

Act for Fiscal Year 2005 (NDAA) was passed by Congress and was signed by the President on October 28, 2004. Section 3116 of the NDAA allows the DOE to determine that certain incidental waste, stemming from reprocessing of spent nuclear fuel, is not high-level waste (HLW). Should these incidental wastes, or Waste Incidental to Reprocessing (WIR), meet the criteria defined by the NDAA, they will be disposed via near-surface disposal. The NDAA is applicable only in the states of South Carolina and Idaho and does not apply to waste transported out of these States. The NDAA requires that: (1) DOE consult with NRC on its waste determinations in South Carolina and Idaho, and (2) NRC, in coordination with the State, monitor disposal actions taken by DOE for the purpose of assessing compliance with NRC regulations in 10 CFR part 61, subpart C. If the NRC considers any disposal actions taken by the DOE pursuant to subparagraphs (A) or (B) of Section 3116(a)(3) of the NDAA to be not in compliance with those performance objectives, the NRC shall, as soon as practicable after discovery of the noncompliant conditions, inform the DOE, the covered State, and Congress. On November 16, 2006 and July 20, 2007, the NRC and DOE held public meetings to discuss the efficiency and effectiveness of the consultation process. This meeting is part of a series of continuing public lessons learned meetings that the NRC and DOE hold jointly. Since the November 2006 NRC/DOE joint public meeting, many NDAA, Section 3116 consultation and monitoring activities have taken place at the Savannah River Site. NRC is currently fulfilling its monitoring role for disposal actions at the Saltstone Facility at the Savannah River Site and consultation activities are underway as the DOE has recently submitted the F-Tank Farm Performance Assessment and Draft Waste Determination for NRC review. The agencies will provide the public with an update on NDAA Section 3116 activities, provide interested stakeholders a chance to make comments and ask questions, and inform the public of future activities.

After the meeting, a publicly available summary of this meeting will be made available on the NRC's Agencywide Documents Access and Management System at <http://www.nrc.gov> and on the DOE webpage at <http://www.em.doe.gov/pages/3116Summaries.aspx>.

Detailed Agenda

Speakers

- Linda Suttora—Office of Environmental Compliance, DOE, *DOE HQ Project Manager for SRS Section 3116 Activities*
- Sherri Ross—Savannah River Site, Waste Disposition Programs Division, DOE, *DOE SR Project Manager for Tank Farm Closures*
- Gregory Suber—Low-Level Waste Branch Chief, NRC, *Chief of NRC Branch Responsible for WIR Activities*
- Frank Marcinowski—Deputy Assistant Secretary for Technical and Regulatory Support, DOE
- Larry W. Camper—Director of the Division of Waste Management and Environmental Protection, NRC

Agenda

- 7–7:10 Introductions and Opening Remarks (Nishka Devaser, NRC Saltstone Project Manager)
- 7:10–8 NDAA Section 3116 Process (DOE, DOE–SR, and NRC)
Linda Suttora, DOE–HQ
Sherri Ross, DOE–SR
Gregory Suber, NRC
- 8–9 NDAA Section 3116 Challenges and Accomplishments
NRC and DOE Perspectives on the Challenges Posed by Section 3116 and the Accomplishments Made
Frank Marcinowski, DOE
Larry Camper, NRC
- 9–10 Opportunity for Public Questions and/or Comment

FOR FURTHER INFORMATION CONTACT: For questions related to this meeting, please contact Nishka Devaser at (301) 415–5196 or Nishka.Devaser@nrc.gov.

Dated at Rockville, Maryland, this 8th day of November 2010.

For the Nuclear Regulatory Commission.

Gregory Suber,

Branch Chief, Low-Level Waste Branch, Environmental Protection and Performance Assessment Directorate, 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

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549.

Extension:

Rule 17a–4(b)(11); SEC File No. 270–449; OMB Control No. 3235–0506; Rule 17a–3(a)(16).

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Sec. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) has submitted to the Office of Management and Budget (“OMB”) a request for approval of extension of the existing collection of information provided for in the following rule: Rule 17a–4(b)(11) (17 CFR 240.17a–4(b)(11)) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a–4(b)(11) describes the record preservation requirements for those records required to be kept pursuant to Rule 17a–3(a)(16), including how such records should be kept and for how long, to be used in monitoring compliance with the Commission’s financial responsibility program and antifraud and antimanipulative rules as well as other rules and regulations of the Commission and the self-regulatory organizations.

It is estimated that respondents will incur a total burden of 2,835 hours per year (105 respondents multiplied by 27 burden hours to comply with Rule 17a–3(a)(16). It is estimated that approximately 105 active broker-dealer respondents registered with the Commission will incur a total burden of 315 hours per year to comply with Rule 17a–4(b)(11), (105 respondents multiplied by 3 burden hours per respondent equals 315 total burden hours).

The Commission estimates that an employee of a broker-dealer charged to ensure compliance with Rule 17a–3(a)(16) receives annual compensation of \$238,000. This compensation is the equivalent of \$119 per hour (\$238,000 divided by 2,000 payroll hours per year). Thus, the average cost estimated for each respondent would be \$3,213: Rule 17a–3(a)(16); Recordkeeping requirements 27 hours at \$119/hr = \$3,213.

