

financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before October 6, 2000.

ADDRESSES: Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 709A, Arlington, VA 22203-1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to bteaster@msha.gov, along with an original printed copy. Ms. Teaster can be reached at (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Ms. Teaster can be reached at bteaster@msha.gov (Internet E-mail), (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

SUPPLEMENTARY INFORMATION:

1. Background

Section 77.1101(a) requires operators of surface coal mines and surface work areas of underground coal mines to establish and keep current a specific escape and evacuation plan to be followed in the event of a fire.

Section 77.1101(b) requires that all employees be instructed in current escape and evacuation plans, fire alarm signals, and applicable procedures to be followed in case of fire. The training and record keeping requirements associated with this standard are addressed under OMB No. 1219-0070 (Certificate of Training, MSHA Form 5000-23).

Section 77.1101(c) requires escape and evacuation plans to include the designation and proper maintenance of an adequate means for exiting areas where persons are required to work or travel including buildings, equipment, and areas where persons normally congregate during the work shift.

While escape and evacuation plans are not subject to approval by MSHA district managers, MSHA inspectors evaluate the adequacy of the plans during their inspections of surface coal mines and surface work areas of underground coal mines.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection

related to the Escape and Evacuation Plans. MSHA is particularly interested in comments which:

- 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 collection 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 submission of responses.
- A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (<http://www.msha.gov>) and selecting "Statutory and Regulatory Information" then "Paperwork Reduction Act Submissions (<http://www.msha.gov/regspwork.htm>)," or by contacting the employee listed above in the For Further Information Contact section of this notice for a hard copy.

III. Current Actions

MSHA proposes to continue the information collection requirement related to escape and evacuation plans for surface coal mines and surface work areas of underground coal mines for an additional 3 years. MSHA believes that eliminating this requirement would expose miners to unnecessary risk of injury or death should a fire occur at or near their work location.

Type of Review: Extension.

Title: Escape and Evacuation Plans.

Recordkeeping: Indefinite.

OMB Number: 1219-0051.

Affected Public: Business or other for-profit institutions.

Cite/Reference/Form/etc.: 30 CFR

77.1101.

Total Respondents: 59.

Frequency: On occasion.

Total Responses: 59.

Average Time per Response: 4.45 hours.

Estimated Total Burden Hours: 263 hours.

Total Burden Cost (capital/startup): \$0.

Total Annualized Capital/Startup Costs: \$0.

Total Operating and Maintenance Costs: \$0.

Comments submitted in response to this notice will be summarized and/or 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.

Dated: July 26, 2000.

Brenda C. Teaster,

Acting Chief, Records Management Division.

[FR Doc. 00-19401 Filed 8-4-00; 8:45 am]

BILLING CODE 4510-43-M

NUCLEAR REGULATORY COMMISSION

[Docket No. SSD 99-27; ASLBP No. 00-778-06-ML]

Graystar, Inc.; Notice of Reconstitution

Pursuant to the authority contained in 10 CFR 2.721 and 2.1207, the Presiding Officer in the captioned 10 CFR part 2, Subpart L proceeding is hereby replaced by appointing Administrative Judge Ann M. Young as Presiding Officer in place of Administrative Judge G. Paul Bollwerk, III.

All correspondence, documents, and other material shall be filed with the Presiding Officer in accordance with 10 CFR 2.1203. The address of the new Presiding Officer is: Administrative Judge Ann M. Young, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Issued at Rockville, Maryland, this 31st day of July 2000.

G. Paul Bollwerk III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 00-19901 Filed 8-4-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority (Sequoyah Nuclear Plant, Units 1 and 2); Exemption

I

The Tennessee Valley Authority (TVA or the licensee) is the holder of Facility Operating License No. DPR-77 for operation of the Sequoyah Nuclear Plant, Unit 1, and DPR-79 for Unit 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (Commission or NRC) now or hereafter in effect.

The Sequoyah units are pressurized water reactors located in Hamilton County, Tennessee.

