

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action 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) Volumes 1-3 (ML042310492, ML042320379, and ML042330385). Accordingly, there were no significant environmental impacts from the use of radioactive material at the Facility. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has found no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use is in compliance with 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity at the Facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release. Additionally, a denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

#### *Conclusion*

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria

specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

#### *Agencies and Persons Consulted*

NRC provided a draft of this Environmental Assessment to the State of New Jersey Department of Environmental Protection for review on June 13, 2006. On June 29, 2006, the Department of Environmental Protection responded by letter. The State agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

#### **III. Finding of No Significant Impact**

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

#### **IV. Further Information**

Documents related to this action, including the application for 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 documents related to this action are listed below, along with their ADAMS accession numbers.

1. Amendment Request Letter dated January 17, 2006 [ML060240189];
2. Letter with additional information dated April 28, 2006 [ML061300452];
3. NUREG-1757, "Consolidated NMSS Decommissioning Guidance;"
4. Title 10 Code of Federal Regulations, part 20, subpart E, "Radiological Criteria for License Termination;"

5. Title 10, Code of Federal Regulations, part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;"

6. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities."

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, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at 475 Allendale Road, King of Prussia, PA, this 29th day of August 2006.

For the Nuclear Regulatory Commission.

**James P. Dwyer,**

*Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region 1.*

[FR Doc. E6-14874 Filed 9-7-06; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Nuclear Waste; Notice of Meeting**

The Advisory Committee on Nuclear Waste (ACNW) will hold its 173rd meeting on September 18-21, 2006, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The schedule for this meeting is as follows:

*Monday, September 18, 2006*

*10 a.m.-10:05 a.m.: Opening Remarks by the ACNW Chairman (Open)*—The ACNW Chairman, Dr. Michael Ryan, will make opening remarks regarding the conduct of today's sessions.

*10:05 a.m.-11:30 a.m.: Observations from ACNW Members and Staff on recent Activities (Open)*—ACNW members and staff will present a summary of their visit to Crow Butte In Situ Leach Facility in Nebraska and attendance at the U.S. Department of Energy (DOE) Workshop on Low Dose Radiation Research Program; and the International Commission on Radiological Protection (ICRP) Workshop.

*12:30 p.m.-5 p.m.: Discussion of Draft ACNW Letter Reports (Open)*—The Committee will discuss proposed ACNW letters.

Tuesday, September 19, 2006

ACNW Working Group Meeting on Using Monitoring to Build Model Confidence—Day 1 (Open)

8:30 a.m.–8:45 a.m.: *Opening Remarks and Introductions* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of today's sessions. ACNW Member Dr. James Clarke will provide an overview of the Working Group Meeting (WGM), including the meeting purpose and scope, and introduce invited subject matter experts.

Session I: Role of Models and Monitoring Programs in Licensing

8:45 a.m.–12 p.m.: Representatives from the industry (Energy Solutions-Duratek-Chem Nuclear, and Radiation Safety Control, Inc.) will discuss the licensee's perspective on the role of models and monitoring in demonstrating compliance with licensing criteria. NRC staff will address NRC's perspectives on the use of ground water monitoring and modeling for regulatory decision making. At the end of this Session, a panel discussion by Committee members and invited subject matter experts will take place.

Session II: Evaluating Radionuclide Releases and Ground Water Contamination (Case Studies)

1 p.m.–5 p.m.: Representatives from national laboratories (Pacific Northwest, Savannah River, and Brookhaven) will discuss lessons learned from remedial, characterization, modeling and monitoring efforts at their sites. A representative from Energy Solutions-Duratek-Chem Nuclear will discuss ground water contaminant migration modeling projections at the Barnwell low-level waste site. At the end of this Session, a panel discussion by Committee members and invited subject matter experts will take place.

Wednesday, September 20, 2006

ACNW Working Group Meeting on Using Monitoring to Build Model Confidence—Day 2 (Open)

8:30 a.m.–8:45 a.m.: *Opening Remarks and Introductions*—The ACNW Chairman will make opening remarks regarding the conduct of today's sessions. ACNW Member Clarke will provide an overview of the WGM, including the meeting purpose and scope, and introduce invited subject matter experts.