The Commission estimates that an employee of a broker-dealer charged to ensure compliance with Rule 17a–4(b)(11) receives annual compensation of \$238,000. This compensation is the equivalent of \$119 per hour (\$238,000 divided by 2,000 pay roll hours per year). Thus, the average cost estimated for each respondent would be \$357.00: Rule 17a–4(b)(11); Record preservation requirements 3 hours at \$119/hr = \$357.

Accordingly, the annual aggregated hour burden for each broker-dealer required to comply with Rules 17a–

3(a)(16) and 17a-4(b)(11) would be \$3,570: (\$3,213 + \$357 = \$3,570).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be 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 Thomas Bayer, Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA, 22312 or by sending an e-mail to: PRA_Mailbox@sec.gov.

Dated: November 4, 2010.

Florence E. Harmon,
Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-63273; File No. SR-OPRA-2010-03]

Options Price Reporting Authority; Notice of Filing and Immediate Effectiveness of Proposed Amendment To Revise the Device-Based Professional Subscriber Fees Charged by OPRA for its Basic Service

November 8, 2010.

Pursuant to Section 11A of the Securities Exchange Act of 1934 ("Act")¹ and Rule 608 thereunder,² notice is hereby given that on October 29, 2010, the Options Price Reporting Authority ("OPRA") submitted to the Securities and Exchange Commission ("Commission") an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and

Quotation Information ("OPRA Plan").³ The proposed amendment would revise the device-based professional subscriber fees charged by OPRA in respect of its Basic Service. A conforming revision is proposed to be made to OPRA's Enterprise Rate Professional Subscriber Fee. The Commission is publishing this notice to solicit comments from interested persons on the proposed OPRA Plan amendment.

I. Description and Purpose of the Plan Amendment

The purpose of the amendment is to make incremental increases in OPRA's device-based professional subscriber fees in respect of its Basic Service and in the Enterprise Rate charged to those subscribers who elect that rate in place of device-based fees. These increases will be phased in over a four-year period. Specifically, it is proposed to increase the current \$23 monthly per device fee by \$1.00 in each of the years 2011, 2012, 2013 and 2014. It is also proposed to increase the Enterprise Rate, currently a monthly fee of \$23 times the number of a subscriber's U.S.-based registered representatives, by this same amount in each of these years and to make conforming changes to the minimum monthly fee under the Enterprise Rate. These increases will be effective on January 1 in each year. OPRA's Basic Service currently consists of market data and related information pertaining to all of the options listed and traded on its member Exchanges (i.e., equity options and index options, including foreign currency index options) ("OPRA Data"). Professional subscribers are persons who subscribe to OPRA Data and do not qualify for the reduced fees charged to nonprofessional subscribers. OPRA's Enterprise Rate is based on the number of a professional subscriber's U.S. registered representatives and independent investment advisers who contract with the subscriber to provide advisory services to the subscriber's customers.

³ The OPRA Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder (formerly Rule 11Aa3-2). See Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The full text of the OPRA Plan is available at <http://www.opradata.com>.

The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The eight participants to the OPRA Plan are BATS Exchange, Inc., Chicago Board Options Exchange, Incorporated, C2 Options Exchange, Incorporated, International Securities Exchange, LLC, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX, Inc., NASDAQ Stock Market LLC, NYSE Amex, Inc., and NYSE Arca, Inc.

The proposed increases in the device-based professional subscriber fee and in the Enterprise Rate are intended to generate revenues for OPRA and its member exchanges that are needed to cover actual and anticipated increases in the costs of collecting, consolidating, processing and disseminating options market information and assuring the reliability and integrity of that information, as well as increases in OPRA's administrative costs. These increases reflect the higher costs of enhancements to and upgrades of the OPRA system and related exchange systems that are needed in order to enable OPRA, its participant exchanges and its vendors to handle a greater volume of market information as a result of the continuing expansion of listed options trading and to provide a greater degree of redundancy and security in the OPRA system. Increases in administrative costs largely reflect higher employee costs. Assuming the number of fee-liable devices and registered persons remains the same, OPRA estimates that the overall effect of the proposed increases in professional subscriber fees will be to increase revenues derived from these fees by approximately 4% in each of the four years covered by the proposal.

The text of the proposed amendment to the OPRA Plan is available at OPRA, the Commission's Public Reference Room, <http://opradata.com>, and on the Commission's Web site at <http://www.sec.gov>.

II. Implementation of the OPRA Plan Amendment

Pursuant to paragraph (b)(3)(i) of Rule 608 under the Act,⁴ OPRA designated this amendment as establishing or changing a fee or other charge collected on behalf of all of the OPRA Participants in connection with access to or use of OPRA facilities. In order to give persons subject to these fees advance notice of the changes, the first of these changes is not proposed to be put into effect until January 1, 2011. Notice of these fee changes is being sent to OPRA Vendors and Professional Subscribers at or about the date of the filing.

The Commission may summarily abrogate the amendment within sixty days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 608(b)(2) under the Act⁵ if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly

¹ 15 U.S.C. 78k-1.

² 17 CFR 242.608.

⁴ 17 CFR 242.608(b)(3)(i).

⁵ 17 CFR 242.608(b)(2).