II

By application dated February 11, 2000, TVA requested an exemption from the requirements of Title 10 of the Code of Federal Regulations, Section 50.44 (10 CFR 50.44), "Standard for Combustion Gas Control in Light-Water-Cooled Power Reactors," 10 CFR 50.46, "Acceptance Criteria for Emergency Core Cooling Systems [ECCS] for Light Water Nuclear Power Reactors," and 10 CFR Part 50, Appendix K, "ECCS Evaluation Models." These regulations set forth requirements for use of zircaloy or ZIRLO fuel rod cladding material by specifying acceptance criteria for ECCS and the fuel cladding performance evaluation for normal operation, anticipated operational occurrences and accident conditions. Specifically, 10 CFR 50.46 contains acceptance criteria for ECCS for light water nuclear power reactors fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding. Further, 10 CFR 50.46 states that ECCS cooling performance following postulated loss-of-coolant accidents (LOCA) must be calculated in accordance with an acceptable evaluation model. Appendix K to 10 CFR Part 50 contains the required and acceptable features for ECCS evaluation models. Finally, 10 CFR 50.44 contains requirements for the control of hydrogen gas that may be generated after a postulated LOCA in light water power reactors fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding. Because TVA proposes to use a fuel cladding that is not specified in the rule, TVA sought an exemption from these regulations in order to use a newly designed cladding and structural material, designated M5, developed by Framatome Cogema Fuels (FCF). The licensee's exemption request was submitted in conjunction with an application for operating license amendments to revise the Sequoyah Unit 1 and 2 Technical Specifications to allow use of the M5 alloy for fuel rod cladding. The proposed amendment will be issued concurrently with this exemption. Together, the exemption and amendments will allow M5 to be used at both Sequoyah units.

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 and safety, and are consistent with the common defense and security,

and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR Part 50.12(a)(2)(ii), "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."

III

TVA proposes to use M5 for fuel rod cladding, fuel assembly spacer grids, fuel rod end plugs, the fuel assembly guide, and instrument tubes. M5 is an alloy composed of approximately 99 percent zirconium and 1 percent niobium, is designed for high fuel rod burnup conditions, and exhibits superior corrosion resistance and reduced irradiation-induced growth. In September 1997, FCF submitted Topical Report BAW-10227P, "Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel," for NRC staff review. The topical report justified the use of M5 as cladding and structural material in pressurized-water reactor cores and provided the licensing basis for the FCF advanced cladding and structural material. In a safety evaluation report (SER) dated February 4, 2000, NRC approved Topical Report BAW-10227P, concluding that the M5 properties and the mechanical design methodology, as defined in BAW-0227P, "are in accordance with SRP [Standard Review Plan] Section 4.2, 10 CFR 50.46, and 10 CFR Part 50, Appendix K and therefore, are acceptable for reload licensing applications up to rod averaged burnup levels of 62,000 MWd/MTU and 60,000 MWd/MTU for Mark B and Mark-BW fuel designs, respectively." The staff SER and the approved topical report were published on February 11, 2000, as BAW-10227P-A. The staff has determined that BAW-10227P-A is applicable to Sequoyah because the fuel designs are consistent with the requirements of the topical report.

The underlying purpose of 10 CFR 50.46 is to ensure that facilities meet the appropriate acceptance criteria for ECCS. The rule, however, expressly applies only to reactors fueled with the use of zircaloy-clad or ZIRLO-clad fuel pellets. In its topical report, FCF demonstrated that the ECCS acceptance criteria, which are applied to reactors fueled with zircaloy- or ZIRLO-clad fuel, are also applicable to reactors fueled with M5 fuel rod cladding and structural material. The staff has determined that this finding is applicable to Sequoyah because the fuel designs are consistent with the requirements of the topical report. Thus,

the performance of M5-clad material is similar to that of zircaloy- and ZIRLO-clad fuel and application of the regulation (*i.e.*, using zircaloy or ZIRLO) is not necessary to achieve the underlying purpose of 10 CFR 50.46.

The underlying purpose of 10 CFR 50.44 and 10 CFR Part 50, Appendix K, is to ensure that cladding oxidation and hydrogen generation are appropriately limited during a LOCA and conservatively accounted for in the ECCS evaluation model. These regulations set forth requirements for the plants that use either zircaloy- or ZIRLO-clad fuel. Specifically, Paragraph I.A.5 of 10 CFR Part 50, Appendix K, requires that the Baker-Just (B-J) equation be used in the ECCS evaluation model to determine the rate of energy release, cladding oxidation, and hydrogen generation. This equation conservatively bounds all post-LOCA scenarios. In the SE that approved Topical Report BAW-10227P, the NRC staff concluded that the B-J correlation is conservative for determining high temperature M5 oxidation for LOCA analysis, and that the correlation is acceptable for LOCA ECCS analysis up to the currently approved burnup levels. The staff has determined that this finding is applicable to Sequoyah because the fuel designs are consistent with the requirements of the topical report. Therefore, when M5 is used as fuel rod cladding and structural material, the B-J correlation conservatively bounds post-LOCA scenarios and ECCS evaluation model criteria will be met. Application of the rule (*i.e.*, the use of zircaloy or ZIRLO) is not necessary to achieve the underlying purpose of 10 CFR 50.44 and 10 CFR Part 50, Appendix K.