Session III: Field Experience and Insights

8:45 a.m.–12 p.m.: Representatives from U.S. Geological Survey, U.S.

Environmental Protection Agency, U.S. Department of Energy, Pacific Northwest National Laboratory, and University of Wisconsin-Madison will discuss their efforts in developing, bench marking and improving models for different waste sites. At the end of this Session, a panel discussion by Committee members and invited subject matter experts will take place.

Session IV: Opportunities for Integrating Modeling and Monitoring

1 p.m.–4:30 p.m.: A representative from NRC's Office of Research will discuss modeling and monitoring integration issues. A representative from Fluor Hanford will discuss integrating modeling and monitoring activities to support long-term interactions and control of contaminants. At the end of this Session, a panel discussion by Committee members and invited subject matter experts will take place. A roundtable wrap up discussion will follow, when all participants will be able to provide their comments. Committee members will discuss their impressions of the WGM and a possible letter report to the Commission.

Thursday, September 21, 2006

8:30 a.m.–8:35 a.m.: *Opening Remarks by the ACNW Chairman* (Open)—The Chairman will make opening remarks regarding the conduct of today's sessions.

8:35 a.m.–10 a.m.: *Disposition of Public Comments on Spent Nuclear Fuel Transportation Package Responses to Tunnel Fire Scenarios (NUREG/CR-6886 for the Baltimore Tunnel and NUREG/CR-6894 for the Caldecott Tunnel)* (Open)—NMSS/SFPO representatives will brief the Committee on the public comments received for the two tunnel fire studies and how these comments were addressed in the final versions of the two NUREGs, expected to be released shortly for publication.

10:30 a.m.–4:30 p.m.: *Discussion of Potential and Draft ACNW Letter Reports* (Open)—The Committee will discuss potential and proposed ACNW letters reports.

4:30 p.m.–5 p.m.: *Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of ACNW activities and specific issues that were not completed during previous meetings, as time and availability of information permit. Discussions may include future Committee Meetings.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 11, 2005 (70 FR 59081). In accordance with these procedures, oral or written statements may be presented

by members of the public. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Persons desiring to make oral statements should notify Mr. Antonio F. Dias (Telephone 301-415-6805), between 8:15 a.m. and 5 p.m. ET, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Dias as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted, therefore can be obtained by contacting Mr. Dias.

ACNW meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at [pdr@nrc.gov](mailto:pdr@nrc.gov), or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System component of NRC's document system (ADAMS) which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> or <http://www.nrc.gov/reading-rm/doc-collections/> (ACRS & ACNW Mtg schedules/agendas).

Video Teleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact

Mr. Theron Brown, ACNW Audiovisual Technician (301-415-8066), between 7:30 a.m. and 3:45 p.m. ET, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: September 1, 2006.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E6-14873 Filed 9-7-06; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Meeting of the Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment will hold a meeting on September 21, 2006, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

*The agenda for the subject meeting shall be as follows:* Thursday, September 21, 2006, 8:30 a.m. until 5 p.m.

The purpose of the meeting is to discuss draft final NUREG-1824 (EPRI 1011999), "Verification and Validation of Selected Fire Models for Nuclear Power Plant Applications." The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, Electric Power Research Institute (EPRI), and other interested persons regarding this matter. The Subcommittee will also be briefed by representatives of the NRC staff on draft NUREG-1852, "Demonstrating the Feasibility and Reliability of Operator Manual Actions in Response to Fire." The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Commission.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Dr. Hossein P. Nourbakhsh (telephone 301/415-5622), five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: August 31, 2006.

Michael R. Snodderly,

Branch Chief, ACRS/ACNW.

