

and 17. The Advanced Mark-BW(A) fuel assemblies are similar in design to the Advanced Mark-BW fuel assemblies using the approved M5 alloy for the cladding, structural tubing, and grids. The Advanced Mark-BW fuel design was approved in a topical report BAW-10239(P)-A, entitled "Advanced Mark-BW Fuel Assembly Mechanical Design Topical Report" (Advanced Mark-BW Topical Report).

The licensee requested an exemption from the requirements of 10 CFR 50.46 and 10 CFR Part 50, Appendix K to allow the use of fuel rods clad with AREVA's M5 alloy. The M5 alloys are proprietary alloys and chemically different from Zircaloy or ZIRLO fuel cladding materials which are approved for use. Therefore, a plant specific exemption from these regulations is required to support the use of the eight Advanced Mark-BW(A) fuel assemblies for Braidwood Station, Unit 1.

In summary, the licensee has requested an exemption from the requirements of 10 CFR 50.46 and 10 CFR Part 50, Appendix K, to allow the use of fuel assemblies containing Advanced Mark-BW(A) fuel design.

### 3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. These circumstances include the special circumstances that application of the regulation in 10 CFR 50.46 and 10 CFR Part 50, Appendix K is not necessary to achieve the underlying purpose of the rule.

#### *Authorized by Law*

This exemption would allow the licensee to load fuel assemblies containing Advanced Mark-BW(A) fuel at Braidwood Station, Unit 1. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR 50.46 and 10 CFR Part 50, Appendix K. The NRC staff has determined that granting of the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

#### *No Undue Risk to Public Health and Safety*

The underlying purposes of 10 CFR 50.45 is to establish acceptance criteria for ECCS performance. Previously, the approved Advanced Mark-BW Topical Report demonstrated the acceptability of the M5 cladding under loss of coolant accident (LOCA) conditions. The unique features of the proposed fuel assemblies were evaluated for effects on the LOCA analysis. The results showed that the assemblies would not adversely affect the ECCS performance. Since the eight Advanced Mark-BW(A) fuel assemblies will be located at non-limiting core locations, the NRC concludes that the LOCA safety analyses will remain bounding for these assemblies at Braidwood Station, Unit 1.

Paragraph I.A.5 of 10 CFR Part 50, Appendix K states that the rates of energy, hydrogen concentration, and cladding oxidation from the metal-water reaction shall be calculated using the Baker-Just equation. Since the Baker-Just equation presumes the use of Zircaloy clad fuel, strict application of the rule would not permit use of the equation for the advanced zirconium-based and M5 alloys for determining acceptable fuel performance. The underlying intent of this portion of 10 CFR Part 50, Appendix K, however, is to ensure that analysis of fuel response to LOCAs is conservatively calculated. The approved Advanced Mark-BW Topical Report show that due to the similarities in the chemical composition of the M5 alloys and Zircaloy, the application of the Baker-Just equation in the analysis of the M5 clad fuel rods will continue to conservatively bound all post-LOCA scenarios. Thus, application of 10 CFR Part 50, Appendix K, Paragraph I.A.5 is not necessary for the licensee to achieve its underlying purpose in these circumstances.

Based on the above, no new accident precursors are created by using the proposed Advanced Mark-BW(A) fuel assemblies at Braidwood Station, Unit 1, thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. Therefore, there is no undue risk to public health and safety.

#### *Consistent With Common Defense and Security*

The proposed exemption would allow the use of Advanced Mark-BW(A) fuel assemblies at Braidwood Station, Unit 1. This change to the operation of the plant has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

#### *Special Circumstances*

Special circumstances, in accordance with 10 CFR 50.12, are present whenever application of the regulation in the particular circumstances would not serve the underlying purpose of the rule, or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.46 is to establish acceptance criteria for ECCS performance. Since the eight Advanced Mark-BW(A) fuel assemblies will be located at non-limiting core locations, the NRC concludes that the LOCA safety analyses will remain bounding for these assemblies at Braidwood Station, Unit 1. The underlying purpose of 10 CFR Part 50, Appendix K is to ensure that analysis of fuel response to LOCAs is conservatively calculated. The approved Advanced Mark-BW Topical Report show that due to the similarities in the chemical composition of the M5 alloys and Zircaloy, the application of the Baker-Just equation in the analysis of the M5 clad fuel rods will continue to conservatively bound all post-LOCA scenarios. Thus, application of 10 CFR Part 50, Appendix K is not necessary for the licensee to achieve its underlying purpose in these circumstances. Therefore, since the underlying purpose of 10 CFR 50.46 and 10 CFR Part 50, Appendix K is achieved, the

special circumstances required by 10 CFR 50.12 for the granting of an exemption from 10 CFR 50.46 and 10 CFR Part 50, Appendix K exist.

### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Exelon, an exemption from the requirements of 10 CFR 50.46 "that each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical Zircaloy or ZIRLO cladding must be provided with an emergency core cooling system (ECCS) that must be designed so that its calculated cooling performance following postulated loss-of-coolant accidents conforms to the criteria set forth in paragraph (b) of this section," and 10 CFR Part 50, Appendix K that the rate of energy release, hydrogen generation, and cladding oxidation from the metal/water reaction shall be calculated using the Baker-Just equation for Braidwood Station, Unit 1.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (72 FR 52585). This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 27th day of September 2007.

