

NUCLEAR REGULATORY COMMISSION

[NRC-2009-0262]

Guidance for Fuel Cycle Facility Change Processes**AGENCY:** Nuclear Regulatory Commission.**ACTION:** Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing a new regulatory guide (RG) 3.74, "Guidance for Fuel Cycle Facility Change Processes." This regulatory guide describes the types of changes for which fuel cycle facility licensees should seek prior approval from the NRC and discusses how licensees can evaluate potential changes to determine whether NRC approval is required before implementing a change. This regulatory guide also describes the level of information that the NRC staff considers acceptable for use in documenting and reporting changes made without prior NRC approval.

ADDRESSES: You can access publicly available documents related to this regulatory guide using the following methods:

- *NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-(800) 397-4209, (301) 415-4737, or by email to pdr.resource@nrc.gov. The regulatory guide is available electronically under ADAMS Accession Number ML100890016. The regulatory analysis may be found in ADAMS under Accession No. ML110960217.

- *Federal Rulemaking Web Site:* Public comments and supporting materials related to this regulatory guide can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2009-0262.

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FOR FURTHER INFORMATION CONTACT:

R. A. Jervey, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 251-7404 or email Richard.Jervej@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

The NRC is issuing a new guide in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

RG 3.74, "Guidance for Fuel Cycle Facility Change Processes," was issued with a temporary identification as Draft Regulatory Guide, DG-3037, to address several requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 70, "Domestic Licensing of Special Nuclear Material." The guide describes how fuel cycle facility licensees can evaluate potential changes to determine whether NRC approval is required before implementing them. Operating experience from nuclear fuel cycle facilities shows that past incidents often resulted from changes implemented at the facility. In some cases, licensee management or personnel did not analyze, authorize, or understand the changes before implementing them. Subpart H to 10 CFR part 70, in part, includes requirements for tracking, evaluating, and documenting changes made to fuel cycle facilities, and to licensee safety programs. The requirements governing these changes are stated in 10 CFR 70.72, "Facility Changes and Change Process," and pursuant to 10 CFR 70.60, apply to fuel cycle facility licensees that possess greater than a critical mass of special nuclear material and that are engaged in enriched uranium processing, fabrication of uranium fuel or fuel assemblies, uranium enrichment, enriched uranium hexafluoride conversion, plutonium processing, or fabrication of mixed-oxide fuel or fuel assemblies. Such fuel cycle facility licensees must establish a configuration management system to evaluate, implement, and track each change to the site, structures, processes, systems, equipment, components, computer programs, and activities of personnel, in accordance with 10 CFR 70.72(a). Licensees may make such changes without prior approval of the NRC as long as the changes meet the criteria in

10 CFR 70.72(c). RG 3.74 describes how fuel cycle facility licensees can evaluate potential changes to determine whether NRC approval is required before implementing them. This regulatory guide identifies an acceptable level of information to be provided by licensees when documenting and reporting changes made without prior NRC approval.

II. Further Information

DG-3037 was published in the **Federal Register** on July 14, 2011 (76 FR 41527). The public comment period closed September 16, 2011. Public comments on DG-3037 and the staff responses to the public comments are available under ADAMS Accession Number ML113050428.

Dated at Rockville, Maryland, this 28th day of December, 2011.

For the Nuclear Regulatory Commission.

Harriet Karagiannis,

Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2012-31 Filed 1-5-12; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket No. A2012-92; Order No. 1080]

Post Office Closing

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: This document informs the public that an appeal of the closing of the Plover, Iowa post office has been filed. It identifies preliminary steps and provides a procedural schedule. Publication of this document will allow the Postal Service, petitioners, and others to take appropriate action.

DATES: January 24, 2012, 4:30 p.m., Eastern Time: Deadline for answering brief in support of the Postal Service. See the Procedural Schedule in the **SUPPLEMENTARY INFORMATION** section for other dates of interest.

ADDRESSES: Submit comments electronically by accessing the "Filing Online" link in the banner at the top of the Commission's Web site (<http://www.prc.gov>) or by directly accessing the Commission's Filing Online system at <https://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at (202) 789-6820 (case-related information) or DocketAdmins@prc.gov (electronic filing assistance).