[FR Doc. E6-14864 Filed 9-7-06; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

*Upon written request, copies available from:* Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

*Extension:* Rule 12d1-1; SEC File No. 270-526; OMB Control No. 3235-0584.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

Under current law, an investment company ("fund") is limited in the amount of securities the fund ("acquiring fund") can acquire from another fund ("acquired fund"). In general under the Investment Company Act of 1940 (15 U.S.C. 80a) (the "Investment Company Act" or "Act"), a registered fund (and companies it controls) cannot: (i) Acquire more than three percent of another fund's securities; (ii) invest more than five percent of its own assets in another fund; or (iii) invest more than ten percent of its own assets in other funds in the aggregate.<sup>1</sup> In addition, a registered open-end fund, its principal underwriter, and any registered broker or dealer cannot sell that fund's shares to another fund if, as a result: (i) The acquiring fund (and any companies it controls) owns more than three percent of the acquired fund's stock; or (ii) all acquiring funds (and companies they control) in the aggregate own more than ten percent of the acquired fund's stock.<sup>2</sup> Rule 12d1-1 (17 CFR 270.12d1-1) under the Act provides an exemption from these limitations for "cash sweep" arrangements, in which a fund invests all or a portion of its available cash in a money market fund rather than directly in short-term instruments. An acquiring fund relying on the exemption

<sup>1</sup> See 15 U.S.C. 80a-12(d)(1)(A). If an acquiring fund is not registered, these limitations apply only with respect to the acquiring fund's acquisition of registered funds.

<sup>2</sup> See 15 U.S.C. 80a-12(d)(1)(B).

may not pay a sales load, distribution fee, or service fee on acquired fund shares, or if it does, the acquiring fund's investment adviser must waive a sufficient amount of its advisory fee to offset the cost of the loads or distribution fees.<sup>3</sup> The acquired fund may be a fund in the same fund complex or in a different fund complex. In addition to providing an exemption from section 12(d)(1) of the Act, the rule provides exemptions from section 17(a) and rule 17d-1, which restrict a fund's ability to enter into transactions and joint arrangements with affiliated persons.<sup>4</sup> These provisions could otherwise prohibit an acquiring fund from investing in a money market fund in the same fund complex,<sup>5</sup> or prohibit a fund that acquires five percent or more of the securities of a money market fund in another fund complex from making any additional investments in the money market fund.<sup>6</sup>

The rule also permits a registered fund to rely on the exemption to invest in an unregistered money market fund that limits its investments to those in which a registered money market fund may invest under rule 2a-7 under the Act (17 CFR 270.2a-7), and undertakes to comply with all the other provisions of rule 2a-7. In addition the acquiring fund must reasonably believe that the unregistered money market fund (i) operates in compliance with rule 2a-7, (ii) complies with sections 17(a), (d), (e), 18, and 22(e) of the Act<sup>7</sup> as if it were a registered open-end fund, (iii) has adopted procedures designed to ensure that it complies with these statutory provisions, (iv) maintains the records required by rules 31a-1(b)(2)(ii), 31a-

<sup>3</sup> See Rule 12d1-1(b)(1).

<sup>4</sup> See 15 U.S.C. 80a-17(a), 15 U.S.C. 80a-17(d); 17 CFR 270.17d-1.

<sup>5</sup> An affiliated person of a fund includes any person directly or indirectly controlling, controlled by, or under common control with such other person. See 15 U.S.C. 80a-2(a)(3)(C) (definition of "affiliated person"). Most funds today are organized by an investment adviser that advises or provides administrative services to other funds in the same complex. Funds in a fund complex are generally under common control of an investment adviser or other person exercising a controlling influence over the management or policies of the funds. See 15 U.S.C. 80a-2(a)(9). Not all advisers control funds they advise. The determination of whether a fund is under the control of its adviser, officers, or directors depends on all the relevant facts and circumstances. See Investment Company Mergers, Investment Company Act Release No. 25259 (Nov. 8, 2001) [66 FR 57602 (Nov. 15, 2001)], at n.11. To the extent that an acquiring fund in a fund complex is under common control with a money market fund in the same complex, the funds would rely on the rule's exemptions from section 17(a) and rule 17d-1.

<sup>6</sup> See 15 U.S.C. 80a-2(a)(3)(A), (B).

<sup>7</sup> See 15 U.S.C. 80a-17(a), 15 U.S.C. 80a-17(d), 15 U.S.C. 80a-17(e), 15 U.S.C. 80a-18, 15 U.S.C. 80a-22(e).