

For the Nuclear Regulatory Commission.  
**Gregory Trussell,**  
*Acting NRC Clearance Officer, Office of  
 Information Services.*  
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## NUCLEAR REGULATORY COMMISSION

[EA-08-089]

### In the Matter of: Louisiana Energy Services, L.P. (National Enrichment Facility); Order Approving Indirect Transfer of License and Conforming Amendment

#### I

Louisiana Energy Services (LES or the Licensee) is the holder of Special Nuclear Material License No. SNM-2010 for the National Enrichment Facility (NEF), issued by the U.S. Nuclear Regulatory Commission (NRC or Commission), pursuant to 10 CFR parts 30, 40, and 70. The Licensee is authorized, by its license, to construct and operate a uranium enrichment facility in accordance with the Atomic Energy Act of 1954 (AEA), as amended, and 10 CFR parts 30, 40, and 70. The LES license was issued on June 23, 2006, and is due to expire on June 23, 2036.

#### II

By letter dated October 19, 2007, the Licensee proposed to: (1) Restructure itself from a Limited Partnership (LP) to a Limited Liability Company (LLC); and (2) reorganize the ownership arrangement of Urenco Deelnemingen BV (UDE), a current limited partner of the Licensee. No physical changes to the NEF or operational changes were proposed.

The Licensee also requested approval of a conforming license amendment that would change the Licensee's name from Louisiana Energy Services, L.P., to Louisiana Energy Services, LLC.

Approval of the indirect transfer of the license and of the conforming license amendment was requested pursuant to 10 CFR 70.36. A notice of consideration of approval was published in the **Federal Register** on January 31, 2008 (73 FR 5882), including a notice of opportunity to request a hearing, or to submit written comments. No comments or requests for a hearing were submitted in response to this notice.

Pursuant to 10 CFR 30.34(b), 40.46, and 70.36, no license granted under those parts, and no right thereunder to use byproduct, source, or special

nuclear material, shall be transferred, assigned, or in any manner disposed of, directly or indirectly, through a transfer of control of any license, to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the AEA, and gives its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed restructuring and reorganization will not affect the qualifications of the Licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto. After review of the information in the Application and other information before the Commission, and relying on the representations and agreements contained in the Application, the NRC staff determined that the proposed corporate restructuring and indirect transfer of the license is acceptable and is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further determined that the application for the proposed license amendment complies with the standards and requirements of the AEA, and the Commission's rules and regulations set forth in Title 10 Chapter I. The requested indirect transfer of the license and issuance of the conforming license amendment will not be inimical to the common defense and security or to the health and safety of the public, or to the environment, and the issuance of the proposed amendment would be in accordance with 10 CFR part 51 of the Commission's regulations, and all applicable requirements have been satisfied.

#### III

Accordingly, pursuant to sections 161b, 161i, and 184 of the Act; 42 U.S.C. 2201(b), 2201(i), and 2234; and 10 CFR 30.34(b), 40.46, and 70.36, *it is hereby ordered* that the Application regarding the indirect transfer of license, as described herein, is approved, subject to the following condition, which is also hereby made a condition of the license:

The Licensee, as stated in the Application, will abide by all commitments and representations previously made by the Licensee with respect to the license.

*It is further ordered* that the conforming license amendment for the indirect transfer of license shall be issued and made effective at the time

the proposed license transfer is completed.

*It is further ordered* that:

- In order to ensure that the NRC is timely notified of the transfer's completion, the Licensee shall inform the Director of the Office of Nuclear Material Safety and Safeguards, in writing, of the date of closing of the indirect transfer of License No. SNM-2010, at least one (1) business day prior to closing; and
- If the indirect transfer of license and all the above conforming conditions have not been completed within 60 days from the date of the issuance of the Order, the Order shall become null and void; however, on written application and for good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated October 19, 2007, and the Safety Evaluation Report that supports the amendment, which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and 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 encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff, by telephone at 1-800-397-4209, 301-415-4737, or via e-mail, to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated this 3rd day of April, 2008.

For the Nuclear Regulatory Commission.

**Eric J. Leeds,**

*Deputy Director, Office of Nuclear Material  
 Safety and Safeguards.*

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## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

#### **Title and Purpose of Information Collection**

*Student Beneficiary Monitoring; OMB 3220-0123*

Under provisions of the Railroad Retirement Act (RRA), there are two types of benefits whose payment is based upon the status of a child being in full-time elementary or secondary school attendance at age 18–19; a survivor child's annuity benefit under Section 2(d)(2)(iii) and an increase in the employee retirement annuity under the Special Guaranty computation as prescribed in section 3(f)(3).

