

### III. Current Actions

The information obtained from mine operators is used by MSHA during inspections to determine compliance with safety and health standards. MSHA has updated the data in respect to the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection extension request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

#### Summary

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Emergency Mine Evacuation.

*OMB Number:* 1219-0141.

*Affected Public:* Business or other for-profit.

*Cite/Reference/Form/etc:* 30 CFR 48.3, 30 CFR 75.1502, 30 CFR 75.1504, 30 CFR 75.1505, 30 CFR 75.1714-3, 30 CFR 75.1714-4, 30 CFR 75.1714-5, 30 CFR 75.1714-8, and MSHA Form 2000-222.

*Total Number of Respondents:* 361.

*Frequency:* Various.

*Total Number of Responses:* 1,140,325.

*Total Burden Hours:* 450,840 hours.

*Total Other Annual Cost Burden:* \$73,440.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

*Authority:* 44 U.S.C. 3506(c)(2)(A).

Dated: March 1st, 2013.

**George F. Triebsch,**

*Certifying Officer.*

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**BILLING CODE 4510-43-P**

### NATIONAL SCIENCE FOUNDATION

#### National Science Board; Sunshine Act Meetings

The National Science Board's Task Force on Administrative Burdens, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the

Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a teleconference for the transaction of National Science Board business and other matters specified, as follows:

**DATE AND TIME:** Thursday, March 14, 2013, 4:00 p.m.–5:00 p.m. EDT.

**SUBJECT MATTER:** Discussion of data collection and outreach and the Office of Management and Budget's recent proposed guidance for Federal awards.

**STATUS:** Open.

**LOCATION:** This meeting will be held by teleconference at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. A public listening room will be available for this teleconference meeting. All visitors must contact the Board Office (call 703-292-7000 or send an email message to [nationalsciencebrd@nsf.gov](mailto:nationalsciencebrd@nsf.gov)) at least 24 hours prior to the teleconference for the public listening room number and to arrange for a visitor's badge. All visitors must report to the NSF visitor desk located in the lobby at the 9th and N. Stuart Streets entrance on the day of the teleconference to receive a visitor's badge.

**UPDATES AND POINT OF CONTACT:** Please refer to the National Science Board Web site [www.nsf.gov/nsb](http://www.nsf.gov/nsb) for additional information and schedule updates (time, place, subject matter or status of meeting) may be found at <http://www.nsf.gov/nsb/notices/>. Point of contact for this meeting is: John Veysey, National Science Board Office, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-7000.

**Ann Bushmiller,**

*Senior Counsel to the National Science Board.*

[FR Doc. 2013-05300 Filed 3-4-13; 4:15 pm]

**BILLING CODE 7555-01-P**

### NUCLEAR REGULATORY COMMISSION

#### Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of Meeting.

**SUMMARY:** NRC will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on April 15–16, 2013. A sample of agenda items to be discussed during the public session includes: (1) An update on the status of the Commission Paper on data collection for Patient Release; (2) an update on the proposed interim enforcement policy for Permanent

Implant Brachytherapy programs; (3) medical-related events from fiscal year 2012; (4) an update on the 10 CFR Part 35 Rulemaking; (5) a discussion on the draft guidance for the 10 CFR Part 35 Rulemaking; (6) an overview of the NNSA's efforts to minimize the use of highly enriched uranium in molybdenum-99 production; (7) an overview of the 2013 reimbursement policy for non-HEU produced medical isotopes and (8) the Abnormal Occurrence Subcommittee Report. The agenda is subject to change. The current agenda and any updates will be available at <http://www.nrc.gov/reading-rm/doc-collections/acmui/agenda> or by emailing Ms. Sophie Holiday at the contact information below.

*Purpose:* Discuss issues related to 10 CFR Part 35 Medical Use of Byproduct Material.

*Date and Time for Closed Session:* April 15, 2013, from 8:00 a.m. to 9:30 a.m. This session will be closed for ACMUI training.

*Date and Time for Open Sessions:* April 15, 2013, from 9:30 a.m. to 5:00 p.m. and April 16, 2013, from 8:00 a.m. to 2:30 p.m.

*Address for Public Meeting:* U.S. Nuclear Regulatory Commission, Two White Flint North Building, Room T2-B3, 11545 Rockville Pike, Rockville, Maryland 20852.

*Public Participation:* Any member of the public who wishes to participate in the meeting in person or via phone should contact Ms. Holiday using the information below. The meeting will also be webcast live: [video.nrc.gov](http://video.nrc.gov).

*Contact Information:* Sophie J. Holiday, email: [sophie.holiday@nrc.gov](mailto:sophie.holiday@nrc.gov), telephone: (301) 415-7865.

