

airborne radioactivity or steam leaks that may occur during performance of testing.

The protection provided by the normally required Mode 4 applicable LCOs, in addition to the secondary containment requirements required to be met by LCO 3.10.1, minimizes potential consequences in the event of any postulated abnormal event during testing. In addition, the requested modification to LCO 3.10.1 does not create any new modes of operation or operating conditions that are not currently allowed. Therefore, the staff finds the proposed change acceptable.

#### 4.0 State Consultation

In accordance with the Commission's regulations, the [Name of State] State official was notified of the proposed issuance of the amendment. The State official had [no] comments. [If comments were provided, they should be addressed here].

#### 5.0 Environmental Consideration

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding issued on [Date] ([ ] FR [ ]). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

#### 6.0 Conclusion

The Commission has concluded, based on the considerations discussed above, that: (1) There is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

#### 7.0 References

1. NUREG-1433, "General Electric Plants, BWR/4, Revision 3, Standard Technical Specifications (STS)", August 31, 2003.
2. NUREG-1434, General Electric Plants, BWR/6, Revision 3, Standard Technical Specifications (STS)", August 31, 2003.
3. Request for Additional Information (RAI) Regarding TSTF-484, April 7, 2006, ADAMS accession number ML060970568.
4. Response to NRC RAIs Regarding TSTF-484, June 5, 2006, ADAMS accession number ML061560523.
5. TSTF-484 Revision 0, "Use of TS 3.10.1 for Scram Times Testing Activities", May 5, 2005, ADAMS accession number ML052930102.
6. TSTF Response to NRC Notice for Comment, September 20, 2006, ADAMS accession number ML062650171.

*Principal Contributor:* Aron Lewin.

Dated at Rockville, Maryland this 12th of October 2006.

For the Nuclear Regulatory Commission.  
**Timothy Kobetz,**  
*Branch Chief, Technical Specifications Branch, Division of Inspections and Regional Support, Office of Nuclear Reactor Regulation.*

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**BILLING CODE 7590-01-P**

### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS350]

#### WTO Dispute Settlement Proceeding Regarding Measures Related to Zeroing and Certain Investigations, Administrative Reviews and Sunset Reviews Involving Products From the European Communities

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Office of the United States Trade Representative ("USTR") is providing notice that the European Communities (EC) has requested consultations with the United States under the Marrakesh Agreement Establishing the World Trade Organization ("WTO Agreement") concerning various measures relating to zeroing and antidumping duty orders on certain products from the EC. The EC alleges that determinations made by U.S. authorities concerning these products, and certain related matters, are inconsistent with Articles 1, 2.1, 2.4, 2.4.2, 5.8, 9.1, 9.3, 9.5, 11, 18.3 and 18.4 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ("AD Agreement"), Article VI of the General Agreement on Tariffs and Trade 1994

("GATT 1994"), and Article XVI:4 of the WTO Agreement. That request may be found at <http://www.wto.org> contained in documents designated as WT/DS350/1 and WT/DS350/1/Add.1. USTR invites written comments from the public concerning the issues raised in this dispute. In connection with the issues raised in the request for consultations, the public should be aware that on March 6, 2006, the Department of Commerce announced that it will no longer use "zeroing" when making average-to-average comparisons in an antidumping investigation. See 71 FR 11189.

**DATES:** Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before November 15, 2006 to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted (i) electronically, to [FR0702@ustr.eop.gov](mailto:FR0702@ustr.eop.gov), Attn: "EC Zeroing II (DS350)" in the subject line, or (ii) by fax, to Sandy McKinzy at (202) 395-3640. For documents sent by fax, USTR requests that the submitter provide a confirmation copy to the electronic mail address listed above.

**FOR FURTHER INFORMATION CONTACT:** Elissa Alben, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (202) 395-9622.

**SUPPLEMENTARY INFORMATION:** USTR is providing notice that consultations have been requested pursuant to the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within nine months after it is established.

