

Dated at Rockville, Maryland, this 19th day of October 2004.

For the Nuclear Regulatory Commission.

**J.E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-24014 Filed 10-26-04; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 030-06021]

### **Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Rohm and Haas Company's Facility in Bristol, PA**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability of Environmental Assessment and Finding of No Significant Impact.

#### **FOR FURTHER INFORMATION CONTACT:**

Marjorie McLaughlin, Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406, telephone (610) 337-5240, fax (610) 337-5269; or by e-mail: [MMM3@NRC.GOV](mailto:MMM3@NRC.GOV).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Introduction**

The Nuclear Regulatory Commission (NRC) is issuing a license amendment to Rohm and Haas Company for Materials License No. 37-01665-01, to authorize release of its facility in Bristol, Pennsylvania 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 the licensee's Bristol, Pennsylvania facility for unrestricted use. Rohm and Haas Company was authorized by NRC from December 4, 1958, to use radioactive materials for research and development purposes at the Bristol, Pennsylvania site. On July 22, 2004, Rohm and Haas Company requested that NRC release the facility for unrestricted use. Rohm and Haas Company has conducted surveys of the facility and determined that the facility meets the license termination criteria in subpart E of 10

CFR part 20. Rohm and Haas Company will continue licensed activities at other locations, as authorized by the license.

The 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 Rohm and Haas. Based on its 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 license amendment to release the facility for unrestricted use. The NRC staff has evaluated Rohm and Haas Company'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 (ML042880387), Amendment request and Final Status Survey results (ML042080055 and ML042220108), Additional Survey Information (ML042470162), Gas

chromatograph source leak test results (ML042470170, ML042540075, and ML042540081) and additional information concerning the storage locker (ML042470164). 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).

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 in King of Prussia, Pennsylvania, this 20th day of October, 2004.

For the Nuclear Regulatory Commission.

**John D. Kinneman,**

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

[FR Doc. 04-24017 Filed 10-26-04; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Proposed Generic Communication; Establishing and Maintaining a Safety Conscious Work Environment; Correction**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of opportunity for public comment; correction.

**SUMMARY:** This document corrects a notice appearing in the **Federal Register** on October 14, 2004 (69 FR 61049), that requests public comment on a guidance document for licensees on establishing and maintaining a safety conscious work environment. This action is necessary to correct an erroneous Web site.

#### **FOR FURTHER INFORMATION CONTACT:**

Lisamarie Jarriel, Agency Allegations Advisor, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, (301) 415-8529, email [LLJ@nrc.gov](mailto:LLJ@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On page 61049, in the second column, in the second complete paragraph, in the last sentence, the Web site is corrected to read, "<http://www.nrc.gov/what-we-do/regulatory/allegations/scwe-guide.html>."

Dated at Rockville, Maryland, this 21st day of October 2004.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Federal Register Liaison Officer.

[FR Doc. 04-24015 Filed 10-26-04; 8:45 am]

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## U.S. POSTAL SERVICE BOARD OF GOVERNORS

### Sunshine Act Meeting

**DATE AND TIMES:** Thursday, November 4, 2004; 10 a.m. and 3 p.m.

**PLACE:** Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., in the Benjamin Franklin Room.

**STATUS:** November 4-10 a.m. (Closed); 3 p.m. (Open).

#### MATTERS TO BE CONSIDERED:

Thursday, November 4-10 a.m. (Closed)

1. Financial Update.
2. Proposed Filing with the Postal Rate Commission for Premium Forwarding Service.
3. Rate Case Planning.
4. Strategic Planning.
5. Personnel Matters and Compensation Issues.

Thursday, November 4-3 p.m. (Open)

1. Minutes of the Previous Meeting, September 13 and 14, 2004.
2. Remarks of the Postmaster General and CEO.
3. Quarterly Report on Service Performance.
4. Committee Reports.

