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Dated at Rockville, Maryland, this 28th day of August, 2007.

For the Nuclear Regulatory Commission.

**Carl F. Lyon,**

*Project Manager, Plant Licensing Branch IV,  
Division of Operating Reactor Licensing,  
Office of Nuclear Reactor Regulation.*

[FR Doc. E7-17500 Filed 9-4-07; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 70-143-CO; ASLBP No. 07-857-01-CO-BD01]

### Nuclear Fuel Services, Inc.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the *Federal Register*, 37 FR 28,710 (1972), and the Commission's regulations, see 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

Nuclear Fuel Services, Inc., Special Nuclear Materials Facility (Confirmatory Order)

This Board is being established in response to requests for hearing that were filed pursuant to a Notice of Publication of Confirmatory Order and Opportunity for Hearing (72 Fed. Reg. 41,528 (July 30, 2007)), regarding a Confirmatory Order issued to Nuclear Fuel Services, Inc. ("NFS") on February 21, 2007 that became immediately effective on the date of issuance. This proceeding arose from inspections and investigations at NSF by the NRC Staff that identified apparent violations for which escalated enforcement action was considered. The NRC Staff determined that its concerns regarding public health and safety could be resolved through confirmation of NFS's commitments as prescribed in the Confirmatory Order. Hearing requests have been submitted by: (1) Ken Silver, (2) R. Feher, (3) Linda Cataldo Modica on behalf of the Sierra

Club, (4) Wanda Sue Kelley, (5) Barbara A. O'Neal, and (6) A. Christine Tipton.

The Board is comprised of the following administrative judges:

Lawrence G. McDade, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dr. Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 CFR 2.302.

Issued at Rockville, Maryland, this 29th day of August 2007.

**E. Roy Hawkens,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. E7-17501 Filed 9-4-07; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-139]

### Notice of License Termination for University of Washington Research Reactor (UWAR)

The U.S. Nuclear Regulatory Commission (NRC) is announcing the termination of facility Operating License No. R-73 for the University of Washington Research Reactor (UWAR).

The NRC has terminated the license of the decommissioned UWAR, at the University of Washington (UWA) in Seattle, Washington, and has released the site for unrestricted use. The UWAR was an Argonaut-type training and research reactor with an initial power output of 10 kilowatts, which later received authority to increase power output to 100 kilowatts. The reactor was permanently shut down on June 30, 1988. By application dated August 2, 1994, the licensee requested authorization to dismantle the UWAR and to dispose of the component parts, in accordance with the decommissioning plan submitted as part of the application. Opportunity for a hearing was afforded by "Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License" published in the *Federal Register* on September 2, 1994 (59 FR 45738). No request for a hearing or petition for leave to intervene was filed following

notice of the proposed action. The NRC reviewed the application with respect to the Commission's rules and regulations and found that the dismantling and disposal of component parts as stated in the licensee's decommissioning plan are consistent with the regulations in 10 CFR Chapter I and are not inimical to the common defense and security or to the health and safety of the public. On May 1, 1995, the Commission issued the "Order Authorizing Dismantling of Facility and Disposition of Component Parts."

The licensee conducted remediation activities and completed final status surveys in October 2006. The licensee's request for termination of the license was supported by the submittal of a Final Status Survey Report (FSSR). The NRC completed its review of the UWAR FSSR submitted to NRC by letter dated December 13, 2006, as supplemented February 26 and March 12, 2007. The FSSR documented the level of residual radioactivity remaining at the facility and stated that compliance with the criteria in the NRC-approved decommissioning plan for the reactor has been demonstrated. The NRC staff verified that the criteria in the approved decommissioning plan had been met and determined that the facility and site met the criteria in 10 CFR 20.1402 for unrestricted use.

Pursuant to 10 CFR 50.82(b)(6), the NRC staff has concluded that the reactor has been decommissioned in accordance with the approved decommissioning plan and that the terminal radiation survey and associated documentation demonstrate that the facility and site may be released in accordance with the criteria in the NRC-approved decommissioning plan. Further, on the basis of the decommissioning activities carried out by UWA, the NRC's review of the licensee's FSSR, the results of NRC inspections conducted at the UWAR, and the results of NRC confirmatory surveys, the NRC has concluded that the decommissioning process is complete and the facility and site may be released for unrestricted use. Therefore Facility Operating License No. R-73 is terminated.