#### Major Issues Raised by the EC

With respect to the measures at issue, the EC's request for consultations refers to the following:

1. The implementing regulations of the U.S. Department of Commerce ("DOC"), § 19 CFR Part 351, in particular § 351.414(c)(2);
2. The methodology of the DOC for determining the dumping margin in reviews on the basis of the comparison of a weighted average normal value with individual export prices;
3. The determinations of dumping by the DOC, the determinations of injury by the U.S. International Trade Commission ("ITC"), the DOC notices

for the imposition of the antidumping duty, and any automatic assessment instructions issued pursuant to them, in the following investigations:<sup>1</sup>

- Purified carboxymethylcellulose from Switzerland, DOC Case No. A-401-808, ITC Case No. 731-TA-1087;
- Purified carboxymethylcellulose from the Netherlands, DOC Case No. A-421-811, ITC Case No. 731-TA-1086;
- Purified carboxymethylcellulose from Finland, DOC Case No. A-405-803, ITC Case No. 731-TA-1084;
- Chlorinated isocyanurates from Spain, DOC Case No. A-469-814, ITC Case No. 731-TA-1083;

4. The final results of the administrative reviews by the DOC in the following proceedings, and any assessment instructions issued pursuant to them:

- Ball Bearings from France, DOC Case No. A-427-801, 68 FR 35623 (June 16, 2003), amended 68 FR 43712 (July 24, 2003);
- Ball Bearings from Germany, DOC Case No. A-428-801, 68 FR 35623 (June 16, 2003);
- Ball Bearings from Italy, DOC Case No. A-475-801, 68 FR 35623 (June 16, 2003);
- Stainless Steel Sheet and Strip Coils from Italy, DOC Case No. A-475-824, 68 FR 69382 (December 12, 2003);
- Certain Pasta from Italy, DOC Case No. A-475-818, 69 FR 6255 (February 10, 2004), amended 69 FR 81 (April 27, 2004);
- Stainless Steel Sheet and Strip Coils from Germany, DOC Case No. A-428-825, 69 FR 6262, (February 10, 2004);
- Certain Hot-rolled Carbon Steel Flat Products from Netherlands, DOC Case No. A-421-807, 69 FR 115, (June 16, 2004), amended 69 FR 43801 (July 22, 2004);
- Stainless Steel Bar from Germany, DOC Case No. A-428-830, 69 FR 113 (June 14, 2004);
- Stainless Steel Bar from Italy, DOC Case No. A-475-829, 69 FR 113 (June 14, 2004);
- Antifriction Bearings and Parts thereof from France, DOC Case No. A-427-801, 69 FR 55574 (September 15, 2004), amended 69 FR 62023 (October 22, 2004);
- Antifriction Bearings and Parts thereof from Germany, DOC Case No. A-428-801, 69 FR 55574 (September 15, 2004), amended 69 FR 63507 (November 2, 2004);