For the Nuclear Regulatory Commission.

**Tim McGinty,**

*Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E7-19666 Filed 10-3-07; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste and Materials; Meeting Notice

The Advisory Committee on Nuclear Waste and Materials (ACNW&M) will hold its 183rd meeting on October 16-18, 2007, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

#### Tuesday, October 16, 2007

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

*ACNW&M Working Group Meeting on Preclosure Seismic Analysis Evaluation at the Proposed Yucca Mountain, Nevada, Repository*

#### Purpose

The purpose of this Working Group Meeting is to understand the regulatory

framework, and associated acceptance criteria, to be used by the staff in their analysis of pre-closure seismic hazards at the proposed Yucca Mountain repository site. This information will be compared with the processes used to determine seismic safety at other types of NRC-licensed nuclear facilities (e.g., nuclear power plants, independent spent fuel storage installations, and fuel fabrication facilities).

**8:35 a.m.–8:45 a.m.: Greetings and Introductions (Open)**—Dr. William Hinze, the cognizant ACNW&M Member for this meeting topic will provide an overview of the expected goals for the Working Group Meeting, the planned technical sessions, and introduce the invited panelists and speakers.

**8:45 a.m.–9 a.m.: Overview of the Development of NRC's Seismic Regulations (Open)**—The Committee will hear an overview by an ACNW&M staff member on the development of NRC's Seismic Regulations.

**9 a.m.–9:30 a.m.: Current Seismic Design Requirements for Nuclear Power Plants (Open)**—The Committee will be briefed by a representative of the NRC Office of Nuclear Reactor Regulation on the current seismic design requirements for nuclear power plants.

**9:30 a.m.–9:45 a.m.: Pre-Closure Seismic Design Requirements for the Yucca Mountain HLW Repository (Open)**—The Committee will be briefed by a representative of the NRC Office of Nuclear Material Safety and Safeguards (NMSS) on the pre-closure seismic design requirements for the Yucca Mountain HLW repository.

**9:45 a.m.–10 a.m.: Interim Staff Guidance, "Review Methodology for Seismically Initiated Event Sequences"—DHLWRS-ISG-01 (Open)**—The Committee will be briefed by a representative of the Office of NMSS on the interim staff guidance, "Review Methodology for Seismically Initiated Event Sequences."

**10 a.m.–10:30 a.m.: American Society of Civil Engineers Standard ASCE/SEI 43-0-5 (Open)**—The speaker is yet to be determined. This topic may be removed or modified.

**10:45 a.m.–11:15 a.m.: Current Seismic Design Requirements for MOX Facilities (Open)**—The Committee will be briefed by a representative of the Center for Nuclear Waste Regulatory Analyses on the current seismic design requirements for MOX facilities.

**11:15 a.m.–12:15 p.m.: Stakeholders and Public Comments (Open)**

**1:30 p.m.–2:30 p.m.: Roundtable Discussion (Open)**—Scheduled participants are expected to include representatives from Nuclear Waste Technical Review Board (NWTRB) and NRC Office of Nuclear Regulatory Research.

**2:30 p.m.–2:45 p.m.: Closing Remarks (Open)**—By Dr. William J. Hinze.

**3 p.m.–5 p.m.: GE-Hitachi Nuclear Energy (GE-H) Spent Nuclear Fuel (SNF) Recycling Processes (Open)**—The Committee will hear presentations from representatives of GE-H regarding an overview of their advanced SNF recycling processes.

### Wednesday, October 17, 2007

**8 a.m.–8:05 a.m.: Opening Remarks by the ACNW&M Chairman (Open)**—The Chairman will make opening remarks regarding the conduct of today's sessions.

**8:05 a.m.–12:30 p.m.: NRC's Total-System Performance Assessment (TPA) Code for Review of Performance Assessment of the Yucca Mountain Site (Open)**—NRC staff representatives from the Office of NMSS will brief the Committee on the newly released version of the staff's TPA code (Version 5.1). This updated tool will support the staff's review of an impending license application for the proposed Yucca Mountain repository site.

**1:30 p.m.–3 p.m.: Draft Proposed Rule/Guidance on Preventing Legacy Sites (Open/Closed)**—NRC staff representatives from the Office of Federal and State Materials and Environmental Management Program (FSME) will brief the Committee on NRC's proposed rulemaking and guidance for prevention of decommissioning legacy sites.

**Note:** A portion of this session may be closed to discuss pre-decisional documents pursuant to 5 U.S.C. 552b(c)(9)(B)

**3 p.m.–4 p.m.: Preparation for Meeting with NRC Commissioners (Open)**—The Committee will discuss and approve the viewgraphs for the ACNW&M briefing to the NRC Commissioners, scheduled for Wednesday, November 14, 2007.

