

information available at the time the petition is to be filed, such as the application, supporting safety analysis report, environmental report or other supporting document filed by an applicant or licensee, or otherwise available to the petitioner. On issues arising under the National Environmental Policy Act, the requester/petitioner shall file contentions based on the applicant's environmental report. The requester/petitioner may amend those contentions or file new contentions if there are data or conclusions in the NRC draft, or final environmental impact statement, environmental assessment, or any supplements relating thereto, that differ significantly from the data or conclusions in the applicant's documents. Otherwise, contentions may be amended or new contentions filed after the initial filing only with leave of the presiding officer.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical—primarily concerns issues relating to matters discussed or referenced in the Safety Evaluation Report for the proposed action.
2. Environmental—primarily concerns issues relating to matters discussed or referenced in the Environmental Report for the proposed action.
3. Emergency Planning—primarily concerns issues relating to matters discussed or referenced in the Emergency Plan as it relates to the proposed action.
4. Physical Security—primarily concerns issues relating to matters discussed or referenced in the Physical Security Plan as it relates to the proposed action.
5. Miscellaneous—does not fall into one of the categories outlined above.

If the requester/petitioner believes a contention raises issues that cannot be classified as primarily falling into one of these categories, the requester/petitioner must set forth the contention and supporting bases, in full, separately for each category into which the requester/petitioner asserts the contention belongs with a separate designation for that category.

Requesters/petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention, for which one of the co-sponsoring requesters/petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309(f)(3), any requester/petitioner that wishes to adopt a contention proposed by another requester/petitioner must do so in writing within ten days of the date

the contention is filed, and designate a representative who shall have the authority to act for the requester/petitioner.

In accordance with 10 CFR 2.309(g), a request for hearing and/or petition for leave to intervene may also address the selection of the hearing procedures, taking into account the provisions of 10 CFR 2.310.

### III. Opportunity To Provide Comments

In accordance with 10 CFR 20.1405, the NRC is providing notice to individuals in the vicinity of the site that the NRC has received a license amendment request and decommissioning plan from the Army. The NRC will accept comments concerning this amendment request and DP. Comments with respect to this action should be provided in writing within 30 days of this notice and addressed to Mr. Tom McLaughlin, U.S. NRC, Washington, DC 20555-0001. Comments received after 30 days will be considered if practicable to do so, but only those comments received on or before the due date can be assured consideration.

### IV. Further Information

Documents related to this action, including the application for 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 Agency wide 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 is ML041490071. 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).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, located in O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or

copying by contacting the Public Document Room pending resumption of public access to ADAMS.

Dated at Rockville, Maryland, this 20th day of December, 2004.

For the Nuclear Regulatory Commission.

**Daniel M. Gillen,**

*Acting Director, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 04-28298 Filed 12-27-04; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting; Notice

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATE:** Weeks of December 27, 2004, January 3, 10, 17, 24, 31, 2005.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

*Week of December 27, 2004*

There are no meetings scheduled for the week of December 27, 2004.

*Week of January 3, 2005—Tentative*

Wednesday, January 5, 2005

2 p.m.—Affirmation Session (Public Meeting) (Tentative).

- a. Private Fuel Storage (Independent Spent Fuel Storage Installation); Docket No. 72-22-ISFSI (Tentative).

*Week of January 10, 2005—Tentative*

Tuesday, January 11, 2005

9:30 a.m.—Discussion of Security Issues (Closed—Ex. 1 & 9).

Wednesday, January 12, 2005

9:30 a.m.—Discussion of Security Issues (Closed—Ex. 1).

*Week of January 17, 2005—Tentative*

There are no meetings scheduled for the week of January 17, 2005.

*Week of January 24, 2005—Tentative*

Monday, January 24, 2005

9:30 a.m.—Discussion of Security Issues (Closed—Ex. 1).

1:30 p.m.—Discussion of Security Issues (Closed—Ex. 1).

Tuesday, January 25, 2005

9:30 a.m.—Discussion of Security Issues (Closed—Ex. 1).

*Week of January 31, 2005—Tentative*

There are no meetings scheduled for the week of January 31, 2005.

\* The schedule for Commission meetings is subject to change on short

notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: Dave Gamberoni (301) 415-1651.

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/what-we-do/policy-making/schedule.html>

\* \* \* \* \*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, August Spector, at 301-415-7080, TDD: 301-415-2100, or by e-mail at [aks@nrc.gov](mailto:aks@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

\* \* \* \* \*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: December 22, 2004.