- Antifriction Bearings and Parts thereof from Italy, DOC Case No. A-475-801, 69 FR 55574 (September 15, 2004), amended 69 FR 62023 (October 22, 2004);
- Antifriction Bearings and Parts thereof from the United Kingdom, DOC Case No. A 412-801, 69 FR 55574 (September 15, 2004), amended 69 FR 62023 (October 22, 2004);
- Stainless Steel Plate in Coils from Belgium, DOC Case No. A-423-808, 69 FR 74495 (December 14, 2004), amended 70 FR 2999 (January 19, 2005);
- Stainless Steel Sheet and Strip in Coils from Germany, DOC Case No. A-428-825, 69 FR 75930, (December 20, 2004);
- Steel Concrete Reinforcing Bars from Latvia, DOC Case No. A-449-804, 69 FR 74498 (December 14, 2004);
- Certain Pasta from Italy, DOC Case No. A-475-818, 70 FR 6832 (February 9, 2005);
- Certain Hot-rolled Carbon Steel Flat Products from the Netherlands, DOC Case No. A-421-807, 70 FR 18366 (April 11, 2005);
- Stainless Steel Bar from Germany, DOC Case No. A-428-830, 71 FR 42802 (July 28, 2006), amended 71 FR 52063 (September 1, 2006);
- Stainless Steel Bar from France, DOC Case No. A-427-820, 70 FR 46482 (August 10, 2005);
- Ball Bearings and parts thereof from France, DOC Case No. A-427-801, 70 FR 54711 (September 16, 2005);
- Ball Bearings and parts thereof from Germany, DOC Case No. A-428-801, 70 FR 54711 (September 16, 2005);
- Ball Bearings and parts thereof from Italy, DOC Case No. A-475-801, 70 FR 54711 (September 16, 2005);
- Ball Bearings and parts thereof from the United Kingdom, DOC Case No. A-412-801, 70 FR 54711 (September 16, 2005);
- Certain Pasta from Italy, DOC Case No. A-475-818, 70 FR 71464 (November 29, 2005);
- Stainless Steel Plate in Coils from Belgium, DOC Case No. A-423-808, 70 FR 72789 (December 7, 2005);
- Stainless Steel Sheet and Strip in Coils from Germany, DOC Case No. A-428-825, 70 FR 73729 (December 13, 2005);
- Steel Concrete Reinforcing Bars from Latvia, DOC Case No. A-449-804, 71 FR 7016 (February 10, 2006);
- Stainless Steel Bar from France, DOC Case No. A-427-820, 71 FR 30873 (May 31 2006);
- Ball Bearings and parts thereof from France, DOC Case No. A-427-801, 71 FR 40064 (July 14, 2006);
- Ball Bearings and parts thereof from Germany, DOC Case No. A-428-801, 71 FR 40064 (July 14, 2006);

- Ball Bearings and parts thereof from Italy, DOC Case No. A-475-801, 71 FR 40064 (July 14, 2006);

- Steel Concrete Reinforcing Bars from Latvia, DOC Case No. A-449-804, 71 FR 45031 (August 8, 2006);
- Stainless Steel Sheet and Strip in Coils from Italy, DOC Case No. A-475-824, 70 FR 7472 (February 14, 2005), amended 70 FR 13009 (March 17, 2005);
- Stainless Steel Sheet and Strip in Coils from Germany, DOC Case No. A-428-825, 71 FR 45024 (August 8, 2006);

5. The final results of the sunset review in the following proceeding:

- Brass Sheet and Strip from Germany, DOC Case No. A-428-602, ITC Case No. 731-TA-317.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons may submit their comments either (i) electronically, to [FR0702@ustr.eop.gov](mailto:FR0702@ustr.eop.gov), Attn: "EC Zeroing II (DS350)" in the subject line, or (ii) by fax to Sandy McKinzy at (202) 395-3640. For documents sent by fax, USTR requests that the submitter provide a confirmation copy to the electronic mail address listed above.

USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

<sup>1</sup> For the precise EC description of these determinations and notices, including the dates of publication in the *Federal Register*, see Annex I of the EC's consultation request, which is available on the WTO Web site's document distribution facility as document "WT/DS350/1" and document "WT/DS350/Add.1".

(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of the cover page and each succeeding page; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened or in the event of an appeal from such a panel, the U.S. submissions, the submissions, or non-confidential summaries of submissions, received from other participants in the dispute; the report of the panel, and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket No. WT/DS-350, EC Zeroing II) may be made by calling the USTR Reading Room at (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday.

**Daniel E. Brinza,**

*Assistant United States Trade Representative for Monitoring and Enforcement.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-27521; 812-13191]

### Investment Technology Group, Inc.; Notice of Application

October 23, 2006.

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

**ACTION:** Notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 (the "Act").

**SUMMARY:** Applicant requests an exemption from section 9(a) of the Act with respect to a securities-related injunction entered in 1987.

*Applicant:* Investment Technology Group, Inc. ("ITG").

