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If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by email to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov), or by a toll-

free call to 1-866-672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <http://ehd1.nrc.gov/ehd/>, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Attorney for applicant: John E. Matthews, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW., Washington, DC 20004, 202.739.5524, [jmatthews@morganlewis.com](mailto:jmatthews@morganlewis.com).

Dated at Rockville, Maryland this 11th day of February 2013.

For the Nuclear Regulatory Commission.

**Andrew Persinko,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2013-03859 Filed 2-19-13; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2013-0035]**

### **Notice of Forthcoming Workshop To Discuss Revisions to NUREG/BR-0204, Rev. 2 "Instructions for Completing NRC's Uniform Low-Level Waste Manifest"**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of public workshop.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) plans to conduct a public workshop to discuss possible revisions to NUREG/BR-0204, Rev. 2 "Instructions for Completing NRC's Uniform Low-Level Radioactive Waste Manifest." Information will be gathered from subject matter experts and other interested members of the public regarding NUREG/BR-0204 and how it can best be revised. Specifically, the NRC staff is interested in gaining a better understanding of the issues associated with reporting certain difficult-to-measure (DTM) radionuclides on shipping waste manifests as required by Appendix G of part 20 of Title 10 of the *Code of Federal Regulations* (10 CFR). In particular based on their experience some involved members of the public would like the NRC to update NUREG/BR-0204 to address the manifesting of Technetium-99 (Tc-99), Carbon-14 (C-14), Tritium (H-3), and Iodine-129 (I-129) to minimize over-estimation of activity. These isotopes are key contributors to groundwater dose and can lead to premature closure of low-level radioactive waste disposal facilities if over-estimated. Additionally, the NRC staff received comments from involved members of the public recommending that the NRC staff consider Chlorine-36 (Cl-36) during this effort so staff will also address the reporting of Cl-36 in the update to NUREG/BR-0204.

**DATES:** The public workshop will be held on March 1, 2013, from 8:00 a.m. to 1:00 p.m. (registration begins at 7:30 a.m.) at the Sheraton Downtown Phoenix Hotel in Phoenix, Arizona. The

public workshop will be held immediately following the 2013 WM Symposia. The workshop is being held in conjunction with the Symposia and being broadcast as a Webinar to draw in as many participants as possible.

**ADDRESSES:** Please refer to Docket ID NRC-2013-0035 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly-available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0035. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Don Lowman, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5452; email: [Donald.Lowman@nrc.gov](mailto:Donald.Lowman@nrc.gov).

### I. Further Information

The public workshop will be held at the Sheraton Downtown Phoenix Hotel, 340 N. 3rd Street; West Building, Meeting Room Phoenix A, Phoenix, Arizona 85004. The phone number for the hotel is 1-602-262-2500. The NRC will accept written comments at the public workshop and welcomes active participation from those attending.

### II. Background

Part 20, Appendix G, "Requirements for Transfers of Low-Level Radioactive Waste (LLRW) Intended for Disposal at Licensed Land Disposal Facilities and Manifests" requires that an NRC

Uniform Waste Manifest (Shipping Paper and Container and Waste Description) be prepared for LLRW intended for ultimate disposal at a licensed LLRW land disposal facility. The waste generator, collector, or processor who transports, or offers for transportation, LLRW must prepare the manifest reflecting information requested on applicable NRC Forms 540 (Uniform Low-Level Radioactive Waste Manifest (Shipping Paper)) and 541 (Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description)) and if necessary, on an applicable NRC Form 542 (Uniform Low-Level Radioactive Waste Manifest (Manifest Index and Regional Compact Tabulation)). NRC Forms 540 and 540A must be completed and must physically accompany the pertinent LLRW shipment. Per Appendix G of 10 CFR Part 20, the shipper of the waste must include, on the uniform manifest for the waste shipment, "[t]he activity of each of the radionuclides H-3, C-14, Tc-99, and I-129 contained in the shipment." These isotopes are of concern because they were found to be especially important to safety from groundwater migration in the 10 CFR Part 61 Draft Environmental Impact Statement (ADAMS Accession No. ML060930564).

In SECY-13-0001, "Staff Recommendations for Improving the Integration of the Ongoing 10 CFR Part 61 Rulemaking Initiatives" (ADAMS Accession No. ML12199A412), staff noted that involved members of the public have recommended that the earlier assumptions concerning the above isotopes cited in the 10 CFR Part 20, Appendix G should be revisited.

Unfortunately, the activities of H-3, C-14, Tc-99, and I-129 are DTM in the radioactive waste that is generated. Involved members of the public suggest that H-3, C-14, Tc-99, and I-129 are being over-estimated in current site inventory dose assessments because of a reliance on a default value when the amount of the physical isotope in question is below some lower limit of detection threshold for these isotopes. If true, the cumulative effect of this over reporting results in an over-estimation of the site inventory, thus, if reporting requirements are not updated, disposal sites may have to close prematurely due to over-estimation in site inventory dose assessments.

Additionally, the State of Texas required the performance assessment for the Waste Control Specialists (WCS) LLRW disposal facility in Andrews County to address Cl-36 because it is also a key contributor to the groundwater dose and was analyzed in NUREG-1573, "A Performance

Assessment Methodology for Low-Level Radioactive Waste Disposal Facilities" (ADAMS Accession No. ML053250352). Cl-36 may also be over-reported because of minimum detection reporting criteria, thus it is included in the effort to update NUREG/BR-0204.

Involved members of the public would like the NRC to address the manifesting of these isotopes. The NRC staff believes it is possible to revise NUREG/BR-0204, Rev. 2 to provide improved reporting guidance for the DTM radionuclides rather than making changes to 10 CFR Part 20. The NRC staff will also evaluate inclusion of Cl-36 in the update to NUREG/BR-0204, Rev. 2.

