comment period (68 FR 51516, August 27, 2003). On October 24, 2003, the Commission published a clarification of the notice and opportunity for public hearing in the August 27, 2003 notice, noticed the electronic availability of two

documents referenced in the earlier notice, and extended the comment period for an additional 30 days (68 FR 60885). The public comment period ended on November 24, 2003. The Commission received three comment letters on Utah's alternative groundwater standards proposal (ML032750048, ML032820353, and ML033420067) and one letter with supplements on the Commission's alternative standards determination process (ML032720672, ML032750048, and ML033140034). The NRC staff prepared a letter response dated June 21, 2004 (ML041770014) to the commenter on the Commission's alternative standards determination process.

The NRC staff prepared an analysis of comments for the comments received on Utah's proposed alternative groundwater standards (ML042240488). One commenter did not object to Utah's alternative groundwater regulations; however, the commenter said the discharge permit discussions on implementation is the test of the standards. Another commenter stated that the Utah's proposed alternative groundwater standards were equivalent or more stringent than the NRC and EPA groundwater standards. The third commenter raised concerns with NRC's past implementation of its groundwater standards and wants Utah to implement a more rigorous groundwater protection program. No deficiencies in Utah's proposed alternative groundwater standards were identified by the commenters.

The Commission considered the information provided in SECY-03-025 (ML032901045) which included the State of Utah comparison between Utah's proposed alternative groundwater standards and NRC's standards, and the NRC staff's initial determination that Utah's proposed alternative groundwater standards are equivalent to or more stringent than the NRC groundwater standards. The Commission considered the comments submitted in response to the August 27 and October 24, 2003 **Federal Register** notices and the NRC staff's analysis of the comments, and the NRC staff's recommendation that the Commission approve a final determination that Utah's alternative groundwater standards meet the requirements in section 274o of the Act. On August 4, 2004, the Commission made a determination that Utah's alternative groundwater standards are equivalent to or more stringent than the NRC's groundwater standards for 11e.(2) byproduct material (ML042170320).

The documents referenced above and publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 31st day of August, 2004.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 04-20191 Filed 9-3-04; 8:45 am]

**BILLING CODE 7590-01-P**

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## OFFICE OF PERSONNEL MANAGEMENT

### Federal Prevailing Rate Advisory Committee; Open Committee Meetings

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, October 14, 2004;  
Thursday, October 28, 2004; Thursday,  
November 18, 2004.

The meetings will start at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal blue-collar employees, and five representatives from Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meetings either the labor members or the management members may caucus separately with the Chair to

devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of a meeting.

Annually, the Chair compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 5538, 1900 E Street NW., Washington, DC 20415 (202) 606-1500.

Dated: August 31, 2004.

**Mary M. Rose,**

*Chairperson, Federal Prevailing Rate  
Advisory Committee.*

[FR Doc. 04-20232 Filed 9-3-04; 8:45 am]

**BILLING CODE 6325-49-P**

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## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### Summary of Proposal(s)

- (1) *Collection title:* Representative Payee Monitoring.
- (2) *Form(s) submitted:* G-99a, G-99c.
- (3) *OMB Number:* 3220-0151.
- (4) *Expiration date of current OMB clearance:* 10/31/2004.
- (5) *Type of request:* Extension of a currently approved collection.
- (6) *Respondents:* Individuals or households.