(North Anna, Units 1 and 2), and Surry Power Station, Unit Nos. 1 and 2 (Surry, Units 1 and 2). Renewed Facility Operating License No. NPF–4 authorizes operation of North Anna, Unit 1, by the licensee at reactor core power levels not in excess of 2893 megawatts thermal in accordance with the provisions of the North Anna, Unit 1, renewed license and its Technical Specifications. Renewed Facility Operating License No. NPF–7 authorizes operation of North Anna, Unit 2, by the licensee at reactor core power levels not in excess of 2893 megawatts thermal in accordance with the provisions of the North Anna, Unit 2, renewed license and its Technical Specifications. Renewed Facility Operating License No. DPR–32 authorizes operation of Surry, Unit 1, by the licensee at reactor core power levels not in excess of 2546 megawatts thermal in accordance with the provisions of the Surry, Unit 1, renewed license and its Technical Specifications. Renewed Facility Operating License No. DPR–37 authorizes operation of Surry, Unit 2, by the licensee at reactor core power levels not in excess of 2546 megawatts thermal in accordance with the provisions of the Surry, Unit 2, renewed license and its Technical Specifications.

North Anna, Units 1 and 2, are pressurized water nuclear reactors located in Louisa County, 40 miles northwest of the city of Richmond, Virginia. Surry, Units 1 and 2, are pressurized water nuclear reactors located in Surry County, 14 miles northwest of the city of Newport News, Virginia.

The applications for the renewed licenses complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. As required by the Act and the Commission's regulations in 10 CFR Chapter I, the Commission has made appropriate findings, which are set forth in each license. Prior public notice of the action involving the proposed issuance of these renewed licenses and of an opportunity for a hearing regarding the proposed issuance of these renewed licenses was published in the **Federal Register** on July 27, 2001 (66 FR 39213).

For further details with respect to this action, see (1) the Virginia Electric and Power Company's license renewal applications for North Anna, Units 1 and 2, and Surry, Units 1 and 2, dated May 29, 2001, as supplemented by letters dated November 30, 2001, January 4 (two letters), January 16, January 17, February 1 (two letters), February 5, May 22 (two letters), June 13, July 11, July 25, August 23, October 1, October 15, November 4, December 2, and December 11, 2002; (2) the Commission's safety evaluation report, dated November 5, 2002, and December 2002 (NUREG–1766); (3) the licensee's updated final safety analysis report; and (4) the Commission's final environmental impact statements (NUREG–1437, Supplement 6, for Surry, Units 1 and 2, and NUREG–1437, Supplement 7, for North Anna, Units 1 and 2), dated November 2002. These documents are available at the NRC's Public Document Room, One White Flint North, 11555 Rockville Pike, first floor, Rockville, Maryland 20852, and can be viewed from the NRC Public Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.*

Copies of Renewed Facility Operating License Nos. NPF–4, NPF–7, DPR–32, and DPR–37 may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Director, Division of Regulatory Improvement Programs. Copies of the safety evaluation report (NUREG–1766), and the final environmental impact statements (NUREG–1437, Supplement 6, for Surry, Units 1 and 2, and NUREG–1437, Supplement 7, for North Anna, Units 1 and 2) may be purchased from the National Technical Information Service, Springfield, Virginia 22161–0002 (*http://www.ntis.gov*), 1–800–553–6847, or the Superintendent of Documents, U.S. Government Printing Office, PO Box 371954, Pittsburgh, PA 15250–7954 (*http://www.access.gpo.gov/su_docs*), 202–512–1800. All orders should clearly identify the NRC publication number and the requestor's Government Printing Office deposit account number or VISA or MasterCard number and expiration date.

Dated at Rockville, Maryland, this 20th day of March 2003.

For the Nuclear Regulatory Commission.