**R. Michelle Schroll,**

*Office of the Secretary.*

[FR Doc. 04-28451 Filed 12-23-04; 9:29 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-26712; File No. 812-13122]

### Merrill Lynch Life Insurance Group, et al. Notice of Application

December 21, 2004.

**AGENCY:** The Securities and Exchange Commission ("Commission").

**ACTION:** Notice of application (the "Application") for an order of exemption pursuant to Section 6(c) of the Investment Company Act of 1940 (the "1940 Act") from Sections 2(a)(32) and 27(i)(2)(a) of the Act and Rule 22c-1 thereunder to allow recapture of a bonus amount.

*Applicants:* Merrill Lynch Life Insurance Company ("MLLIC"), Merrill Lynch Life Variable Annuity Separate

Account A ("Account A"), Merrill Lynch Variable Annuity Separate Account C ("Account C"), Merrill Lynch Variable Annuity Separate Account D ("Account D"), ML Life Insurance Company of New York ("MLNY"), ML of New York Variable Annuity Separate Account A ("NY Account A"), ML of New York Variable Annuity Separate Account C ("NY Account C"), ML of New York Variable Annuity Separate Account D ("NY Account D"), and Merrill Lynch, Pierce, Fenner & Smith Incorporated ("MLPF&S") (except for MLLIC, MLNY, and MLPF&S, each a "separate account" as defined in Section 2(a)(37) of the Investment Company Act of 1940, as amended (the "Act"); each separate account collectively referred to herein as the "Separate Accounts") (all foregoing parties collectively referred to herein as the "Applicants").

*Summary of Application:* The Applicants request an order exempting them with respect to the variable annuity contracts described herein (the "Contracts") and other variable annuity contracts that are substantially similar in all material respects to the contracts described herein, that MLLIC and/or MLNY (together, the "Companies") may issue in the future ("Future Contracts"), and any other separate accounts of the Companies and their successors in interest ("Future Accounts") that support Future Contracts, and certain NASD member broker-dealers which in the future, may act as principal underwriter of such contracts ("Future Underwriters"), from the provisions of Sections 2(a)(32) and 27(i)(2)(A) of the Act and Rule 22c-1 thereunder, pursuant to Section 6(c) of the Act, to the extent necessary to permit the recapture of all or a portion of the bonus amounts (previously attributable to premium payments under the bonus class of the Contract (the "XC Class")) where the bonus amounts were applied and a contract owner ("Owner") (1) returns the Contract during the "Ten Day Right to Review" period (the "Free Look Period"); (2) dies within six months of receipt and acceptance by MLLIC or MLNY of a premium payment (unless the Contract is continued under the spousal benefit continuation option); or (3) surrenders the Contract (in full or in part) or the surrender value is paid to the Owner (because the Contract has been terminated for inactivity) within three years of receipt and acceptance by MLLIC or MLNY of a premium payment (pursuant to a bonus recapture schedule).

*Filing Date:* The Application was filed on September 3, 2004 and amended on December 20, 2004.

*Hearing or Notification of Hearing:* An order granting the Application will be issued unless the Commission orders a hearing. Interested person may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on January 18, 2005, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Edward W. Diffin, Jr., Esq., Merrill Lynch Insurance Group, Inc., 1300 Merrill Lynch Drive, 2nd Floor, Pennington, New Jersey 08534. Copies to Mary E. Thornton, Esq., Sutherland Asbill & Brennan LLP, 1275 Pennsylvania Ave., NW., Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Robert Lamont, Attorney, at (202) 942-0676, or Lorna MacLeod, Branch Chief, at (202) 942-0670, Office of Insurance Products, Division of Investment Management.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the Application; the complete Application may be obtained for a fee from the Public Reference Branch of the Commission, 450 5th Street, NW., Washington, DC 20549 (tel. (202) 942-8090).

### Applicants' Representations

1. MLLIC is a stock life insurance company that is domiciled in Arkansas. MLLIC was incorporated under the laws of the State of Washington on January 27, 1986, and redomesticated to the State of Arkansas on August 31, 1991. MLLIC is authorized to operate as a life insurance company in forty-nine states, the District of Columbia, the U.S. Virgin Islands, Guam, and Puerto Rico. Its principal offices are located at 1300 Merrill Lynch Drive, 2nd Floor, Pennington, New Jersey 08534. MLLIC is a wholly owned subsidiary of Merrill Lynch Insurance Group, Inc. ("MLIG"). MLLIC is an indirect wholly owned subsidiary of Merrill Lynch & Co., Inc., a publicly held company whose shares are traded on the New York Stock Exchange.

2. MLNY is a stock life insurance company that was organized under the