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 39 U.S.C. 404(d), the Commission received four petitions for review of the Postal Service's determination to close the Plover post office in Plover, Iowa. The first petition for review received November 30, 2011, was filed by Darla Johnson. The second petition for review received November 30, 2011, was filed by Alan and Karen Minkler. A third petition for review received December 2, 2011, was filed by Eugene B. Van Deest. A fourth petition for review received December 6, 2011, was filed by the Citizens of Plover. The earliest postmark date is November 19, 2011. The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and establishes Docket No. A2012-92 to consider Petitioners' appeal. If Petitioners would like to further explain their position with supplemental information or facts, Petitioners may either file a Participant Statement on PRC Form 61 or file a brief with the Commission no later than January 4, 2012.

Notwithstanding the Postal Service's determination to close this post office, on December 15, 2011, the Postal Service advised the Commission that it "will delay the closing or consolidation of any Post Office until May 15, 2012."¹ The Postal Service further indicated that it "will proceed with the discontinuance process for any Post Office in which a Final Determination was already posted as of December 12, 2011, including all pending appeals." *Id.* It stated that the only "Post Offices" subject to closing prior to May 16, 2012 are those that were not in operation on, and for which a Final Determination was posted as of, December 12, 2011. It affirmed that it "will not close or consolidate any other Post Office prior to May 16, 2012." *Id.* Lastly, the Postal Service requested the Commission "to continue adjudicating appeals as provided in the 120-day decisional schedule for each proceeding." *Id.*

The Postal Service's Notice outlines the parameters of its newly announced discontinuance policy. Pursuant to the

Postal Service's request, the Commission will fulfill its appellate responsibilities under 39 U.S.C. 404(d)(5).

Categories of issues apparently raised. Petitioners contend that (1) the Postal Service failed to consider the effect of the closing on the community (*see* 39 U.S.C. 404(d)(2)(A)(i)); and (2) the Postal Service failed to consider whether it will continue to provide a maximum degree of effective and regular postal services to the community (*see* 39 U.S.C. 404(d)(2)(A)(iii)).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable administrative record is within 15 days after the date on which the petition for review was filed with the Commission. *See* 39 CFR 3001.113. In addition, the due date for any responsive pleading by the Postal Service is also within 15 days after the date on which the petition for review was filed with the Commission.

Availability; Web site posting. The Commission has posted the appeal and supporting material on its Web site at <http://www.prc.gov>. Additional filings in this case and participant's submissions also will be posted on the Web site, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's Web site is available online or by contacting the Commission's webmaster via telephone at (202) 789-6873 or via electronic mail at prc-webmaster@prc.gov.

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., Eastern Time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at prc-dockets@prc.gov or via telephone at (202) 789-6846.

Filing of documents. All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and

10(a) at the Commission's Web site, <http://www.prc.gov>, unless a waiver is obtained. *See* 39 CFR 3001.9(a) and 3001.10(a). Instructions for obtaining an account to file documents online may be found on the Commission's Web site, <http://www.prc.gov>, or by contacting the Commission's docket section at prc-dockets@prc.gov or via telephone at (202) 789-6846.

Commission reserves the right to redact personal information which may infringe on an individual's privacy rights from documents filed in this proceeding.

Intervention. Persons, other than the Petitioners and respondents, wishing to be heard in this matter are directed to file a notice of intervention. *See* 39 CFR 3001.111(b). Notices of intervention in this case are to be filed on or before January 23, 2012. A notice of intervention shall be filed using the Internet (Filing Online) at the Commission's Web site, <http://www.prc.gov>, unless a waiver is obtained for hardcopy filing. *See* 39 CFR 3001.9(a) and 3001.10(a).

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. *See* 39 U.S.C. 404(d)(5). A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. *See* 39 CFR 3001.21.

It is ordered:

1. The procedural schedule listed below is hereby adopted.
2. Pursuant to 39 U.S.C. 505, Natalie Rae Ward is designated officer of the Commission (Public Representative) to represent the interests of the general public.
3. The Secretary shall arrange for publication of this notice and order and Procedural Schedule in the **Federal Register**.

By the Commission.
Shoshana M. Grove,
Secretary.