**Pao-Tsin Kuo,**

*Program Director, License Renewal and Environmental Impacts, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

[FR Doc. 03–7486 Filed 3–27–03; 8:45 am]

**BILLING CODE 7590–01–U**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 030–05357]**

## Environmental Assessment and Finding of No Significant Impact

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Environmental Assessment and Finding of No Significant Impact related to license amendment of Byproduct Material License No. 29–08978–02, Novartis Pharmaceuticals Corporation, East Hanover, New Jersey.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Material License No. 29–08978–02 to authorize release of its facility in Summit, New Jersey, for unrestricted use and has prepared an Environmental Assessment in support of this action. Based upon the Environmental Assessment, the NRC has concluded that a Finding of No Significant Impact is appropriate, and, therefore, an Environmental Impact Statement is unnecessary.

**FOR FURTHER INFORMATION CONTACT:** Donna Janda, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406; telephone (610) 337–5371 or e-mail *DMJ@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** The U. S. Nuclear Regulatory Commission (NRC) is considering amending Byproduct Materials License No. 29–08978–02 and authorizing the release of the licensee's facility in Summit, New Jersey, for unrestricted use and has prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) in support of this action.

**SUMMARY:** The NRC reviewed the results of the decommissioning of the Novartis Pharmaceuticals Corporation (Novartis) facility in Summit, New Jersey. Novartis was formed in 1997 from the merger of Ciga-Geigy Corporation and Sandoz Corporation. From 1963 to 1997, Ciba-Geigy was authorized by NRC under Materials License No. 29–00459–03 to use radioactive materials for research and development purposes at the Summit facility. After the merger, Novartis continued to perform the same activities at the Summit facility under Materials License No. 29–00459–03 until 1998, when the license was terminated and the facility was added to Novartis' Materials License No. 29–08978–02. In January 2003, Novartis ceased operations with licensed materials at the Summit site, and in February 2003, requested that NRC release the facility for unrestricted use. Novartis has conducted surveys of the Summit facility and determined that the facility meets the license termination criteria in subpart E of 10 CFR part 20. The NRC staff has evaluated Novartis' request and results of the surveys, and

has developed an Environmental Assessment (EA) in accordance with the requirements of 10 CFR part 51. Based on the staff evaluation, the conclusion of the EA is a Finding of No Significant Impact (FONSI) on human health and the environment for the proposed licensing action.

**Introduction**

Novartis requested release for unrestricted use of the entire facility at 556 Morris Avenue, Summit, New Jersey, as authorized by the NRC License No. 29–08978–02. License No. 29–08978–02 was issued in 1968 and amended in March 1998 to include the Summit site. It authorizes Novartis to perform activities in Buildings 130, L, LX, and U at 556 Morris Avenue, Summit, New Jersey. NRC-licensed activities at the Summit site were limited to laboratory procedures typically performed on bench tops and in hoods. A variety of radionuclides were used primarily for research and development. No outdoor areas were affected by the use of licensed materials.

Licensed activities ceased completely in January 2003, and the licensee requested release of the facility for unrestricted use. Based on the licensee's historical knowledge of the site and the conditions of the facility, the licensee determined that only routine decontamination activities, in accordance with the licensee's radiation safety procedures, were required. A decommissioning plan was not required to be submitted to NRC. The licensee surveyed the facility, decontaminated or remediated areas as needed, and provided documentation that the facility meets the license termination criteria, specified in subpart E of 10 CFR part 20, and does not require additional decommissioning activities to be performed. NRC inspectors inspected the decommissioning activities at the Summit facility on November 26, 2002, December 19, 2002, January 10, 2003, and February 12, 2003. The inspectors observed surveys and wipe tests being performed and reviewed the licensee's records related to decommissioning and survey activities. The licensee subsequently requested that the Novartis facility in Summit, New Jersey be released for unrestricted use.

**The Proposed Action**

The proposed action is to amend Byproduct Materials License No. 29–08978–02 and release the facility at 556 Morris Avenue, Summit, New Jersey for unrestricted use. By letter dated February 6, 2003, Novartis provided survey results which demonstrate that the Summit site is in compliance with the radiological criteria for license termination in subpart E, 10 CFR part 20, ''Radiological Criteria for License Termination.''