#### Conduct of the Meeting

Leon S. Malmud, M.D., will chair the meeting. Dr. Malmud will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Holiday at the contact information listed above. All submittals must be received by April 8, 2013, and must pertain to the topic on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The draft transcript will be available on ACMUI's Web site (<http://www.nrc.gov/reading-rm/doc-collections/acmui/tr/>) on or about May 17, 2013. A meeting summary will be available on ACMUI's Web site (<http://>

[www.nrc.gov/reading-rm/doc-collections/acmui/meeting-summaries/](http://www.nrc.gov/reading-rm/doc-collections/acmui/meeting-summaries/) on or about May 28, 2013.

4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Holiday of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations*, Part 7.

Dated: February 28, 2013.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. 2013-05168 Filed 3-5-13; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30411; 812-14043]

### Forward Funds, et al.; Notice of Application

February 28, 2013.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the "Act") for exemption from sections 12(d)(1)(A) and (B) of the Act and under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act.

*Summary of the Application:* The order would permit certain open-end management investment companies registered under the Act to acquire shares of certain open-end management investment companies registered under the Act that are outside of the same group of investment companies as the acquiring investment companies.

*Applicants:* Forward Funds (the "Trust"), Forward Management, LLC (the "Adviser"), and Forward Securities, LLC (the "Distributor").

*Filing Dates:* The application was filed on June 11, 2012, and amended on September 28, 2012, December 19, 2012, and February 6, 2013.

*Hearing or Notification of Hearing:* An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 25, 2013, and should be accompanied by proof of

service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090; Applicants, 101 California Street, 16th Floor, San Francisco, CA 94111.

**FOR FURTHER INFORMATION CONTACT:**

Christine Y. Greenlees, Senior Counsel, at (202) 551-6879, or David P. Bartels, Branch Chief, at (202) 551-6821 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm>, or by calling (202) 551-8090.

### Applicants' Representations

1. The Trust is an open-end management investment company registered under the Act and organized as a Delaware statutory trust. The Trust is comprised of separate series (each a "Fund" and collectively, the "Funds"). The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act") and serves as investment adviser for each of the Funds. The Distributor is registered as a broker dealer under the Securities Exchange Act of 1934 (the "Exchange Act") and serves as the Funds' distributor. Both the Adviser and the Distributor are Delaware limited liability companies.

2. Applicants request an order to permit (a) registered open-end management investment companies (the "Investing Funds") that are not part of the same "group of investment companies," within the meaning of section 12(d)(1)(G)(ii) of the Act, as the Trust, to acquire shares of the Funds in excess of the limits in section 12(d)(1)(A) of the Act, and (b) the Funds, any principal underwriter for a Fund, and any broker or dealer registered under the Exchange Act ("Broker") to sell shares of the Funds to the Investing Funds in excess of the

limits of section 12(d)(1)(B) of the Act.<sup>1</sup> Applicants also request an order under sections 6(c) and 17(b) of the Act to exempt applicants from section 17(a) to the extent necessary to permit a Fund to sell its shares to and redeem its shares from an Investing Fund.<sup>2</sup>

3. Each Investing Fund will be advised by an "investment adviser," within the meaning of section 2(a)(20)(A) of the Act, and such adviser will be registered as an investment adviser under the Advisers Act (each, an "Investing Fund Adviser"). Some Investing Funds may also be advised by an investment adviser that meets the definition of section 2(a)(20)(B) of the Act (each, an "Investing Fund Subadviser").

### Applicants' Legal Analysis

#### A. Section 12(d)(1)

1. Section 12(d)(1)(A) of the Act, in relevant part, prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, and any Broker from knowingly selling the investment company's shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's total outstanding voting stock, or if the sale will cause more than 10% of the acquired company's total outstanding voting stock to be owned by investment companies generally.

2. Section 12(d)(1)(J) of the Act provides that the Commission may

<sup>1</sup> All entities that currently intend to rely on the requested order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application. Certain of the Funds created in the future may be registered under the Act as open-end management investment companies and may have received exemptive relief to permit their shares to be listed and traded on a national securities exchange at negotiated prices ("ETFs").

<sup>2</sup> Applicants request that the relief apply to: (1) Each registered open-end management investment company or series thereof that currently or subsequently is part of the same "group of investment companies," within the meaning of section 12(d)(1)(G)(ii) of the Act, as the Trust and is advised by the Adviser (included in the term "Funds"); (2) each Investing Fund that enters into a Participation Agreement (as defined below) with a Fund to purchase shares of the Fund; and (3) any principal underwriter to a Fund or Broker (as defined below) selling shares of a Fund.