

American National Standards Institute/American Nuclear Society (ANSI/ANS). ANS-2.8, "Determining Design Basis Flooding at Power Reactor Sites." ANSI/ANS: July 1992.

Dated: October 28, 2005.

Robert C. Pierson,
Director, Division of Fuel Cycle Safety and Safeguards, NMSS.

APPENDIX—Example Natural Phenomena Hazard Review for Compliance with 10 CFR 70.61

This example review is for an amendment to authorize operations in a blended low-enriched uranium oxide conversion building (OCB). The site is located near a river and is just above the 100-year flood plain of a nearby creek. The Effluent Process Building (EPB) was also part of the amendment but was not evaluated because the quantities of radioactive material or hazardous chemicals (that come under NRC regulation) contained in the EPB are not considered sufficient to exceed the 10 CFR 70.61 consequence threshold for "unlikely" events.

Seismic Evaluation

The OCB is of reinforced concrete construction and is constructed to seismic criteria contained in the Standard Building Code (SBC-1999) which is equivalent to being designed for an earthquake having a probability of exceedance of approximately 4×10^{-4} per year. Using Appendix C of DOE-STD-1020-2002, a risk reduction factor of 4 was determined by U.S. Nuclear Regulatory Commission (NRC) staff, giving the structure a likelihood of significant damage from an earthquake of 10^{-4} per year or less. Hence, the collapse or loss of building integrity from an earthquake may be considered to be "highly unlikely" as the probabilistic value of "highly unlikely" indicated by the applicant was a probability of exceedance of 10^{-4} to 10^{-5} per year. Within the building, the material at risk consists of low enriched uranyl nitrate liquid, ammonium diuranate slurry, and uranium dioxide powder. All of these materials are expected to be within containers and spillage during a seismic event is expected to be minimal. Since the building is expected to retain its integrity, the leak path factor will be relatively low even without dynamic confinement from the ventilation system. Facility workers are expected to take actions to limit personal intake of radionuclides. The staff concludes that the OCB complies with the performance requirements of 10 CFR 70.61 with regard to seismic events.

High Winds Evaluation

The OCB structure is also designed for wind loads in accordance with the SBC-1999, and the probability of a tornado impacting the facility is less than 10^{-5} per year. Therefore, the facility needs only to be evaluated in regard to the effects of wind loads and missiles, but not for tornadoes. The reinforced concrete exterior walls of the OCB are considered by NRC staff to be adequate to withstand high wind velocities as well as missiles (from DOE-STD-1020-2002) that should be assumed for such events. A collapse of building walls due to wind forces

such that radioactive material would escape is considered to be "highly unlikely" by NRC staff. In addition, the meteorological conditions likely to result in severe winds may be forecast in advance, and protective measures taken. The staff concludes that the OCB complies with the performance requirements of 10 CFR 70.61 with regard to wind events.

Flooding Evaluation

The lowest floor in the OCB is 15 feet above the 100-year flood plain from an adjacent creek. From a review of the topography of the site area, it appears that flooding of the site could occur, most likely, from flooding on the nearby river with coincident flooding on the adjacent creek which could back up through the railroad culvert. This event is expected to have warning time and may overtop the railroad embankment to the north of the facility and flood parts of the town nearby. However, the facility is sufficiently removed from the main channel of the river such that flood-induced scouring and erosion would not be expected. In addition, the hydrostatic loading from the flood on the exterior walls of the OCB would not be expected to cause collapse. The primary concern is inundation which could float unsecured containers within the OCB but not remove them from the facility. A criticality event can not be excluded, but could occur only in the flooded and, therefore, evacuated section of the plant and would not affect facility workers. In addition, the warning time would allow the movement of material to reduce the likelihood of a flood-induced criticality. The staff concludes that the OCB complies with the performance requirements of 10 CFR 70.61 with regard to flooding.

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OFFICE OF MANAGEMENT AND BUDGET

Executive Office of the President; Acquisition Advisory Panel; Notification of Upcoming Meetings of the Acquisition Advisory Panel

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of Federal Advisory Committee meetings.

SUMMARY: The Office of Management and Budget announces four meetings of the Acquisition Advisory Panel (AAP or "Panel") established in accordance with the Services Acquisition Reform Act of 2003.

DATES: There are four meetings announced in this **Federal Register** Notice. Public meetings of the Panel will be held on November 29th and December 16th, 2005 and January 5th and January 19th, 2006. All meetings

will begin at 9 a.m. eastern standard time and end no later than 5 p.m.

ADDRESSES: The November 29, 2005 meeting will be held at the General Services Administration (GSA) Auditorium at 1800 F Street, NW., Washington, DC 20405. The location for the December 16, 2005, January 5, 2006, and January 19, 2006 meetings will be the Federal Deposit Insurance Corporation (FDIC) basement auditorium, 801 17th Street, NW., Washington DC 20434. The public is asked to pre-register one week in advance for all meetings due to security and/or seating limitations (see below for information on pre-registration).

FOR FURTHER INFORMATION: Members of the public wishing further information concerning these meetings or the Panel itself, or to pre-register for the meetings, should contact Ms. Laura Auletta, Designated Federal Officer (DFO), at: laura.auletta@gsa.gov, phone/voice mail (202) 208-7279, or mail at: General Services Administration, 1800 F Street, NW., Room 4006, Washington, DC 20405. Members of the public wishing to reserve speaking time must contact Ms. Anne Terry, AAP Staff Analyst, *in writing* at: anne.terry@gsa.gov, by fax at (202) 501-3341, or mail at the address given above for the DFO, no later than one week prior to the meeting at which they wish to speak.