The survivor student annuity is usually paid by direct deposit at a financial institution to the student's checking or savings account or a joint bank account with the parent. The requirements for eligibility as a student are prescribed in 20 CFR 216.74, and include students in independent study or home schooling.

The RRB requires evidence of full-time school attendance in order to determine that a child is entitled to student benefits. The RRB utilizes the following forms to conduct its student monitoring program. Form G–315, Student Questionnaire, obtains certification of a student's full-time school attendance. It also obtains information on a student's marital status, Social Security benefits, and employment which are needed to determine entitlement or continued entitlement to benefits under the RRA. Form G–315a, Statement of School Official, is used to obtain verification from a school that a student attends school full-time and provides their expected graduation date. Form G–315a.1, School Officials Notice of Cessation of Full-Time Attendance, is used by a school to notify the RRB that a student has ceased full-time school attendance. The RRB proposes no changes to the forms.

*The estimated annual respondent burden is as follows:*

*Form(s):* G–315, G–315a and G–315a.1.

*Estimate of Annual Responses:* 900 (860 Form G–315's, 20 Form G–315a's and 20 Form G–315a.1's).

*Estimated Completion Time:* The completion time for Form G–315 is estimated at 15 minutes per response. The completion time for Form G–315a is estimated at 3 minutes per response. The completion time for Form G–315a.1 is estimated at 2 minutes.

*Estimated Annual Burden:* 217 hours.

*Additional Information or Comments:* To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363 or send an e-mail request to [Charles.Mierzwa@RRB.GOV](mailto:Charles.Mierzwa@RRB.GOV). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or send an e-mail to [Ronald.Hodapp@RRB.GOV](mailto:Ronald.Hodapp@RRB.GOV).

**Charles Mierzwa,**  
Clearance Officer.

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#### **SECURITIES AND EXCHANGE COMMISSION**

##### **Submission for OMB Review; Comment Request**

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

##### *Extension:*

Rule 12d3–1, SEC File No. 270–504, OMB Control No. 3235–0561.

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 (“Commission”) has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 12(d)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a) generally prohibits registered investment companies (“funds”), and companies controlled by funds, from purchasing securities issued by a registered investment adviser, broker, dealer, or underwriter (“securities-related businesses”). Rule 12d3–1 (“Exemption of acquisitions of securities issued by persons engaged in securities related businesses” (17 CFR

270.12d3–1)) permits a fund to invest up to five percent of its assets in securities of an issuer deriving more than fifteen percent of its gross revenues from securities-related businesses, but a fund may not rely on rule 12d3–1 to acquire securities of its own investment adviser or any affiliated person of its own investment adviser.

A fund may, however, rely on an exemption in rule 12d3–1 to acquire securities issued by its subadvisers in circumstances in which the subadviser would have little ability to take advantage of the fund, because it is not in a position to direct the fund's securities purchases. The exemption in rule 12d3–1 is available if (i) the subadviser is not, and is not an affiliated person of, an investment adviser that provides advice with respect to the portion of the fund that is acquiring the securities, and (ii) the advisory contracts of the subadviser, and any subadviser that is advising the purchasing portion of the fund, prohibit them from consulting with each other concerning securities transactions of the fund, and limit their responsibility in providing advice with respect to discrete portions of the fund's portfolio.

The Commission staff estimates that 3,583 portfolios, of approximately 649 fund complexes, use the services of one or more subadvisers. Based on discussions with industry representatives, the staff estimates that it requires approximately 6 hours to draft and execute revised subadvisory contracts allowing funds and subadvisers to rely on the exemptions in rule 12d3–1.<sup>1</sup> The staff assumes that all existing funds amended their advisory contracts following amendments to rule 12d3–1 in 2002 that conditioned certain exemptions upon these contractual alterations, and therefore there is no continuing burden for those funds.<sup>2</sup>

Based on an analysis of fund filings, the staff estimates that approximately 600 fund portfolios enter into subadvisory agreements each year.<sup>3</sup> Based on discussions with industry representatives, the staff estimates that

<sup>1</sup> Rules 12d3–1, 10f–3, 17a–10, and 17e–1 require virtually identical modifications to fund advisory contracts. The Commission staff assumes that funds would rely equally on the exemptions in these rules, and therefore the burden hours associated with the required contract modifications should be apportioned equally among the four rules.

<sup>2</sup> We assume that funds formed after 2002 that intended to rely on rule 12d3–1 would have included the contract provision in their initial subadvisory contracts.

<sup>3</sup> The use of subadvisers has grown rapidly over the last several years, with approximately 600 portfolios that use subadvisers registering between December 2005 and December 2006. Based on information in Commission filings, we estimate that 31 percent of funds are advised by subadvisers.