

*Total Annualized Capital/Startup Costs: 0.*

*Total Annual Costs: 0.*

**FOR FURTHER INFORMATION CONTACT:**

Comments should be sent to the Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395-7316.

Dated: October 13, 2006.

**Rebecca Danvers,**

*Director, Office of Research and Technology.*

[FR Doc. E6-17924 Filed 10-25-06; 8:45 am]

BILLING CODE 7036-01-P

## NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

### Proposed Collection, Submission for OMB Review

**AGENCY:** Institute of Museum and Library Services.

**ACTION:** Notice.

**SUMMARY:** The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the contact section below on or before November 27, 2006.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collocation of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**ADDRESSES:** Karen Motylewski, Evaluation Officer, Institute of Museum and Library Services, 1800 M Street, NW., 9th Floor, Washington, DC. Ms. Motylewski can be reached by telephone: 202-653-4686; fax: 202-653-8625; or e-mail: [kmotylewski@imls.gov](mailto:kmotylewski@imls.gov).

**SUPPLEMENTARY INFORMATION:**

*Background:* The Institute of Museum and Library Services (IMLS) is an independent Federal grant-making agency authorized by the Museum and Library Services Act, Public Law 104-208. IMLS is charged with promoting the improvement of library and museum services for the benefit of the public. Through grant-making, IMLS seeks to assure that libraries and museums are able to play an active role in cultivating an educated and engaged citizenry. IMLS builds the capacities of libraries and museums by encouraging the highest standards in management, public service, and education; leadership in the use of technology; strategic planning for results, and partnerships to create new networks that support lifelong learning and the effective management of assets. According to its strategic plan, IMLS is dedicated to creating and sustaining a nation of learners by helping libraries and museums serve their communities. IMLS believes that libraries and museums are key resources for education in the United States and promote the vision of a learning society in which learning is seen as a community-wide responsibility supported by both formal and informal educational entities.

*Current Actions:* The Institute of Museum and Library Services and the Corporation for Public Broadcasting (CPB) are partnering under a Memorandum of Understanding to make competitive grants and support capacity-building for community partnerships among museum, library and public broadcasting outlets and other community organizations to meet locally identified community needs in an initiative titled Partnership for a Nation of Learners (PNL). IMLS seeks clearance for the partnership to collect and analyze information related to evaluation of the PNL initiative.

An estimated 3,000 persons will have engaged in one or more the PNL programs. An online survey of participants will be conducted after the final event is completed in June 2006.

The survey will give these individuals an opportunity to provide feedback on the effectiveness of the PNL professional development program. The evaluation will yield information on what participants learned through the program, their current partnering activity, and their future interest in and need for learning about partnering. Information gathered will help IMLS and CPB to identify potential areas for improvement in PNL professional development activities, determine the level of need/interest for this resource within the key stakeholder groups, and assess the contribution of the professional development resources to meeting local needs and the IMLS and CPB missions.

*Agency:* Institute of Museum and Library Services.

*Title:* Partnership for a Nation of Learners (PNL) Evaluation.

*OMB Number:* Agency Number: 3137.

*Frequency:* One time

*Affected Public:* Personnel of museums, museum organizations, libraries, library organizations, and public broadcasting outlets.

*Number of Respondents:* 2400 (80% of 3,000).

*Estimated Time per Respondent:* 10 minutes.

*Total Burden Hours:* 400.

*Total Annualized Capital/Startup Costs:* 0.

*Total Annual Costs:* 0.

**FOR FURTHER INFORMATION CONTACT:**

Comments should be sent to the Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395-7316.

Dated: October 13, 2006.

**Rebecca Danvers,**

*Director, Office of Research and Technology.*

[FR Doc. E6-17926 Filed 10-25-06; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255]

### Nuclear Management Company, LLC; Palisades Plant Exemption

#### 1.0 Background

Nuclear Management Company, LLC (NMC), is the holder of Facility Operating License No. DPR-20, which authorizes operation of the Palisades Nuclear Plant (Palisades). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear

Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor located in VanBuren County, Michigan.

## 2.0 Request/Action

Title 10 of the *Code of Federal Regulations* (10 CFR), part 50.46, "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors," requires that the calculated emergency core cooling system (ECCS) performance for reactors with zircaloy or ZIRLO fuel cladding meet certain criteria. Appendix K to 10 CFR part 50, "ECCS Evaluation Models," presumes the use of zircaloy or ZIRLO fuel cladding when doing calculations for energy release, cladding oxidation, and hydrogen generation after a postulated loss-of-coolant accident.