*Filing Dates:* The application was filed on May 24, 2005 and amended on June 23, 2006.

*Hearing or Notification of Hearing:* Interested persons may request a hearing by writing to the Commission's

Secretary 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 November 17, 2006 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 who wish to be notified of a hearing may request notification by writing to the Commission's Secretary. An order granting the application will be issued unless the Commission orders a hearing.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090; Applicant, 380 Madison Avenue, 4th Floor, New York, NY 10017.

**FOR FURTHER INFORMATION CONTACT:** Emerson Davis, Sr., Senior Counsel, or Stacy L. Fuller, Branch Chief, at (202) 551-6821, Division of Investment Management, Office of Investment Company Regulation.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch, 100 F Street, NE., Washington, DC 20549-1580 (202-551-8090).

### Applicant's Representations

1. ITG, a Delaware corporation, provides electronic execution, technology-based equity trading, and research services to a number of large institutional clients. ITG began operations in 1987 as a division of Jefferies & Company, Inc. ("Jefferies Broker-Dealer"), a broker-dealer registered under the Securities Exchange Act of 1934 ("1934 Act") and a wholly owned subsidiary of Jefferies Group, Inc. ("Jefferies Group"). In 1991, ITG was incorporated separately as a wholly owned subsidiary of Jefferies Group. In 1994, ITG made an initial public offering of its common stock, with Jefferies Group continuing to own approximately 80% of ITG's outstanding common stock. In 1999, Jefferies Group transferred all of its assets and liabilities relating to its full-service brokerage and investment banking business, including Jefferies Broker-Dealer (and not including ITG, which remained as Jefferies Group's sole asset), to a new corporation ("New Jefferies Group"), and distributed shares of New Jefferies Group to Jefferies Group's shareholders. Jefferies Group then merged with and was renamed ITG. New Jefferies Group and ITG are not affiliated persons

within the meaning of the Act. The Chairman of the Board, President and Chief Executive Officer of ITG, Mr. Raymond L. Killian, was an Executive Vice President of Jefferies Group at the time of, but was not involved in the conduct underlying, the 1987 Injunction, as defined below.

2. On March 19, 1987, the United States District Court for the Southern District of New York entered a permanent injunction against Mr. Boyd L. Jefferies ("Mr. Jefferies"), Jefferies Broker-Dealer, and Jefferies Group, prohibiting them from violating, or aiding and abetting violations of, certain provisions of the 1934 Act ("1987 Injunction").<sup>1</sup> The violations involved manipulating the market in certain securities and engaging in "parking" during the period 1985-86. The Commission also instituted and settled administrative proceedings against Mr. Jefferies and Jefferies Broker-Dealer.<sup>2</sup>

### Applicant's Legal Analysis

1. Section 9(a) of the Act, in relevant part, prohibits any person who has been enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of a security, and any other company of which the person is or hereafter becomes an affiliated person, from acting, among other things, as a principal underwriter or investment adviser for registered investment companies ("funds"). Applicant states that the 1987 Injunction prohibits it from serving funds in the manner described in section 9(a). Applicant further states that, although it has not served and does not serve in any such capacity with respect to any fund, as a financial services company, applicant in the future may determine to become an investment adviser or principal underwriter to funds, or an affiliated person of such an adviser or underwriter.

2. Section 9(c) of the Act provides that the Commission shall grant an application for an exemption from the disqualification provisions of section 9(a) if it is established that these provisions, as applied to the applicant, are unduly or disproportionately severe or that the conduct of applicant has been such as not to make it against the public interest or the protection of investors to grant the application. Applicant seeks an order under section 9(c) with respect to the 1987 Injunction.

<sup>1</sup> *Securities and Exchange Commission v. Boyd L. Jefferies, et al.*, Litigation Release No. 11370 (March 19, 1987).

<sup>2</sup> In the Matter of Jefferies & Company, Inc. and Boyd L. Jefferies, Exchange Act Release No. 24231 (March 19, 1987).