

status survey submitted by the Department of the Army. Based on its review, the staff has determined that there are no additional remediation activities necessary to complete the proposed action. Therefore, the staff considered the impact of 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. Additionally, no non-radiological or cumulative impacts were identified.

### III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the license amendment to release Building 120 for unrestricted use. The NRC staff has evaluated the Department of the Army, Watervliet Arsenal'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 radiological 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). Additionally, no non-radiological or cumulative impacts were identified. 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 [ML053290136] and the Final Survey Report for Room 255, Building 120, Watervliet Arsenal, dated March 2005 [ADAMS Accession No. ML051080464]. 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).

Documents related to operations conducted under this license not specifically referenced in this Notice may not be electronically available and/or may not be publicly available. Persons who have an interest in reviewing these documents should submit a request to the NRC under the Freedom of Information Act (FOIA). Instructions for submitting a FOIA request can be found on the NRC's Web site at <http://www.nrc.gov/reading-rm/foia-privacy.html>.

Dated at King of Prussia, Pennsylvania, this 25th day of November, 2005.

For the Nuclear Regulatory Commission.

**James P. Dwyer,**

*Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.*

[FR Doc. E5-6829 Filed 12-2-05; 8:45 am]

**BILLING CODE 7590-01-P**

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### SECURITIES AND EXCHANGE COMMISSION

#### **Proposed Collection; Comment Request; Upon Written Request, Copy Available From: Securities and Exchange, Commission, Office of Filings and Information Services, Washington, DC 20549**

Extension: Form N-54A; SEC File No. 270-182; OMB Control No. 3235-0237.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 [44 U.S.C. 3501 *et seq.*] (the "PRA"), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

- Form N-54A under the Investment Company Act of 1940; Notification of Election to be Subject to Sections 55 through 65 of the Investment Company Act of 1940 Filed Pursuant to Section 54(a) of the Act.

Form N-54A [17 CFR 274.53] is a notification to the Commission of election to be regulated as a business development company. A company making such an election only has to file a Form N-54A once.

It is estimated that approximately 46 respondents per year file with the Commission a Form N-54A. Form N-54A requires approximately 0.5 burden hours per response resulting from creating and filing the information required by the Form. The total burden hours for Form N-54A would be 23.0

hours per year in the aggregate. The estimated annual burden of 23.0 hours represents an increase of 21.0 hours over the prior estimate of 2.0 hours. The increase in burden hours is attributable to an increase in the number of respondents from 4 to 46.

The estimate of average burden hours for Form N-54A is made solely for the purposes of the PRA and is not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden 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 R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

Dated: November 23, 2005.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. E5-6819 Filed 12-2-05; 8:45 am]

**BILLING CODE 8010-01-P**

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### SECURITIES AND EXCHANGE COMMISSION

#### **Sunshine Act Meeting**

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** [To Be Announced].

**STATUS:** Closed Meeting.

**PLACE:** 450 Fifth Street, NW., Washington, DC.

**DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING:** Thursday, December 8, 2005, at 2 p.m.

**CHANGE IN THE MEETING:** Deletion of Item.

The following item will not be considered during the Closed Meeting on December 8, 2005:

#### **Adjudicatory Matter**

Commissioner Atkins, as duty officer, determined that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 942-7070.

Dated: December 1, 2005.

**Jonathan G. Katz,**

Secretary.

[FR Doc. 05-23687 Filed 12-1-05; 3:50 pm]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-52844; File No. SR-Amex-2005-064]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto Relating to Telemarketing

November 28, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,<sup>1</sup> (“Exchange Act”) and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 14, 2005, the American Stock Exchange LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“Commission” or “SEC”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On September 23, 2005, the Amex filed Amendment No. 1 to the proposed rule change.<sup>3</sup> On November 15, 2005, the Amex filed Amendment No. 2 to the proposed rule change.<sup>4</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

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

The Exchange is proposing to amend Amex Rule 429 (“Telemarketing”) to require Amex members and member organizations to participate in the National Do-Not-Call Registry maintained by the Federal Trade Commission (“FTC”) and to follow applicable regulations of the Federal Communications Commission (“FCC”).