SUPPLEMENTARY INFORMATION:

(a) *Background:* The purpose of the Panel is to provide independent advice and recommendations to the Office of Federal Procurement Policy and Congress pursuant to section 1423 of the Services Acquisition Reform Act of 2003. The Panel's statutory charter is to review Federal contracting laws, regulations, and governmentwide policies, including the use of commercial practices, performance-based contracting, performance of acquisition functions across agency lines of responsibility, and governmentwide contracts. Interested parties are invited to attend the meetings. Opportunity for public comments will be provided at all meetings. At this time, the Panel does not expect to hold public meetings beyond the January 19, 2006 date. Any change will be announced in the **Federal Register**.

All Meetings—Selected working groups, established at the February 28, 2005 and May 17, 2005 public meetings of the AAP (*see* <http://www.acqnet.gov/aap> for a list of working groups), will report their draft findings and recommendations during these meetings. While the Panel may hear from some additional invited speakers,

the focus of these meetings will be discussion of working group findings and recommendations. The Panel welcomes oral public comments at any of these meetings and has reserved one hour for this purpose at each meeting. Members of the public wishing to address the Panel during the meeting must contact Ms. Anne Terry, *in writing*, as soon as possible to reserve time (see contact information above).

(b) *Posting of Draft Reports:* Members of the public are encouraged to regularly visit the Panel's Web site for draft reports. Currently, the working groups are staggering the posting of various sections of their draft reports at <http://www.acqnet.gov/aap> under "Working Group Reports."

(c) *Availability of Materials for the Meetings:* Please see the Panel's Web site for any available materials, including draft agendas and minutes (<http://www.acqnet.gov/aap>). Questions/issues of particular interest to the Panel are also available to the public on this Web site on its front page, including "Questions for Government Buying Agencies," "Questions for Contractors that Sell Commercial Goods or Services to the Government," "Questions for Commercial Organizations," and an issue raised by one Panel member regarding the rules of interpretation and performance of contracts and liabilities of the parties entitled "Proposal for Public Comment." The Panel encourages the public to address any of these questions/issues when presenting either oral public comments or written statements to the Panel.

(d) *Procedures for Providing Public Comments:* It is the policy of the Panel to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Panel Staff expects that public statements presented at Panel meetings will be focused on the Panel's statutory charter and working group topics, and not be repetitive of previously submitted oral or written statements, and that comments will be relevant to the issues under discussion.

Oral Comments: Speaking times will be confirmed by Panel staff on a "first-come/first-served" basis. To accommodate as many speakers as possible, oral public comments must be no longer than 10 minutes. Because Panel members may ask questions, reserved times will be approximate. Interested parties must contact Ms. Anne Terry, *in writing* (via mail, e-mail, or fax identified above for Ms. Terry) at least one week prior to the meeting in order to be placed on the public speaker list for the meeting. Oral requests for

speaking time will not be taken. Speakers are requested to bring extra copies of their comments and presentation slides for distribution to the Panel at the meeting. Speakers wishing to use a Power Point presentation must e-mail the presentation to Ms. Terry one week in advance of the meeting.

Written Comments: Although written comments are accepted until the date of the meeting (unless otherwise stated), written comments should be received by the Panel Staff at least one week prior to the meeting date so that the comments may be made available to the Panel for their consideration prior to the meeting. Written comments should be supplied to the DFO at the address/contact information given in this FR Notice in one of the following formats (Adobe Acrobat, WordPerfect, Word, or Rich Text files, in IBM-PC/Windows 98/2000/XP format).

Please note: Since the Panel operates under the provisions of the Federal Advisory Committee Act, as amended, all public presentations will be treated as public documents and will be made available for public inspection, up to and including being posted on the Panel's Web site.

(e) *Meeting Accommodations:* Individuals requiring special accommodation to access the public meetings listed above should contact Ms. Auletta at least five business days prior to the meeting so that appropriate arrangements can be made.

Laura Auletta,

Designated Federal Officer (Executive Director), Acquisition Advisory Panel.

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SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 27140; 812-13190]

Special Situations Fund III, L.P., et al., Notice of Application

November 2, 2005.

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

ACTION: Notice of application for an order under section 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from section 17(a) of the Act.

Applicants: Special Situations Fund III, L.P. ("SSF III"), Special Situations Fund III QP, L.P. ("SSF QP," and together with SSF III, the "Funds") and MGP Advisers Limited Partnership ("Adviser").

Summary of Application: Applicants request an order to permit certain purchase and sale transactions in connection with a proposed division of a registered closed-end management investment company into two separate companies (the "Transaction").

Filing Dates: The application was filed on May 19, 2005, and amended on November 2, 2005.

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 November 25, 2005, and should be accompanied by proof of service on the 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 may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-0609. Applicants, c/o Austin W. Marx, MGP Advisers Limited Partnership, 153 East 53rd Street, 55th Floor, New York, NY 10022.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel (202-551-6817), or Stacy L. Fuller, Branch Chief (202-551-6821) (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the Commission's Public Reference Branch, 100 F Street, NE., Washington, DC 20549-0102 (202-551-5850).

Applicants' Representations

1. SSF III, a Delaware limited partnership, is a closed-end management investment company that is registered under the Act and operates as an "interval fund" under rule 23e-3 under the Act. Partnership interests ("Units") in SSF III are not registered under the Securities Act of 1933 ("1933 Act") and are sold in private offerings pursuant to Regulation D under the 1933 Act generally to "accredited investors," as defined in Regulation D. Each investor in SSF III that pays the Adviser an incentive allocation is also a "qualified client," as defined in rule 205-3 under the Investment Advisers Act of 1940, as amended ("Advisers