

For further details with respect to this action, see the licensee's request for construction permit termination dated August 9, 2005, supplemented by letter dated July 7, 2006. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agency wide Documents Access and Management Systems (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 1-800-397-4029 or 301-415-4737, or send an e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland this 31st day of August 2006.

For the Nuclear Regulatory Commission.

**Brian J. Benney,**

*Project Manager, Plant Licensing Branch IV,  
Division of Operating Reactor Licensing,  
Office of Nuclear Reactor Regulation.*

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**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Nuclear Waste; Meeting on Planning and Procedures; Notice of Meeting**

The Advisory Committee on Nuclear Waste (ACNW) will hold a Planning and Procedures meeting on September 18, 2006, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland. The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

**Monday, September 18, 2006—8:30 a.m.—9:30 a.m.**

The Committee will discuss proposed ACNW activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Antonio F. Dias (Telephone: 301/415-6805) between 8:15 a.m. and 5 p.m. (ET) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 8:15 a.m. and 5:00 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: August 31, 2006.

**Michael R. Snodderly,**

*Branch Chief, ACRS/ACNW.*

[FR Doc. 06-7504 Filed 9-5-06; 10:18 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Draft Regulatory Guide: Issuance, Availability**

The U.S. Nuclear Regulatory Commission (NRC) has issued for public comment a draft of a new guide in the agency's Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC'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.

The draft regulatory guide, entitled "Combined License Applications for Nuclear Power Plants (LWR Edition)," is temporarily identified by its task number, DG-1145, which should be mentioned in all related correspondence. This proposed regulatory guide contains guidance for use in submitting combined license (COL) applications in compliance with the Commission's regulations in Title 10 Part 52 of the Code of Federal Regulations (10 CFR Part 52), "Early Site Permits; Design Certifications; and Combined Licenses for Nuclear Power Plants." Specifically, 10 CFR Part 52 governs the issuance of early site permits, standard design certifications, and combined licenses for nuclear power plants.

In February 1972, the NRC initially published Regulatory Guide 1.70,

"Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants (LWR Edition)," which the nuclear industry has since used in preparing applications for construction permits and operating licenses for new nuclear power plants. The NRC most recently revised Regulatory Guide 1.70 in November 1978 and, since that time, the Commission has established a new process for licensing new reactors. That process, described in detail in 10 CFR Part 52, allows an applicant to reference an early site permit (ESP), a design certification (DC), both, or neither, in a COL application. The NRC has developed Draft Regulatory Guide DG-1145 to provide guidance to applicants who plan to use this new process.

The NRC initially issued 10 CFR Part 52 in April 1989 to offer alternative licensing (ESP, standard DC, COL, and manufacturing license) processes for new nuclear power plants. More recently, the agency proposed a revision of the rule on March 13, 2006, (71 FR 12782), to clarify the applicability of various requirements to each of the licensing processes. This Draft Regulatory Guide, DG-1145, is based on the proposed revised rule. The specific requirements pertaining to technical requirements for content of applications are contained in proposed 10 CFR 52.79, "Contents of applications, general requirements" and proposed 10 CFR 52.80, "Contents of applications, additional technical information." The final Regulatory Guide will be conformed to the final rule that is adopted by the Commission, and will be issued when that final rule is available.

At this time, the NRC staff is soliciting comments on Draft Regulatory Guide DG-1145. Comments may be accompanied by relevant information or supporting data, and should mention DG-1145 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS). Personal information will not be removed from your comments. You may submit comments by any of the following methods.

*Mail comments to:* Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*E-mail comments to:* [NRCREP@nrc.gov](mailto:NRCREP@nrc.gov). You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov/cgi-bin/rulemake?source=rg&st=draftgr>. Address questions about our rulemaking

Web site to Carol A. Gallagher at (301) 415-5905 or by e-mail to [CAG@nrc.gov](mailto:CAG@nrc.gov).

*Hand-deliver comments to:* Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

*Fax comments to:* Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 415-5144.

Requests for technical information about Draft Regulatory Guide DG-1145 may be directed to the NRC Project Manager, Eric Oesterle, at (301) 415-1365 or [ERO1@nrc.gov](mailto:ERO1@nrc.gov).

Comments would be most helpful if received by October 21, 2006. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of Draft Regulatory Guide DG-1145 are available through the NRC's public Web site under Draft Regulatory Guides in the Regulatory Guides document collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Package Accession #ML061800499.