Based on this evaluation, the staff has determined that application of the criteria in 10 CFR 50.44 and 10 CFR Part 50, Appendix K, Paragraph I.A.5, is appropriate given the similarities in the performance of M5-clad fuel rods and zircaloy- and ZIRLO-clad fuel. Therefore, special circumstances exist to grant an exemption in that application of the regulations (*i.e.*, the use of zircaloy or ZIRLO) is not necessary to achieve the underlying purpose of the rules cited above.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR Part 50.12, an exemption is authorized by law and will not present an undue risk to the public health and safety and is consistent with the common defense and security. The Commission has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), special circumstances are

present, as noted in Section III above. Therefore, an exemption is hereby granted from the requirements of 10 CFR 50.44, 10 CFR 50.46, and 10 CFR Part 50, Appendix K, to allow use of the M5 alloy.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (65 FR 20209).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 29th day of July 2000.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00-19902 Filed 8-4-00; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension: Rule 23c-1, SEC File No. 270-253, OMB Control No. 3235-0260.

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 (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 23c-1 under the Investment Company Act of 1940, among other things, permits a closed-end fund to repurchase its securities for cash if in addition to the other requirements set forth in the rule: (i) Payment of the purchase price is accompanied or preceded by a written confirmation of the purchase; (ii) the asset coverage per unit of the security to be purchased is disclosed to the seller or his agent; and (iii) if the security is a stock, the fund has, within the preceding six months, informed stockholders of its intention to purchase stock. The Commission staff estimates that approximately 19 closed-end funds rely on Rule 23c-1 annually to undertake approximately 115 repurchases of their securities. The Commission staff estimates that, on average, a fund spends approximately 2.5 hours on complying with the

paperwork requirements listed above each time it undertakes a security repurchase under the rule. The total annual burden of the rule's paperwork requirements thus is estimated to be 287.5 hours.

In addition, the fund must file with the Commission, during the calendar month following any month in which a purchase permitted by rule 23c-1 occurs, two copies of a report of purchases made during the month, together with a copy of any written solicitation to purchase securities given by or on behalf of the fund to 10 or more persons. The burden associated with filing Form N-23C-1, the form for this report, has been addressed in the submission for that form.

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 of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549.

Dated: July 28, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-19905 Filed 8-4-00; 8:45 am]

BILLING CODE 8010-01-M

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.

Extensions: Rule 206(4)-3, SEC File No. 270-218, OMB Control No. 3235-0242, and

Rule 206(4)-4, SEC File No. 270-304, OMB Control No. 3235-0345.

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 a request for extension of the previously approved collections of information discussed below.

Rule 206(4)-3, which is entitled "Cash Payments for Client Solicitations," provides restrictions on cash payments for client solicitations. The rule requires that an adviser pay all solicitors' fees pursuant to a written agreement. When an adviser will provide only impersonal advisory services to the prospective client, the rule imposes no disclosure requirements. When the solicitor is affiliated with the adviser and the adviser will provide individualized services, the solicitor must, at the time of the solicitation, indicate to prospective clients that he is affiliated with the adviser. When the solicitor is not affiliated with the adviser and the adviser will provide individualized services, the solicitor must, at the time of the solicitation, provide the prospective client with a copy of the adviser's brochure and a disclosure document containing information specified in rule 206(4)-3. The information rule 206(4)-3 requires is necessary to inform advisory clients about the nature of the solicitor's financial interest in the recommendation so they may consider the solicitor's potential bias, and to protect investors against solicitation activities being carried out in a manner inconsistent with the adviser's fiduciary duty to clients. Rule 206(4)-3 is applicable to all registered investment advisers. The Commission believes that approximately 1,588 of the advisers have cash referral fee arrangements. The rule requires approximately 7.04 burden hours per year per adviser and results in a total of approximately 11,180 total burden hours (7.04×1,588) for all advisers.

Rule 206(4)-4, which is entitled "Financial and Disciplinary Information that Investment Advisers Must Disclose to Clients," requires advisers to disclose certain financial and disciplinary information to clients. The disclosure requirements in rule 206(4)-4 are designed so that a client will have information about an adviser's financial condition and disciplinary events that may be material to an evaluation of the adviser's integrity or ability to meet contractual commitments to clients. We