

For the U.S. Nuclear Regulatory Commission.

**Paul Michalak,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-9073; NRC-2009-0364]

### Notice of the Nuclear Regulatory Commission Issuance of Materials License SUA-1596 for Uranium One Americas, Inc. Moore Ranch *In Situ* Recovery Facility

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of issuance of materials license SUA-1596.

**SUPPLEMENTARY INFORMATION:** The Nuclear Regulatory Commission (NRC) has issued a license to Uranium One Americas, Inc. (Uranium One) for its Moore Ranch uranium *in situ* recovery (ISR) facility in Campbell County, Wyoming. Materials License SUA-1596 authorizes Uranium One to operate its facility as proposed in its license application, as amended, and to possess uranium source and 11.e(2) byproduct material at the Moore Ranch facility. Furthermore, Uranium One will be required to operate under the conditions listed in Materials License SUA-1596.

This notice also serves as the record of decision for the NRC decision granting the Uranium One application for the Moore Ranch facility and issuing Materials License SUA-1596. This record of decision satisfies the

regulatory requirement in Section 51.102(a) of Title 10 of the Code of Federal Regulations, which requires a Commission decision on any action for which a final environmental impact statement has been prepared to be accompanied by or include a concise public record of decision.

The NRC has always considered that the entire publically available record for a license application as the agency's record of decision. Documents related to the application carry docket number 40-9073. These documents for the Moore Ranch ISR facility include the license application (including the applicant's environmental report) [ML072851218], the Commission's Safety Evaluation Report (SER) published in September 2010 [ML101310291] and the Commission's Final Supplemental Environmental Impact Statement (FSEIS) (NUREG-1910, Supplement 1) published in August 2010

[ML102290470]. As discussed in the Moore Ranch FSEIS, the Commission considered a range of alternatives. The reasonable alternatives discussed in detail were the applicant's proposal as described in its license application to conduct *in situ* uranium recovery on the site and the no-action alternative. Other alternatives considered but eliminated from detailed analysis include conventional uranium mining and milling, conventional mining and heap leach processing, alternative site location, alternate lixivants and alternate wastewater treatment methods. The factors considered when evaluating the alternatives, discussion of preferences among the alternatives, and license conditions and monitoring programs related to mitigation measures are also discussed in the Moore Ranch FSEIS.

The NRC has found that the application for the source material

license complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. As required by the Act and the Commission's regulations in 10 CFR 40.32(b-c), the staff has found that Uranium One is qualified by reason of training and experience to use source material for the purpose it requested; and that Uranium One's proposed equipment and procedures for use at its Moore Ranch facility are adequate to protect public health and minimize danger to life or property. The NRC staff's review supporting these findings is documented in the SER. The NRC staff has also concluded, in accordance with 10 CFR 40.32(d), that issuance of Materials License SUA-1596 to Uranium One will not be inimical to the common defense and security or to the health and safety of the public.

Uranium One's request for a materials license was previously noticed in the **Federal Register** on January 25, 2008 (73 FR 4642), with a notice of an opportunity to request a hearing. The NRC did not receive any requests for a hearing on the license application.

**SUPPLEMENTARY INFORMATION:** In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," the details with respect to this action, including the SER and accompanying documentation and license, 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 ADAMS accession numbers for the documents related to this notice are:

1	Applicant's application, October 2, 2007	ML072851218
2	First Response to Request for Additional Information, July 11, 2008	ML082060521
3	Second Response to Request for Additional Information, October 28, 2008	ML090370721
4	First Open Issue Response, December 4, 2009	ML093440347
5	Second Open Issue Response, December 10, 2009	ML093570333
6	Third Open Issue Response, January 18, 2010	ML100250919
7	Generic Environmental Impact Statement for <i>In Situ</i> Leach Uranium Milling Facilities, May 2009	ML091530075
8	Supplemental Environmental Impact Statement for the Moore Ranch <i>In Situ</i> Recovery Project, August 2010.	ML102290470
9	NRC Safety Evaluation Report, September 2010	ML101310291
10	Source Materials License for the Moore Ranch, September 28, 2010	ML102345678

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 via e-mail to [PDR.Resource@nrc.gov](mailto:PDR.Resource@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.

**FOR FURTHER INFORMATION CONTACT:** Douglas T. Mandeville, Project Manager, Uranium Recovery Licensing Branch, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of

Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-0724; fax number: (301) 415-5369; e-mail: [douglas.mandeville@nrc.gov](mailto:douglas.mandeville@nrc.gov).