Framatome ANP developed M5 advanced fuel rod cladding and fuel assembly structural material for high-burnup fuel applications. M5 is an alloy comprised primarily of zirconium (~99 percent) and niobium (~1 percent). The NRC staff approved the use of M5 material in topical report BAW-10227P-A, Revision 1, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," dated June 18, 2003. The M5 cladding is a proprietary, zirconium-based alloy that is chemically different from zircaloy or ZIRLO cladding materials, which are approved for use in the previously-mentioned NRC regulations. Therefore, a plant-specific exemption from these regulations is necessary to allow the use of M5 cladding. Accordingly, NMC's application of October 4, 2005, as supplemented June 14, 2006, requested an exemption from the requirements of 10 CFR 50.46 and Appendix K to 10 CFR part 50 to allow the use of M5 fuel cladding at Palisades.

## 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 50.46 and Appendix K to 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.

### *Authorized by Law*

This exemption would allow the use of M5 advanced alloy, in lieu of zircaloy or ZIRLO, for fuel rod cladding in fuel assemblies at Palisades. As stated above,

10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR part 50.46 and Appendix K to 10 CFR part 50. Therefore, the exemption is authorized by law.

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

The staff has previously reviewed exemption requests for use of the M5 advanced alloy material for other pressurized-water reactors. Exemptions from 10 CFR 50.46 and 10 CFR part 50, Appendix K, have been issued at Crystal River Unit 3 Nuclear Generating Plant and Arkansas Nuclear One, Unit 1.

In the approved topical report BAW-10227P-A, Revision 1, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," dated June 18, 2003, Framatome ANP demonstrated that the effectiveness of the ECCS will not be affected by a change from zircaloy fuel rod cladding to M5 fuel rod cladding. The analysis described in the topical report also demonstrated that the ECCS acceptance criteria applied to reactors fueled with zircaloy clad fuel are also applicable to reactors fueled with M5 fuel rod cladding.

Appendix K, paragraph I.A.5, of 10 CFR part 50 ensures that cladding oxidation and hydrogen generation are appropriately limited during a loss-of-coolant accident (LOCA), and conservatively accounted for in the ECCS evaluation model. Appendix K requires that the Baker-Just equation be used in the ECCS evaluation model to determine the rate of energy release, cladding oxidation, and hydrogen generation. In the approved topical report BAW-10227P-A, Revision 1, Framatome ANP demonstrated that the Baker-Just model is conservative in all post-LOCA scenarios with respect to the use of the M5 advanced alloy as a fuel rod cladding material, and that the amount of hydrogen generated in an M5-clad core during a LOCA will remain within the Palisades design basis.

The NRC staff has reviewed the advanced cladding and structural material, M5, for pressurized-water reactor fuel mechanical designs as described in BAW-10227P-A, Revision 1. In its safety evaluation for this topical report, the NRC staff concluded that, to the extent and limitations specified in the staff's evaluation, the M5 properties and mechanical design methodology are acceptable for referencing in fuel reload licensing applications.

Based on the above, no new accident precursors are created by the use of M5 fuel cladding at Palisades; 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 M5 advanced alloy for fuel rod cladding in fuel assemblies at Palisades. This change to 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, part 50.46, is to ensure that facilities have adequate acceptance criteria for ECCS. As discussed above, topical report BAW-10227P-A, Revision 1, demonstrated that the effectiveness of the ECCS will not be affected by a change from zircaloy fuel rod cladding to M5 fuel rod cladding. It also demonstrated that the ECCS acceptance criteria applied to reactors fueled with zircaloy clad fuel are applicable to reactors fueled with M5 fuel rod cladding.

The underlying purpose of 10 CFR, part 50, Appendix K, paragraph I.A.5, is to ensure that cladding oxidation and hydrogen generation are appropriately limited during a LOCA and conservatively accounted for in the ECCS evaluation model. As mentioned above, topical report BAW-10227P-A, Revision 1, demonstrated that the Baker-Just model is conservative in all post-LOCA scenarios with respect to the use of the M5 advanced alloy as a fuel rod cladding material, and the staff concludes that the amount of hydrogen generated in an M5-clad core during a LOCA would remain within the Palisades design basis.

