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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.*

[FR Doc. 2010-25274 Filed 10-6-10; 8:45 am]

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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.*

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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).