### Thursday, October 18, 2007

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

**8:35 a.m.–9:35 a.m.: Mallinckrodt Site Decommissioning Plan (Open)**—The Committee will be briefed by representatives of the NRC staff from the Office of FSME on decommissioning of the Mallinckrodt Chemical, Inc. site, in St. Louis, Missouri.

**9:35 a.m.–10:35 a.m.: Vendor's Views on the Transportation-Aging-Disposal (TAD) Performance Specifications (Open)**—A representative from Holtec International, a commercial vendor, will brief the Committee on their views on

the TAD Performance Specifications, possible challenges the vendor may be facing, and suggestions for expediting NRC approval of a TAD license application.

**10:35 a.m.–12 p.m.: Discussion of ACNW&M Letter Reports (Open)**—The Committee will discuss potential and proposed ACNW&M letter reports.

**1 p.m.–2:30 p.m.: Revision of NUREG-1854, NRC Staff Guidance for Activities Related to U.S. Department of Energy Waste Determinations—Draft Final Report for Interim Use (Open)**—NRC staff representatives from the Office of FSME will brief the Committee on how the public comments on the draft guidance were resolved.

**2:30 p.m.–4:30 p.m.: Discussion of Proposed and Potential ACNW&M Letter Reports (Open)**—The Committee will continue discussion of proposed ACNW&M letter reports.

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

Procedures for the conduct of and participation in ACNW&M meetings were published in the **Federal Register** on September 26, 2007 (72 FR 54693). In accordance with those procedures, oral or written views 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 Dr. 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 the meeting may be limited to selected portions of the meeting as determined by the ACNW&M Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW&M office prior to the meeting. In view of the possibility that the schedule for ACNW&M meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Dr. Dias as to their particular needs.

In accordance with Subsection 10(d) Public Law 92-463, I have determined that it may be necessary to close a portion of this meeting noted above to

discuss pre-decisional documents pursuant to 5 U.S.C. 552b(c)(9)(B).

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

ACNW&M meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room 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 (PARS) 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/acnw> (ACNW&M schedules and agendas).

Video teleconferencing service is available for observing open sessions of ACNW&M meetings. Those wishing to use this service for observing ACNW&M meetings should contact Mr. Theron Brown, ACRS/ACNW&M Audio Visual Assistant (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 28, 2007.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. E7-19618 Filed 10-3-07; 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 Investor Education and Advocacy, Washington, DC 20549-0213

*Extension:*

Form N-8F, SEC File No. 270-136, OMB Control No. 3235-0157

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

("OMB") a request for extension of the previously approved collection of information discussed below.

Form N-8F (17 CFR 274.218) is the form prescribed for use by registered investment companies in certain circumstances to request orders of the Commission declaring that the registration of that investment company cease to be in effect. The form requests, from investment companies seeking a deregistration order, information about (i) the investment company's identity, (ii) the investment company's distributions, (iii) the investment company's assets and liabilities, (iv) the events leading to the request to deregister, and (v) the conclusion of business. The information is needed by the Commission to determine whether an order of deregistration is appropriate.

The Form takes approximately 3 hours on average to complete. It is estimated that approximately 251 investment companies file Form N-8F annually, so that the total annual burden for the form is estimated to be 753 hours. The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act and is not derived from a comprehensive or even a representative survey or study.

The collection of information on Form N-8F is not mandatory. The information provided on Form N-8F is not kept confidential. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or e-mail to: [Alexander\\_T.\\_Hunt@omb.eop.gov](mailto:Alexander_T._Hunt@omb.eop.gov); and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia, 22312; or send an e-mail to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted to OMB within 30 days of this notice.

Dated: September 27, 2007.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E7-19546 Filed 10-3-07; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

*Upon Written Request, Copy Available*

From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213

*Extension:*

Form S-6, SEC File No. 270-181, OMB Control No. 3235-0184

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

The title for the collection of information is "Form S-6 (17 CFR 239.16), for Registration under the Securities Act of 1933 of Securities of Unit Investment Trusts Registered on Form N-8B-2 (17 CFR 274.13)." Unit investment trusts offering their securities to the public are required by two separate statutes to file registration statements with the Commission. They are required to register their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) ("Securities Act"), and to register as investment companies under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) ("Investment Company Act").

Form S-6 is used for registration under the Securities Act of the securities of any unit investment trust that is registered under the Investment Company Act on Form N-8B-2.<sup>1</sup> A separate registration statement under the Securities Act must be filed for each series of units issued by the trust. Form S-6 consists of, among other things, a prospectus, certain written consents, an undertaking to file supplementary information, and certain exhibits containing financial and other information required in the registration

<sup>1</sup> Form N-8B-2 is the form used by unit investment trusts to register as investment companies under the Investment Company Act (except for unit investment trusts that are insurance company separate accounts issuing variable annuity or variable life insurance contracts, which instead register on Form N-4 and Form N-6, respectively). The form requires that certain material information about the trust, its sponsor, its trustees, and its operation be disclosed. The registration on Form N-8B-2 is a one-time filing that applies to the first series of the unit investment trust as well as any subsequent series that is issued by the sponsor.