**Purpose and Need for the Proposed Action**

The purpose of the proposed action is to amend NRC Byproduct Materials License No. 29–08978–02 and release the Novartis site in Summit, New Jersey for unrestricted use. NRC is fulfilling its responsibilities under the Atomic Energy Act to make a decision on a proposed license amendment for release of a facility for unrestricted use that ensures protection of public health and safety and the environment.

**Alternative to the Proposed Action**

Since the facility at the Summit site has already been surveyed and found acceptable for release for unrestricted use, the only alternative to the proposed action of amendment of the license and release of the Summit site for unrestricted use is no action. The no-action alternative would be to keep the facility on the license, which is not acceptable because the licensee does not plan to perform any activities with licensed materials at this location and does not plan to maintain staff to perform licensed activities. Maintaining the areas under a license would provide negligible, if any, environmental benefit and would reduce options for future use of the property.

**The Affected Environment and Environmental Impacts**

The NRC staff has reviewed the surveys performed by Novartis to demonstrate compliance with the 10 CFR 20.1402 license termination criteria. Based on its review, the staff has determined that the affected environment and environmental impacts associated with the release for unrestricted use of the Novartis Summit facility are bounded by the impacts evaluated by the ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities' (NUREG–1496). The staff also finds that the proposed release for unrestricted use of the Novartis facility is in compliance with Title 10, Code of Federal Regulations, part 20.1402, ''Radiological Criteria for Unrestricted Use.'' The NRC has found no other activities in the area that could result in cumulative impacts.

**Agencies and Persons Consulted, and Sources Used**

This EA was prepared entirely by the NRC staff. The State Office of Historical Preservation, the State Fish and Wildlife Service, and the U.S. Fish and Wildlife Service were not contacted because release of the Novartis facility for unrestricted use does not affect historical or cultural resources, nor will it affect threatened or endangered species. No other sources were used beyond those referenced in this EA.

NRC provided a draft of its Environmental Assessment to the State of New Jersey Department of Environmental Protection (NJDEP) for review. On March 10, 2003, the NJDEP responded by letter and agreed with the conclusions of the EA.

**Conclusion and Finding of No Significant Impact**

Based on its review, the NRC staff has concluded that the completed action complies with 10 CFR part 20. NRC has prepared this EA in support of the proposed license amendment to release the facility at 556 Morris Avenue, Summit, New Jersey, for unrestricted use. On the basis of the EA, NRC has concluded that the environmental impacts from the proposed action are expected to be insignificant and has determined not to prepare an environmental impact statement for the proposed action.

**List of Preparers**

Donna M. Janda, Health Physicist, Division of Nuclear Materials Safety, Region 1.

**List of References**

1. NRC License Nos. 29–08978–02 and 29–00459–03 inspection and licensing records.

2. Letter dated December 3, 2001, with attachment from Novartis Pharmaceuticals Corporation. [ADAMS Accession No. ML013550047]

3. Letter dated September 6, 2002, with attachment from Novartis Pharmaceuticals Corporation. [ADAMS Accession No. ML022660406]

4. Letter dated February 6, 2003, with attachment from Novartis Pharmaceuticals Corporation. [ADAMS Accession Nos. ML030510365, ML030510378, and ML030510379]

5. Title 10, Code of Federal Regulations, Part 20, Subpart E, ''Radiological Criteria for License Termination.''

6. Title 10, Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.''

The application for the license amendment and supporting documentation are available for inspection at NRC's Public Electronic Reading Room at *http://www.nrc.gov/reading-rm/ADAMS.html.* Any questions with respect to this action should be referred to Donna Janda,

Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region 1, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337–5371, fax (610) 337–5269.

Dated at King of Prussia, Pennsylvania this 21st day of March, 2003.

For the Nuclear Regulatory Commission.