Dated at Rockville, Maryland, this 30th day of September 2010.

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 Management Programs.*

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**NUCLEAR REGULATORY COMMISSION**

[NRC-2010-0319; Docket No. 50-400]

**Carolina Power & Light Company; Notice of Withdrawal of Application for Amendment to Renewed Facility Operating License**

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has granted the request of the Carolina Power & Light Company (the licensee) to withdraw its application dated September 29, 2008, as supplemented by letters dated January 16, 2009, August 12, 2009, January 18, 2010, and August 16, 2010, for a proposed amendment to Renewed Facility Operating License No. NPF-63 for the Shearon Harris Nuclear Power Plant, Unit 1, located in Wake County, North Carolina.

The proposed amendment would have modified Technical Specification (TS) Sections 5.6.1.3.a and 5.6.1.3.b to incorporate the results of a new criticality analysis. Specifically the TSs would be revised to add new requirements for the Boiling-Water Reactor (BWR) spent fuel storage racks containing Boraflex in Spent Fuel Pools A and B. The requirements for the BWR spent fuel racks currently contained in TS 5.6.1.3 would be revised to specify applicability to the spent fuel storage racks containing Boral in Spent Fuel Pool B.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on February 24, 2009 (74 FR 8283). However, by letter dated September 28, 2010, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated September 29, 2008

(Agencywide Documents Access and Management System (ADAMS) Accession No. ML082800410), as supplemented by letters dated January 16, 2009, (ADAMS Accession No. ML090230373), August 12, 2009 (ADAMS Accession No. ML092310549), January 18, 2010 (ADAMS Accession No. ML100250850), and August 16, 2010 (ADAMS Accession No. ML102370768), and the licensee's letter dated September 28, 2010, which withdrew the application for license amendment.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the 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, or 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, this 30th day of September 2010.

For The Nuclear Regulatory Commission.

**Douglas A. Broaddus,**

*Chief, Plant Licensing Branch II-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2010-25281 Filed 10-6-10; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

[Investment Company Act Release No. 29455; 812-13624]

**Van Eck Associates Corporation, et al.; Notice of Application**

October 1, 2010.

**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, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act, and under section 12(d)(1)(j) of the Act granting an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

*Summary of Application:* Applicants request an order to amend a prior order that permits: (a) Series of an open-end management investment company (each a "Fund," collectively, the "Funds") to issue 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 such shares to secondary market purchasers unaccompanied by a statutory prospectus when prospectus delivery is not required by the Securities Act of 1933 ("Securities Act"); (d) under specified limited circumstances, certain Funds to pay redemption proceeds more than seven days after the tender of shares; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds to acquire shares; and (f) certain affiliated persons of the Funds to deposit securities into, and receive securities from, the Funds in connection with the purchase and redemption of Creation Units of such Funds ("Prior Order").<sup>1</sup> Applicants seek to amend the Prior Order to: (a) Permit certain Funds based on equity and/or fixed income securities indexes for which Van Eck Associates Corporation ("Adviser") or an "affiliated person" of the Adviser as defined in section 2(a)(3) of the Act, is an index provider (each a "Self Indexing Fund"); (b) delete the relief granted from section 24(d) of the Act and revise various disclosure requirements in the applications for the Prior Order ("Prior Applications"); (c) modify the 80% investment requirement in the Prior Applications; (d) revise the discussion of depositary receipts in the Prior Applications; and (e) revise the discussion in the Prior Applications of the composition of securities deposited with the Fund to purchase Creation Units ("Deposit Securities") and securities received in connection with redemption of Creation Units ("Fund Securities").

*Applicants:* Adviser, Market Vectors ETF Trust ("Trust"), and Van Eck Securities Corporation ("Distributor").

*Filing Dates:* The application was filed on January 23, 2009, and amended

<sup>1</sup> Van Eck Associates Corporation, et al., Investment Company Act Release Nos. 27283 (Apr. 7, 2006) (notice) and 27311 (May 2, 2006) (order), as subsequently amended by Van Eck Associates Corporation, et al., Investment Company Act Release Nos. 27694 (Jan. 31, 2007) (notice) and 27742 (Feb. 27, 2007) (order), Van Eck Associates Corporation, et al., Investment Company Act Release Nos. 28007 (Sept. 28, 2007) (notice) and 28021 (Oct. 24, 2007) (order), Van Eck Associates Corporation, et al., Investment Company Act Release Nos. 28349 (July 31, 2008) (notice) and 28365 (August 25, 2008) (order).