### III. NRC Public Workshop

The purpose of this public workshop is to gather information from interested members of the public concerning possible revisions to NUREG/BR-0204, Rev. 2 "Instructions for Completing NRC's Uniform Low-Level Waste Manifest." This overall approach is consistent with the NRC's openness policy. The March 1, 2013, public workshop will have a panel of invited subject matter experts to discuss questions and comments regarding DTM isotope reporting issues.

Following the panel session, interested members of the public will have an opportunity to pose questions and comment directly to the panelists.

Pre-registration for this workshop is not necessary. Members of the public choosing to participate in this workshop remotely can do so in one of two ways—online or via a telephone (audio) connection.

Interested members of the public can also participate in this workshop remotely via Webinar.

The Webinar workshop registration link can be found at: <https://www1.gotomeeting.com/register/909493521>. The Webinar ID is 909-493-521. After registering, instructions for joining the Webinar (including a teleconference number and pass code) will be provided via email. All participants will be in "listen-only" mode during the presentation. Participants will have a chance to pose questions either orally after the presentation or in writing during the Webinar.

To receive a call back, provide your phone number when you join the workshop, or call the following number and enter the access code:

Call-in toll-free number (US/Canada): 1-888-455-9355. The Webinar access code is 9515574.

The agenda for the public workshop will be noticed no fewer than 10 days

prior to the workshop on the NRC's Public Meeting Schedule Web site at <http://www.nrc.gov/public-involve/public-meetings/index.cfm>.

Questions about participation in the public workshops should be directed to the point of contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Dated at Rockville, Maryland this 12th day of February 2013.

For the Nuclear Regulatory Commission.

**Aby Mohseni,**

*Deputy Director, 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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**BILLING CODE 7590-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30382; 812-14117]

### Emerging Global Advisors, LLC, et al.; Notice of Application

February 13, 2013.

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

**ACTION:** Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c-1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act, and under section 12(d)(1)(j) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

**APPLICANTS:** Emerging Global Advisors, LLC ("EGA"), EGA Emerging Global Shares Trust (the "Trust"), and ALPS Distributors, Inc. (the "Distributor").

**SUMMARY OF APPLICATION:** Applicants request an order that permits: (a) Actively-managed series of certain open-end management investment companies to issue shares ("Shares") redeemable in large aggregations only ("Creation Units"); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation

Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

**FILING DATES:** The application was filed on January 25, 2013.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief 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 March 11, 2013, and should be accompanied by proof of service on 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 who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. Applicants: EGA and the Trust: Robert C. Holderith, Emerging Global Advisors, LLC, 155 W. 19th Street, 3rd Floor, New York, NY 10011; Distributor: ALPS Distributors, Inc., 1290 Broadway, Suite 110, Denver, Colorado 80203.

**FOR FURTHER INFORMATION CONTACT:** David J. Marcinkus, Attorney-Advisor, at (202) 551-6882 or David P. Bartels, Branch Chief, at (202) 551-6821 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

#### *Applicants' Representations:*

1. The Trust is registered as an open-end management investment company under the Act and is a statutory trust organized under the laws of Delaware. The Trust initially will offer one series, the EGShares Emerging Markets Active ETF (the "Initial Fund"), which applicants state will seek to seek to invest in leading companies representative of all industries domiciled in emerging market countries. The Initial Fund will seek to achieve its investment goal by investing primarily

in a non-diversified portfolio of equity securities traded in non-U.S. markets.

2. EGA, a Delaware limited liability company, is registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act") and will serve as investment adviser to the Initial Fund. The Advisor (as defined below) may in the future retain one or more sub-advisors (each a "Sub-Advisor") to manage the portfolios of the Funds (as defined below). Any Sub-Advisor will be registered under the Advisers Act. The Distributor, a Colorado corporation, is a registered broker-dealer ("Broker") under the Securities Exchange Act of 1934 ("Exchange Act") and will act as the distributor and principal underwriter of the Funds.

3. Applicants request that the order apply to the Initial Fund and any future series of the Trust or of any other open-end management companies that may utilize active management investment strategies ("Future Funds"). Any Future Fund will (a) be advised by EGA or an entity controlling, controlled by, or under common control with EGA (each, an "Advisor"), and (b) comply with the terms and conditions of the application.<sup>1</sup> The Initial Fund and Future Funds together are the "Funds".<sup>2</sup> Each Fund will consist of a portfolio of securities (including fixed income securities and/or equity securities) and/or currencies traded in the U.S. and/or non-U.S. markets, and other assets ("Portfolio Instruments").<sup>3</sup> Funds may invest in "Depository Receipts".<sup>4</sup> Each

<sup>1</sup> Any Advisor to a Future Fund will be registered as an investment adviser under the Advisers Act. All entities that currently intend to rely on the order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

<sup>2</sup> Applicants further request that the order apply to any future distributor and principal underwriter of the Funds, which would be a registered broker-dealer under the Exchange Act and would comply with the terms and conditions of the Application. The distributor and principal underwriter of any Fund may be an affiliated person of the Advisor and/or Sub-Advisors.

<sup>3</sup> If a Fund invests in derivatives, then (a) the board of trustees ("Board") of the Fund will periodically review and approve the Fund's use of derivatives and how the Advisor assesses and manages risk with respect to the Fund's use of derivatives and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

<sup>4</sup> Depository Receipts are typically issued by a financial institution, a "depository", and evidence ownership in a security or pool of securities that have been deposited with the depository. A Fund will not invest in any Depository Receipts that the Advisor or Sub-Advisor deems to be illiquid or for which pricing information is not readily available. No affiliated persons of applicants, any Future Fund or any Sub-Advisor will serve as the depository bank for any Depository Receipts held by a Fund.