The current text of Amex Rule 429 would be deleted. The text of the

proposed rule change is set forth below. *Italics* indicate new text.

#### Telemarketing

##### Rule 429.

##### (a) General Telemarketing Requirements

*No member or member organization, or person associated with a member or member organization shall initiate any telephone solicitation, as defined in paragraph (g)(2) of this rule, to:*

##### (1) Time of Day Restriction

*Any residence of a person before the hour of 8 a.m. or after 9 p.m. (local time at the called party’s location), unless*

*(A) the member has an established business relationship with the person pursuant to paragraph (g)(1)(A),*

*(B) the member has received that person’s prior express invitation or permission, or*

*(C) the person called is a broker or dealer;*

##### (2) Firm Specific Do-Not-Call List

*Any person that previously has stated that he or she does not wish to receive an outbound telephone call made by or on behalf of the member; or*

##### (3) National Do-Not-Call List

*Any person who has registered his or her telephone number on the Federal Trade Commission’s national do-not-call registry.*

##### (b) National Do-Not-Call List Exceptions

*A member making telephone solicitations will not be liable for violating paragraph (a)(3) if:*

##### (1) Established Business Relationship Exception

*The member has an established business relationship with the recipient of the call. A person’s request to be placed on the firm-specific do-not-call list terminates the established business relationship exception to that national do-not-call list provision for that member even if the person continues to do business with that member;*

##### (2) Prior Express Written Consent Exception

*The member has obtained the person’s prior express invitation or permission. Such permission must be evidenced by a signed, written agreement between the person and the member which states that the person agrees to be contacted by the member and includes the telephone number to which the calls may be placed; or*

##### (3) Personal Relationship Exception

*The associated person making the call has a personal relationship with the recipient of the call.*

##### (c) Safe Harbor Provision

*A member or person associated with a member making telephone solicitations will not be liable for violating paragraph (a)(3) if the member or person associated with the member demonstrates that the violation is the result of an error and that as part of the member’s routine business practice, it meets the following standards:*

*(1) Written procedures. The member has established and implemented written procedures to comply with the national do-not-call rules;*

*(2) Training of personnel. The member has trained its personnel and any entity assisting in its compliance, in procedures established pursuant to the national do-not-call rules;*

*(3) Recording. The member has maintained and recorded a list of telephone numbers that it may not contact; and*

*(4) Accessing the national do-not-call database. The member uses a process to prevent telephone solicitations to any telephone number on any list established pursuant to the do-not-call rules, employing a version of the national do-not-call registry obtained from the administrator of the registry no more than thirty-one (31) days prior to the date any call is made, and maintains records documenting this process.*

##### (d) Procedures

*Prior to engaging in telemarketing, a member must institute procedures to comply with paragraph (a). Such procedures must meet the following minimum standards:*

*(1) Written policy. Members must have a written policy for maintaining a do-not-call list.*

*(2) Training of personnel engaged in telemarketing. Personnel engaged in any aspect of telemarketing must be informed and trained in the existence and use of the do-not-call list.*

*(3) Recording, honoring of do-not-call requests. If a member receives a request from a person not to receive calls from that member, the member must record the request and place the person’s name, if provided, and telephone number on the firm’s do-not-call list at the time the request is made. Members must honor a person’s do-not-call request within a reasonable time from the date such request is made. This period may not exceed thirty days from the date of such request. If such requests*

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

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

<sup>3</sup> In Amendment No. 1, the Amex partially amended the text of proposed amended Amex Rule 429 and made conforming and technical changes to the original filing.

<sup>4</sup> In Amendment No. 2, the Amex made additional changes to the text of proposed amended Amex Rule 429 and to the original filing.