**John D. Kinneman,**

*Chief, Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region I.*

[FR Doc. 03–7488 Filed 3–27–03; 8:45 am]

**BILLING CODE 7590–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

*Extension:*

Rule 12b–1—SEC File No. 270–188, OMB Control No.–3235–0212.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 [44 U.S.C. 3501], the Securities and Exchange Commission (''Commission'') is soliciting public comments on the collection of information under the Investment Company Act of 1940 [15 U.S.C. 80a] (the ''Act'') summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 12b–1 [17 CFR 270.12b–1] under Act the permits a registered open-end investment company (''mutual fund'') to distribute its own shares and pay the expenses of distribution out of the mutual fund's assets provided, among other things, that the mutual fund adopts a written plan (''rule 12b–1 plan'') and has in writing any agreements relating to the implementation of the rule 12b–1 plan. The rule in part requires that (i) the adoption or material amendment of a rule 12b–1 plan be approved by the mutual fund's directors and shareholders; (ii) the board review quarterly reports of amounts spent under the rule 12b–1 plan; and (iii) the board consider continuation of the rule 12b–1 plan at least annually. Rule 12b–1 also requires funds relying on the rule to preserve for six years, the first two years in an easily accessible place, copies of the rule 12b–1 plan, related agreements and reports, as well as minutes of board meetings that describe the factors considered and the basis for adopting or continuing a rule 12b–1 plan.

The board and shareholder approval requirements of rule 12b–1 are designed to ensure that fund shareholders and directors receive adequate information to evaluate and approve a rule 12b–1 plan. The requirement of quarterly reporting to the board is designed to ensure that the rule 12b–1 plan continues to benefit the fund and its shareholders. The recordkeeping requirements of the rule are necessary to enable Commission staff to oversee compliance with the rule.

Based on information filed with the Commission by funds, Commission staff estimates that there are 6,217 mutual fund portfolios with rule 12b–1 plans. As discussed above, rule 12b–1 requires the board of each fund with a rule 12b–1 plan to (i) review quarterly reports of amounts spent under the plan and (ii) annually consider the plan's continuation (which generally is combined with the fourth quarterly review). This results in a total number of annual responses per fund of four and an estimated total number of industry responses of 24,868 (6,217 fund portfolios × 4 annual responses per fund = 24,868 responses).

Based on conversations with fund industry representatives, Commission staff estimates that for each of the 6,217 mutual fund portfolios that currently have a rule 12b–1 plan, the average annual burden of complying with the rule is 100 hours to maintain the plan. This estimate takes into account the time needed to prepare quarterly reports to the board of directors, the board's consideration of those reports, and the board's annual consideration of the plan's continuation. Commission staff therefore estimates that the total burden of the rule's paperwork requirements for all funds is 621,700 hours (6,217 fund portfolios × 100 hours per fund = 621,700 hours).

The estimate of burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of Commission rules.

If a currently operating fund seeks to (i) adopt a new rule 12b–1 plan or (ii) materially increase the amount it spends for distribution under its rule 12b–1 plan, rule 12b–1 requires that the fund obtain shareholder approval. As a consequence, the fund will incur the cost of a proxy. Commission staff estimates that three funds per year prepare a proxy in connection with the adoption or material amendment of a rule 12b–1 plan. Commission staff further estimates that the cost of each fund's proxy is $15,000. Thus the total annualized cost burden of rule 12b–1 to the fund industry is $45,000 (3 funds requiring a proxy × $15,000 per proxy).

The collections of information required by rule 12b–1 are necessary to obtain the benefits of the rule. Notices to the Commission will not be kept confidential. The Commission is seeking OMB approval because an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are requested on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens 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 Kenneth A. Fogash, Acting Associate Executive Director/CIO, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: March 20, 2003.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 03–7396 Filed 3–27–03; 8:45 am]

**BILLING CODE 8010–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting Notice

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 31, 2003:

Open Meetings will be held on Tuesday, April 1, 2003 at 10 a.m., in Room 1C30, the William O. Douglas Room, and Wednesday, April 2, 2003 at 10 a.m., in Room 1C30, the William O. Douglas Room. Closed Meetings will be held on Tuesday, April 1, 2003 at 2:30 p.m., and Wednesday, April 2, 2003 at 11 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the