

and very high radiation areas because of the potential for overexposure.

The primary purpose of this revision is to clarify the terminology related to the physical barriers that licensees could use to prevent unauthorized personnel access to high and very high radiation areas. The original version of Regulatory Guide 8.38 used the term "inadvertent entry" with two different connotations. As used in Section 1.5, "Physical Controls," the term was intended to connote "not a willful violation." In several other sections, however, "inadvertent entry" was used to mean "an accidental, or unintended, entry." This disparity led to inconsistent readings of the staff's regulatory position by licensees and other stakeholders. Consequently, in preparing this revision, the NRC staff rewrote Section 1.5 to eliminate the use of the term "inadvertent entry," and provide additional guidance on the acceptability of physical barriers used to control access to high radiation areas.

The staff also revised Section 1.6, "Shielding," and Section 4.2, "Materials," to explicitly state the staff's regulatory positions, which were only implied in the original version. In addition, the staff updated Appendix B to include recent references that discuss industry experiences with high and very high radiation areas.

Revision 1 to Regulatory Guide 8.38 does not change previous staff positions. Therefore, this revision does not constitute a backfit, as defined in 10 CFR 50.109.

The NRC previously solicited public comment on this revised guide by publishing a **Federal Register** notice (70 FR 58490) concerning Draft Regulatory Guide DG-8028 on October 6, 2005. Following the closure of the public comment period on December 5, 2005, the staff considered all stakeholder comments in the course of preparing Revision 1 of Regulatory Guide 8.38. The staff's responses to all comments received are available in the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>, under Accession #ML061350247.

The NRC staff encourages and welcomes comments and suggestions in connection with improvements to published regulatory guides, as well as items for inclusion in regulatory guides that are currently being developed. 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.

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 Revision 1 of Regulatory Guide 8.38 may be directed to Harriet Karagiannis at (301) 415-6377 or by e-mail to [HXX@nrc.gov](mailto:HXX@nrc.gov).

Regulatory guides are available for inspection or downloading through the NRC's public Web site in the Regulatory Guides document collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies of Revision 1 of Regulatory Guide 8.38 are also available in the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>, under Accession #ML061350096.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland; 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). 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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Dated at Rockville, Maryland, this 31st day of May, 2006.

For the U.S. Nuclear Regulatory Commission.

**Brian W. Sheron,**

Director, Office of Nuclear Regulatory Research.

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS343]

### WTO Dispute Settlement Proceeding Regarding United States—Antidumping Measures on Shrimp From Thailand

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Office of the United States Trade Representative ("USTR") is providing notice that on April 24, 2006, Thailand requested consultations with the United States under the *Marrakesh Agreement Establishing the World Trade Organization* ("WTO Agreement") concerning certain issues relating to the imposition of antidumping measures on shrimp from Thailand. That request may be found at <http://www.wto.org> contained in a document designated as WT/DS343/1. USTR invites written comments from the public concerning the issues raised in this dispute.

**DATES:** Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before June 30, 2006 to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted (i) electronically, to [FR0619@ustr.eop.gov](mailto:FR0619@ustr.eop.gov), Attn: "Thailand Shrimp Zeroing/Bond Dispute (DS343)" in the subject line, or (ii) by fax, to Sandy McKinzy at (202) 395-3640. For documents sent by fax, USTR requests that the submitter provide a confirmation copy to the electronic mail address listed above.

**FOR FURTHER INFORMATION CONTACT:** Elissa Alben, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (202) 395-9622.

**SUPPLEMENTARY INFORMATION:** Section 127(b) of the Uruguay Round Agreements Act ("URAA") (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. In an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva,

Switzerland, would be expected to issue a report on its findings and recommendations within nine months after it is established.

### Major Issues Raised by Thailand

On August 4, 2004, the Department of Commerce published in the **Federal Register** notice of its affirmative preliminary less-than-fair-value ("LTFV") determination in an investigation concerning certain frozen and canned warm water shrimp from Thailand (69 FR 47,100). On December 23, 2004, the Department of Commerce published notice of its affirmative final LTFV determination (69 FR 76,918), and on February 1, 2005, the Department of Commerce published an amended final LTFV determination, along with an antidumping duty order, covering only certain frozen warm water shrimp from Thailand (70 FR 5145). The latter notice contains the final margins of LTFV sales, as provided in section 733 of the Tariff Act of 1930, as amended.

In its request for consultations, Thailand alleges that the United States "through its use of 'zeroing' \* \* \* failed to make a fair comparison between the export price and the normal value, and calculated distorted margins of dumping," and therefore violated Articles 1, 2.1, 2.4, 2.4.2, 3.1, 3.2, 3.3, 3.4, 3.5, 5.8, 9.2 and 9.3 of the AD Agreement. In addition, Thailand alleges that the United States has imposed on importers a requirement to maintain a continuous entry bond in the amount of the anti-dumping duty margin multiplied by the value of imports of frozen warmwater shrimp imported by the importer in the preceding year, and that the continuous bond requirement and its application to goods subject to the order "constitute specific action against dumping not in accordance with" Article VI:2 of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994") and its Ad Article, as well as Articles 2, 7.1, 7.2, 7.5, 9.2, and 9.3 of the AD Agreement. Thailand also states that the continuous bond requirement as such and its application to imports of frozen warmwater shrimp from Thailand may be inconsistent with Articles I:1, II, III, XI:1 and XIII:1, and may not be justified under Article XX(d), of the GATT 1994.

### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons may submit their comments either (i) electronically, to [FR0619@ustr.eop.gov](mailto:FR0619@ustr.eop.gov), Attn: "Thailand Shrimp Zeroing/Bond Dispute (DS343)" in the subject line, or

(ii) by fax to Sandy McKinzy at (202) 395-3640. For documents sent by fax, USTR requests that the submitter provide a confirmation copy to the electronic mail address listed above.

USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked "Business Confidential" at the top and bottom of the cover page and each succeeding page.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

- (1) Must clearly so designate the information or advice;
- (2) Must clearly mark the material as "Submitted in Confidence" at the top and bottom of the cover page and each succeeding page; and
- (3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket No. WT/DS-343, Thailand Shrimp Zeroing/Bond

Dispute) may be made by calling the USTR Reading Room at (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday.

**Daniel Brinza,**

*Assistant United States Trade Representative for Monitoring and Enforcement.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53592; File No. SR-NYSEArca-2006-21]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to Approval of Market Data Fees for NYSE Arca Data

June 7, 2006.

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 May 23, 2006, the NYSE Arca, Inc. ("Exchange") 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 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, through its wholly owned subsidiary, NYSE Arca Equities, Inc. ("NYSE Arca Equities"), proposes to establish market data fees for the receipt and use of market data that the Exchange makes available. The text of the proposed rule change is available below. Proposed new language is *italicized*.

\* \* \* \* \*

#### *Schedule of NYSE Arca Market Data Fees*

1. *Monthly Access Fees.*
  - A. *Direct Access: \$750 per set of four Logons*
  - B. *Indirect Access: \$750*
2. *Monthly Device Fees*
  - A. *Professional Subscribers*
    - i. *For ArcaBook information relating to Exchange-Traded Funds and CTA Plan Securities: \$15.00*
    - ii. *For ArcaBook information relating to UTP Plan Securities (other than Exchange-Traded Funds): \$15.00*

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

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