In addition, Draft Regulatory Guide DG-1145 and other related publicly available documents, including public comments received, can be viewed electronically on computers in the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will make copies of documents for a fee. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, by fax at (301) 415-3548, and by e-mail to [PDR@nrc.gov](mailto:PDR@nrc.gov).

Please note that the NRC does not intend to distribute printed copies of Draft Regulatory Guide DG-1145, unless specifically requested on an individual basis. Such requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to

the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Reproduction and Distribution Services Section; by e-mail to [DISTRIBUTION@nrc.gov](mailto:DISTRIBUTION@nrc.gov); or by fax to (301) 415-2289. Telephone requests cannot be accommodated.

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(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 1st day of September, 2006.

For the U.S. Nuclear Regulatory Commission.

**Charles E. Ader,**

*Acting Director, Division of Risk Assessment and Special Projects, Office of Nuclear Regulatory Research.*

[FR Doc. E6-14865 Filed 9-6-06; 8:45 am]

**BILLING CODE 7590-01-P**

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-54394; File No. 4-523]

### Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d-2; Order Approving and Declaring Effective a Plan for Allocation of Regulatory Responsibilities Between NYSE Arca, Inc. and the National Association of Securities Dealers, Inc.

August 31, 2006.

Notice is hereby given that the Securities and Exchange Commission ("Commission") has issued an Order, pursuant to Sections 17(d)<sup>1</sup> and 11A(a)(3)(B)<sup>2</sup> of the Securities Exchange Act of 1934 ("Act"), granting approval and declaring effective a revised amended and restated plan for the allocation of regulatory responsibilities ("Plan")<sup>3</sup> that was filed pursuant to Rule 17d-2 under the Act<sup>4</sup> by NYSE Arca, Inc.<sup>5</sup> ("NYSE Arca") and the National Association of Securities

Dealers, Inc. ("NASD") (together with the NYSE Arca, the "Parties").

Accordingly, NASD shall assume, in addition to the regulatory responsibility it has under the Act, the regulatory responsibilities allocated to it under the Plan. At the same time, NYSE Arca is relieved of those regulatory responsibilities allocated to NASD under the Plan.

#### I. Introduction

Section 19(g)(1) of the Act,<sup>6</sup> among other things, requires every self-regulatory organization ("SRO") registered as either a national securities exchange or registered securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d)<sup>7</sup> or 19(g)(2)<sup>8</sup> of the Act. Section 17(d)(1) of the Act<sup>9</sup> was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication for those broker-dealers that maintain memberships in more than one SRO ("common members").<sup>10</sup> With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d-1<sup>11</sup> and Rule 17d-2 under the Act.<sup>12</sup> Rule 17d-2 permits SROs to propose joint plans for the allocation of regulatory responsibilities, other than financial responsibility rules, with respect to their common members. Under paragraph (c) of Rule 17d-2, the Commission may declare such a plan effective if, after providing for notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and

<sup>1</sup> 15 U.S.C. 78q(d).

<sup>2</sup> 15 U.S.C. 78k-1(a)(3)(B).

<sup>3</sup> On January 20, 2006, the Parties submitted an amended and restated 17d-2 plan for review and approval by the Commission. On July 25, 2006, the Parties submitted a revised amended and restated plan ("Plan"), which was noticed for public comment. See *infra* note 13.

<sup>4</sup> 17 CFR 240.17d-2.

<sup>5</sup> NYSE Arca, Inc. was formerly called the Pacific Exchange, Inc. ("PCX"). On March 6, 2006, PCX filed with the Commission a proposed rule change, which was effective upon filing, to change the name of the PCX, as well as several other related entities, to reflect Archipelago Holdings, Inc.'s ("Archipelago") recent acquisition of PCX and the merger of the New York Stock Exchange, Inc. with Archipelago. See Securities Exchange Act Release No. 53615 (April 7, 2006), 71 FR 19226 (April 13, 2006).

<sup>6</sup> 15 U.S.C. 78s(g)(1).

<sup>7</sup> 15 U.S.C. 78q(d).

<sup>8</sup> 15 U.S.C. 78s(g)(2).

<sup>9</sup> 15 U.S.C. 78q(d)(1).

<sup>10</sup> See Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94-75, 94th Cong., 1st Session 32 (1975).

<sup>11</sup> 17 CFR 240.17d-1. Rule 17d-1 authorizes the Commission to name a single SRO as the designated examining authority ("DEA") to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.

<sup>12</sup> 17 CFR 240.17d-2.