For further details with respect to the proposed action, see the licensee's letter dated December 13, 2006, as supplemented February 26 and March 12, 2007; and NRC Inspection Report No. 50-139/2006-204, dated May 21, 2007. The above referenced documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR) at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available

records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who have problems in accessing the documents in ADAMS should call the NRC PDR reference staff at 1-800-397-4209 or 301-415-4737 or e-mail [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 29th day of August 2007.

For the Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Programs.*

[FR Doc. E7-17494 Filed 9-4-07; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Notice of Sunshine Act Meetings

*Agency Holding the Meetings:* Nuclear Regulatory Commission.

*Date:* Weeks of September 3, 10, 17, 24, October 1, 8, 2007.

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

*Status:* Public and Closed.

### Matters To Be Considered

*Week of September 3, 2007*

Tuesday, September 4, 2007

2:30 p.m. Briefing on Radioactive Materials Security and Licensing (Public Meeting) (Contact: Robert Lewis, 301-415-8722).

This meeting will be webcast live at the Web address— <http://www.nrc.gov>.

*Week of September 10, 2007—Tentative*

There are no meetings scheduled for the Week of September 10, 2007.

*Week of September 17, 2007—Tentative*

There are no meetings scheduled for the Week of September 17, 2007.

*Week of September 24, 2007—Tentative*

There are no meetings scheduled for the Week of September 24, 2007.

*Week of October 1, 2007—Tentative*

Tuesday, October 2, 2007

9:30 a.m. Periodic Briefing on Security Issues (Closed—Ex. 1 & 3).

Wednesday, October 3, 2007

2 p.m. Briefing on NRC's International Programs, Performance, and Plans (Public Meeting) (Contact: Karen Henderson, 301-415-0202).

This meeting will be webcast live at the Web address— <http://www.nrc.gov>.

*Week of October 8, 2007—Tentative*

There are no meetings scheduled for the Week of October 8, 2007.

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\*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: Michelle Schroll, (301) 415-1662.

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### Additional Information

Affirmation of "Pacific Gas and Electric Co. (Diablo Canyon ISFSI), Docket No. 72-26-ISFSI, San Luis Obispo Mothers for Peace's Contentions and Request for Hearing Regarding Diablo Canyon Environmental Assessment Supplement" tentatively scheduled on August 30, 2007, at 9 a.m. has been postponed and not yet rescheduled.

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

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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, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at [REB3@nrc.gov](mailto:REB3@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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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: August 30, 2007.

**R. Michelle Schroll,**

*Office of the Secretary.*

[FR Doc. 07-4351 Filed 8-31-07; 11:51 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 27958; 812-13387]

### Rydex ETF Trust, et al.; Notice of Application

August 28, 2007.

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

**ACTION:** Notice of an application to amend a prior order under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 2(a)(32), 5(a)(1), 22(d), 22(e), and 24(d) of the Act and rule 22c-1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act.

*Summary of Application:* Applicants request an order to amend a prior order that permits (a) An open-end management investment company comprised of multiple series based on domestic equity securities indexes (each a "Fund") to issue shares ("Shares") that can be redeemed only in large aggregations ("Creation Units"); (b) secondary market transactions in Shares to occur at negotiated prices; (c) dealers to sell Shares to purchasers in the secondary market unaccompanied by a prospectus when prospectus delivery is not required by the Securities Act of 1933; and (d) certain affiliated persons of the Funds to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units ("Prior Order").<sup>1</sup> Applicants seek to amend the Prior Order in order to offer two new series (the "New Funds") and future series ("Future Funds") including Future Funds based on international equity securities indexes (collectively, this subset of Future Funds, together with the New Funds, the "International Funds").<sup>2</sup> In addition the order would delete a condition related to future relief in the Prior Order.

*Applicants:* Rydex ETF Trust ("Trust"), PADCO Advisors II, Inc. ("Adviser"), and Rydex Distributors, Inc. ("Distributor").

<sup>1</sup> *Rydex ETF Trust, et al.*, Investment Company Act Release Nos. 25948 (Feb. 27, 2003) (notice) and 25970 (Mar. 25, 2003) (order).

<sup>2</sup> The existing Funds, the New Funds and the Future Funds are referred to collectively as the "Funds."