As previously mentioned, the NRC staff's review of the M5 material for pressurized-water reactor fuel mechanical designs concluded that, to the extent and limitations specified in the staff's evaluation, the M5 properties and mechanical design methodology are acceptable for referencing in fuel reload licensing applications.

Therefore, since the underlying purposes of 10 CFR 50.46 and 10 CFR part 50, Appendix K, are achieved, the special circumstances required by these regulations for the granting of an

exemption from 10 CFR 50.46 and 10 CFR part 50 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 NMC an exemption from the requirements of 10 CFR 50.46 and 10 CFR part 50, Appendix K, for Palisades.

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 (71 FR 58442).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of October 2006.

For the Nuclear Regulatory Commission.

**Catherine Haney,**

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

[FR Doc. E6-17937 Filed 10-25-06; 8:45 am]

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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 Filings and Information Services, Washington, DC 20549.

#### Extension:

Rule 38a-1; SEC File No. 270-522; OMB Control No. 3235-0586.

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.

Rule 38a-1 (17 CFR 270.38a-1) under the Investment Company Act of 1940 (15 U.S.C. 80a) ("Investment Company Act") is intended to protect investors by fostering better fund compliance with securities laws. The rule requires every registered investment company and business development company ("fund") to: (i) Adopt and implement written policies and procedures reasonably designed to prevent

violations of the federal securities laws, (ii) obtain the fund board of director's approval of those policies and procedures, (iii) annually review the adequacy of those policies and procedures and the policies and procedures of each investment adviser, principal underwriter, administrator, and transfer agent of the fund and the effectiveness of their implementation, (iv) designate a chief compliance officer to administer the fund's policies and procedures and prepare an annual report to the board that addresses certain specified items relating to the policies and procedures, and (v) maintain for five years the compliance policies and procedures and the chief compliance officer's annual report to the board.

The rule contains certain information collection requirements that are designed to ensure that funds establish and maintain comprehensive, written internal compliance programs. The information collections also assist the Commission's examination staff in assessing the adequacy of funds' compliance programs.

While Rule 38a-1 requires each fund to maintain written policies and procedures, most funds are located within a fund complex. The experience of the Commission's examination and oversight staff suggests that each fund in a complex is able to draw extensively from the fund complex's "master" compliance program to assemble appropriate compliance policies and procedures. Many fund complexes already have written policies and procedures documenting their compliance programs. Further, a fund needing to develop or revise policies and procedures on one or more topics in order to achieve a comprehensive compliance program can draw on a number of outlines and model programs available from a variety of industry representatives, commentators, and organizations.

There are approximately 4966 funds subject to Rule 38a-1. Among these funds, 149 were newly registered in the past year. These 149 funds, therefore, were required to adopt and document the policies and procedures that make up their compliance program. Commission staff estimates that the average annual hour burden for a fund to adopt and document these policies and procedures is 69 hours. Thus, we estimate that the aggregate annual burden hours associated with the adoption and documentation requirement is 10,281 hours.

The remaining 4817 funds would have adopted Rule 38a-1 compliance policies and procedures in previous

years, and are required to conduct an annual review of the adequacy of their existing policies and procedures and the policies and procedures of each investment adviser, principal underwriter, administrator, and transfer agent of the fund, and the effectiveness of their implementation. In addition, each fund chief compliance officer is required to prepare an annual report that addresses the operation of the policies and procedures of the fund and the policies and procedures of each investment adviser, principal underwriter, administrator, and transfer agent of the fund, any material changes made to those policies and procedures since the date of the last report, any material changes to the policies and procedures recommended as a result of the annual review, and certain compliance matters that occurred since the date of the last report. The staff estimates that each fund spends 60 hours per year, on average, conducting the annual review and preparing the annual report to the board of directors. Thus, we estimate that the annual aggregate burden hours associated with the annual review and annual report requirement is 289,020 hours.

Finally, the staff estimates that each fund spends 8 hours annually, on average, maintaining the records required by proposed Rule 38a-1. Thus, the annual aggregate burden hours associated with the recordkeeping requirement is 39,728 hours.

In total, the staff estimates that the aggregate annual information collection burden of Rule 38a-1 is 339,029 hours. The estimate of burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Complying with this collection of information requirement is mandatory. Responses will not be 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 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 by email to: [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@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,