

following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* 10 CFR part 63, "Disposal of High-Level Radioactive Wastes in a Proposed Geologic Repository at Yucca Mountain, Nevada."

3. *The form number if applicable:* Not applicable.

4. *How often the collection is required:* One time.

5. *Who will be required or asked to report:* The State of Nevada, local governments, or affected Indian Tribes, or their representatives, requesting consultation with the NRC staff regarding review of the potential high-level waste geologic repository site, or wishing to participate in a license application review for the potential geologic repository.

6. *An estimate of the number of annual responses:* 9.

7. *The estimated number of annual respondents:* 3.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 363 (An average of 40 hours per response for consultation requests, 80 hours per response for license application review participation proposals, and one hour per response for statements of representative authority).

9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies:* Not applicable.

10. *Abstract:* 10 CFR Part 63 requires the State of Nevada, local governments, or affected Indian Tribes to submit certain information to the NRC if they request consultation with the NRC staff concerning the review of the potential repository site, or wish to participate in a license application review for the potential repository. Representatives of the State of Nevada, local governments, or affected Indian Tribes must submit a statement of their authority to act in such a representative capacity. The information submitted by the State, local governments, and affected Indian Tribes is used by the Director of the Office of Nuclear Material Safety and Safeguards as a basis for decisions about the commitment of NRC staff resources to the consultation and participation efforts.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by October 4, 2007. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Nathan J. Frey, Desk Officer, Office of Information and Regulatory Affairs (3150-0199), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to [Nathan\\_J.Frey@omb.eop.gov](mailto:Nathan_J.Frey@omb.eop.gov) or submitted by telephone at (202) 395-7345.

The NRC Clearance Officer is Margaret A. Janney, 301-415-7245.

Dated at Rockville, Maryland, this 27th day of August, 2007.

For the Nuclear Regulatory Commission,  
**Margaret A. Janney**,  
NRC Clearance Officer, Office of Information Services.

[FR Doc. E7-17400 Filed 8-31-07; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. PROJ0734, PROJ0735, PROJ0736, POOM-32]**

### **Notice of Availability of NUREG-1854, NRC Staff Guidance for Activities Related to U.S. Department of Energy Waste Determinations, Draft Final Report for Interim Use**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Availability of Draft Final Report for Interim Use.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing draft final NRC staff guidance for activities related to U.S. Department of Energy (DOE) waste determinations (NUREG-1854), for interim use. NUREG-1854 provides guidance to the NRC staff in evaluating non-high-level waste determinations developed by DOE for the Savannah River Site, Idaho National Laboratory, Hanford, and West Valley for certain wastes that are a result of the

reprocessing of spent nuclear fuel. NUREG-1854 provides elements the NRC staff should review to fulfill its responsibilities under the Ronald Reagan Defense Authorization Act for Fiscal Year 2005 (NDAA), which is to consult with DOE on its waste determinations and to monitor DOE disposal actions to assess compliance with the performance objectives in 10 CFR part 61, subpart C. NUREG-1854 does not set forth regulatory requirements for NRC or for DOE, and compliance with NUREG-1854 is not required.

**ADDRESSES:** NUREG-1854 is available for inspection and copying for a fee at the Commission's Public Document Room, U.S. NRC's Headquarters Building, 11555 Rockville Pike (first floor), Rockville, Maryland, and electronically from the ADAMS Public Library component on the NRC Web Site, <http://www.nrc.gov> (the Electronic Reading Room) [ML072360184]. For those without access to the Internet, paper copies of any electronic documents may be obtained for a fee by contacting the NRC's Public Document Room at 301-415-4737 or toll free at 1-800-397-4209.

**FOR FURTHER INFORMATION CONTACT:** Michael Fuller, U.S. Nuclear Regulatory Commission, Mail Stop T8-F5, Washington, DC 20555, Phone Number: (301) 415-0520, e-mail: [mlf2@nrc.gov](mailto:mlf2@nrc.gov).

**SUPPLEMENTARY INFORMATION:** In October 2004, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA) was enacted. Section 3116 of the NDAA gave the NRC new responsibilities with respect to DOE waste management activities for certain "incidental" waste resulting from the reprocessing of spent nuclear fuel within the States of South Carolina and Idaho. These responsibilities include consultation with DOE on DOE's determination whether the waste is not high-level waste (HLW), as well as monitoring DOE's disposal actions for these wastes. The concept behind incidental waste is that some material, resulting from the reprocessing of spent nuclear fuel, does not need to be disposed of as HLW in a geologic repository because the residual radioactive contamination, if properly controlled, is sufficiently low that it does not represent a hazard to public health and safety. Consequently, incidental waste is not considered to be HLW, but instead is low-level waste. DOE uses technical analyses that are documented in a waste determination to evaluate whether waste is incidental or HLW. A waste determination provides DOE's analysis as to whether the waste

will meet the applicable incidental waste criteria.