PROCEDURAL SCHEDULE

November 30, 2011	Filing of Appeal.
December 15, 2011	Deadline for the Postal Service to file the applicable administrative record in this appeal.

¹ United States Postal Service Notice of Status of the Moratorium on Post Office Discontinuance Actions, December 15, 2011, (Notice).

PROCEDURAL SCHEDULE—Continued

December 15, 2011	Deadline for the Postal Service to file any responsive pleading.
January 23, 2012	Deadline for notices to intervene (<i>see</i> 39 CFR 3001.111(b)).
January 4, 2012	Deadline for Petitioners' Form 61 or initial brief in support of petition (<i>see</i> 39 CFR 3001.115(a) and (b)).
January 24, 2012	Deadline for answering brief in support of the Postal Service (<i>see</i> 39 CFR 3001.115(c)).
February 8, 2012	Deadline for reply briefs in response to answering briefs (<i>see</i> 39 CFR 3001.115(d)).
February 15, 2012	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (<i>see</i> 39 CFR 3001.116).
March 16, 2012	Expiration of the Commission's 120-day decisional schedule (<i>see</i> 39 U.S.C. 404(d)(5)).

[FR Doc. 2012-62 Filed 1-5-12; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-29898]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

December 30, 2011.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of December 2011. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on January 24, 2012, and should be accompanied by proof of service on the applicant, 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 Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

FOR FURTHER INFORMATION CONTACT:
Diane L. Titus at (202) 551-6810, SEC, Division of Investment Management, Office of Investment Company Regulation, 100 F Street NE., Washington, DC 20549-8010.

Tax-Free Investments Trust

[File No. 811-2731]

Summary: Applicant seeks an order declaring that it has ceased to be an

investment company. On April 30, 2008, applicant transferred its assets to Tax-Free Cash Reserve Portfolio, a series of Short-Term Investments Trust, based on net asset value. Expenses of \$29,100 incurred in connection with the reorganization were paid by Invesco Advisers, Inc., applicant's investment adviser.

Filing Dates: The application was filed on April 23, 2010 and amended on December 2, 2011.

Applicant's Address: 11 Greenway Plaza, Suite 100, Houston, TX 77046-1173.

Fidelity Capital Fund, Inc.

[File No. 811-791]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 31, 1979, applicant transferred its assets to Fidelity Trend Fund, Inc., based on net asset value. Expenses of approximately \$100,000 incurred in connection with the reorganization were paid by applicant and the acquiring fund based on respective net assets.

Filing Dates: The application was filed on October 17, 2011, and amended on December 1, 2011.

Applicant's Address: 82 Devonshire St., Boston, MA 02109.

Rochdale High Yield Advances Fund, LLC

[File No. 811-22539]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On June 28, 2011, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$3,500 incurred in connection with the liquidation were paid by Rochdale Investment Management, LLC, applicant's investment adviser.

Filing Dates: The application was filed on September 21, 2011 and amended on December 16, 2011.

Applicant's Address: 570 Lexington Ave., New York, NY 10022.

First Trust Strategic High Income Fund

[File No. 811-21756]

First Trust Strategic High Income Fund III

[File No. 811-21994]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On October 3, 2011, applicants transferred their assets to First Trust Strategic High Income Fund II, based on net asset value. Total expenses of approximately \$515,500 incurred in connection with the reorganization were paid by applicants and the acquiring fund on a pro rata basis, based on the net asset value of each fund prior to the closing date of the reorganization.

Filing Dates: The applications were filed on October 27, 2011 and amended on December 16, 2011.

Applicants' Address: 120 East Liberty Dr., Suite 400, Wheaton, IL 60187.

CPG FrontPoint Multi-Strategy Fund

[File No. 811-22324]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On December 1, 2011, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$11,000 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on December 1, 2011.

Applicant's Address: c/o Central Park Advisers, LLC, 805 Third Ave., 18th Floor, New York, NY 10022.

Arden Sage Multi-Strategy TEI Fund, LLC

[File No. 811-22377]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On September 30, 2011, applicant transferred its assets to Arden Sage Multi-Strategy Fund, LLC (f/k/a Robeco-Sage Multi-Strategy Fund, LLC), based on net asset value. Expenses of \$38,000 incurred in connection with the reorganization were paid by Robeco