Thursday, November 4-3 p.m. (Open)  
[continued]

5. Board of Governors Calendar Year 2005 Meeting Schedule.
6. Office of the Governors Fiscal Year 2005 Budget.
7. Capital Investment.
  - a. Intelligent Mail Data Acquisition System.
8. Tentative Agenda for the December 7, 2004, meeting in Washington, DC.

#### CONTACT PERSON FOR FURTHER

**INFORMATION:** William T. Johnstone, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20250-1000. Telephone (202) 268-4800.

William T. Johnstone,  
Secretary.

[FR Doc. 04-24080 Filed 10-22-04; 4:12 pm]

BILLING CODE 7710-12-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-50571; File No. SR-NASD-2004-146]

### Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 to Permanently Adopt Fees for TotalView Product

October 20, 2004.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 30, 2004, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by Nasdaq. On October 12, 2004, Nasdaq filed an amendment to the proposal.<sup>3</sup> Nasdaq filed the proposed rule change pursuant to section 19(b)(3)(A) of the Act<sup>4</sup> and Rule 19b-4(f)(6) thereunder,<sup>5</sup> which renders it effective upon filing with the Commission.<sup>6</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See October 8, 2004 letter from Jeffrey S. Davis, Associate General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division of Market Regulation ("Division"), Commission ("Amendment No. 1"). The original proposed rule change contained conflicting language about Nasdaq's intent to make permanent the existing TotalView pilot program. In Amendment No. 1, Nasdaq clarified that the purpose of the proposed rule change is to make permanent the fees associated with TotalView that previously had been implemented on a pilot basis. The Commission also notes that the original proposed rule change was filed with a blank page between pages 13 and 14. Nasdaq confirmed that this was an error, and that no text is missing from the original proposed rule change. Telephone conversation between Jeffrey S. Davis, Nasdaq, and Joseph P. Morra, Commission, September 30, 2004.

<sup>4</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>5</sup> 17 CFR 240.19b-4(f)(6).

<sup>6</sup> Nasdaq provided the Commission with written notice of its intent to file the proposed rule change on September 21, 2004. See September 21, 2004 letter from Jeffrey S. Davis, Nasdaq, to Katherine A. England, Commission. Nasdaq asked the Commission to waive the 30-day operative delay. For purposes of calculating the 60-day abrogation period, the Commission considers the period to have commenced on October 12, 2004, the date that Nasdaq filed Amendment No. 1. See Section 19(b)(3)(A) of the Act, and Rule 19b-4(f)(6)(iii) thereunder. 15 U.S.C. 78s(b)(1), 17 CFR 240.19b-4(f)(6)(iii).

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to adopt permanently the TotalView data package and reduced fees assessed for those feeds. The proposed rule change will make permanent the pilot program that was in effect without making any substantive changes to the way the pilot has been operating. The text of the proposed rule change is available at NASD and at the Commission.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

In November 2002, the Commission approved a proposed rule change that established fees assessed for several products known as "ViewSuite," which contain data from Nasdaq's integrated quotation and execution system.<sup>7</sup> To encourage the broadest possible display of the Nasdaq market center data contained in the ViewSuite products, Nasdaq then proposed an optional pilot program to offer an enterprise-wide license to distributors.<sup>8</sup> This pilot allowed each distributor to provide a ViewSuite product to large numbers of subscribers for a fixed rate based upon a multiple of the incremental cost of the ViewSuite product and the size of that distributor's reported subscriber base.

To support broad dissemination of the data and understanding by its customers, Nasdaq subsequently simplified and reduced the pricing for ViewSuite on a pilot basis.<sup>9</sup> For the one-year pilot, Nasdaq offered subscribers a

<sup>7</sup> Securities Exchange Act Release No. 46843 (November 18, 2002), 67 FR 70471 (November 22, 2002)(SR-NASD-2002-33).

<sup>8</sup> Securities Exchange Act Release No. 47477 (March 10, 2003), 68 FR 13747 (March 20, 2003)(SR-NASD-2003-27).

<sup>9</sup> Securities Exchange Act Release No. 48581 (October 1, 2003), 68 FR 57945 (October 7, 2003)(SR-NASD-2003-111).