Prior to passage of the NDAA, DOE would periodically request NRC to provide technical advice for specific waste determinations. The staff reviewed DOE's waste determinations to assess whether they had sound technical assumptions, analysis, and conclusions with regard to meeting the applicable incidental waste criteria. Because the enactment of the NDAA is expected to increase the number of waste determinations submitted to the NRC for review, the NRC has decided to develop NUREG-1854, NRC Staff Guidance for Activities Related to U.S. Department of Energy Waste Determinations, Draft Final Report for Interim Use. The NUREG provides guidance to NRC staff on how to conduct a technical review of a waste determination, as well as how to conduct monitoring activities under the NDAA, and will help ensure consistency across different reviews and different reviewers. Because the technical aspects of the NRC's waste determination reviews are expected to be similar for all four sites, regardless of whether the site is covered by the NDAA, the NRC has decided that this NUREG will address reviews for the Savannah River Site, Idaho National Laboratory, Hanford, and West Valley.

Dated at Rockville, MD this 28th day of August, 2007.

For the Nuclear Regulatory Commission.

**Larry W. Camper,**

*Director, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56328; File No. SR-NYSEArca-2007-73]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend NYSE Arca Equities Rules 5.2(j)(3) (Investment Company Units) and Rule 8.100 (Portfolio Depository Receipts) in Connection With the Dissemination of Information in Extended Hours Trading

August 28, 2007.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup>

notice is hereby given that on July 26, 2007, NYSE Arca, Inc. ("NYSE Arca" or "Exchange"), through its wholly owned subsidiary NYSE Arca Equities, Inc. ("NYSE Arca Equities"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Equities Rule 5.2(j)(3) (Investment Company Units) and Rule 8.100 (Portfolio Depository Receipts) relating to dissemination of the index value and Intraday Indicative Value ("IIV") (as defined in Commentary .01(c) to NYSE Arca Equities Rule 5.2(j)(3) and Commentary .01(c) to NYSE Arca Equities Rule 8.100) during the Core Trading Session.<sup>3</sup>

The text of the proposed rule change is available on the Exchange's Web site at <http://www.nyse.com>, at the Exchange's principal office, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

NYSE Arca Equities Rule 7.34(a) provides for three equities trading sessions on the Exchange: The Opening Session (4 a.m. to 9:30 a.m. Eastern Time ("E.T.")), the Core Trading Session (9 a.m. to 4 p.m. E.T.), and the Late Trading Session (4 p.m. to 8 p.m. E.T.).

Currently, NYSE Arca Equities Rules 5.2(j)(3)(E) and 8.100(f) provide that the

Exchange may designate a series of Investment Company Units ("Units") and Portfolio Depository Receipts ("PDRs" together with Units, referred to herein as exchange-traded funds or "ETFs"), respectively, to trade during the Opening Session and Late Trading Session. For an ETF listed on NYSE Arca or traded on the Exchange pursuant to unlisted trading privileges ("UTP"), an updated current index value must be widely disseminated during the time the ETF trades on the Exchange.<sup>4</sup> Current NYSE Arca Equities Rules 5.2(j)(3)(E) and 8.100(f) also require that, for an ETF listed or traded on the Exchange on a UTP basis, an updated IIV be disseminated during the Core Trading Session and, if applicable, the Opening Session. Similar provisions relating to the dissemination of index value and IIV apply to Units and PDRs based on indexes or portfolios consisting of fixed income securities<sup>5</sup> as well as indexes consisting of both equities and fixed income securities.<sup>6</sup>

The Exchange proposes to permit securities listed or traded on the Exchange (including on a UTP basis) pursuant to Rule 19b-4(e) to be traded in all three trading sessions without the requirement to disseminate an IIV or index value.<sup>7</sup> The Exchange, therefore, in this filing is proposing to delete as unnecessary NYSE Arca Equities Rule 5.2(j)(3)(E) and NYSE Arca Equities Rule 8.100(f), which set forth the requirements for the dissemination of such information if the Exchange designates a series of Units or PDRs for trading during the Opening and Late Trading Sessions, respectively. In addition, the Exchange proposes to amend NYSE Arca Equities Rule 5.2(j)(3), Commentaries .01(b)(2) and .03(a)(ii), and NYSE Arca Equities Rule 8.100, Commentaries .01(b)(3) and .03(a)(ii), to specify that the current index value for a Unit or PDR listed or traded on the Exchange pursuant to UTP must be widely disseminated during the Core Trading Session, rather than any time the security trades on the Exchange

<sup>4</sup> See NYSE Arca Equities Rule 5.2(j)(3), Commentary .01(b)(2); 8.100, Commentary .01(b)(3). See also e-mail from Tim Malinowski, Director, NYSE Group, Inc. to Mitra Mehr, Special Counsel, Division of Market Regulation, Securities and Exchange Commission on August 23, 2007 ("NYSEArca e-mail").

<sup>5</sup> See NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(b)(ii) and (c); NYSE Arca Equities Rule 8.100, Commentary .02 (b)(ii) and (c).

<sup>6</sup> See NYSE Arca Equities Rules 5.2(j)(3), Commentary .03(a)(ii) and (b); NYSE Arca Equities Rule 8.100, Commentary .03(a)(ii) and (b).

<sup>7</sup> See NYSEArca e-mail. See also NYSEArca-2007-73 (proposing to trade securities listed and/or traded on the Exchange on a UTP basis other than pursuant to Rule 19b-4(e) in all three trading sessions).

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

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> NYSE Arca Equities Rule 7.34(a) defines the trading hours on the NYSE Arca Marketplace.