

• ADAMS Accession No.	Document title
ML13015A696	Comment Response Document—Interim Staff Guidance-024 on Implementation of Regulatory Guide 1.221 on Design-Basis Hurricane and Hurricane Missiles.

• *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, MD 20852.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Colaccino, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7102 or by email at joseph.colaccino@nrc.gov

SUPPLEMENTARY INFORMATION: The staff issues DC/COL-ISGs to facilitate staff activities associated with its review of ESP, DC, and COL applications. This ISG supplements the guidance contained in RG 1.206, Revision 0, "Combined License Applications for Nuclear Power Plants, (LWR Edition)" (ML070630003). In addition, this ISG supplements the guidance provided for staff review of ESP, DC, and COL applications contained in NUREG-0800, Standard Review Plan (SRP), dated March 2007 (ML070630003). On October 22, 2012 (77 FR 64564), the staff issued the proposed DC/COL-ISG-024 "Interim Staff Guidance Implementation of Regulatory Guide 1.221 on Design-Basis Hurricane and Hurricane Missiles," ADAMS Accession No. ML12132A508. The staff received questions and editorial comments from three commenters which were considered in the development of the final ISG-024. The questions, comments, and staff answers and resolutions of those questions and comments are contained in "ISG-024 Comment Resolution" which can be found in ADAMS under Accession No. ML13015A696.

The NRC posts all final ISGs on the NRC's public Web page at <http://www.nrc.gov/reading-rm/doc-collections/isg/>, which is where the public may easily obtain access to ISG DC/COL-ISG-024.

Backfitting and Issue Finality

Issuance of this final ISG does not constitute backfitting as defined in Section 50.109 of Title 10 of the *Code of Federal Regulations* (10 CFR) (the Backfit Rule), and is not otherwise inconsistent with the issue finality provisions in 10 CFR Part 52, with respect to current and future applicants other than COL applicants referencing one of the four current final design certification rules. The NRC staff's

position is based upon the following considerations:

- The ISG positions do not constitute backfitting, inasmuch as the ISG is internal guidance directed at the NRC staff with respect to their regulatory responsibilities.

- Backfitting and issue finality do not protect these current or future applicants.

Issuance of this final ISG may be viewed as constituting backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and may be considered to be inconsistent with the issue finality provisions in 10 CFR Part 52, with respect to current and future COL applicants referencing the ABWR design certification rule (10 CFR Part 52, Appendix A), or the AP1000 design certification rule (10 CFR Part 52, Appendix D). Backfitting and issue finality concerns are limited to the ISG discussion of consideration of hurricane winds and hurricane missiles. The NRC staff has determined that the guidance in the ISG with respect to consideration of hurricane wind and hurricane missiles, when imposed on COL applicants referencing these two design certification rules, would be necessary to provide adequate protection to public health and safety with respect to hurricane winds and missiles. In addition, the imposition would correct an omission where two approved design certifications do not have site parameters for hurricane winds and hurricane missiles, which are needed to provide compliance with General Design Criterion (GDC) 2 and GDC 4 in 10 CFR Part 50, Appendix A. If a nuclear power plant using these certified designs is located at a site where the hurricane loads and/or the hurricane-generated missile spectra are not bounded by tornado loads and tornado missile spectra, then safety-related structures required to withstand hurricane loads and hurricane-generated missiles may not be adequate and therefore would be in non-compliance with GDC 2 and GDC 4, and would not provide adequate protection to public health and safety against hurricanes of credible intensity that might impact the site. Therefore, any future action to impose this ISG on current and future COL applicants referencing the ABWR design certification rule (10 CFR Part 52, Appendix A), or the AP1000 design certification rule (10 CFR Part 52,

Appendix D) would meet the Backfit Rule and would be permitted under the issue finality provisions in 10 CFR 52.63(a).

Congressional Review Act

This interim staff guidance is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, OMB has not found it to be a major rule as designated in the Congressional Review Act.

SUPPLEMENTARY INFORMATION: The agency posts its issued staff guidance in the agency external Web page (<http://www.nrc.gov/reading-rm/doc-collections/isg/>).

Dated at Rockville, Maryland, this 14th day of May 2013.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2013-12422 Filed 5-23-13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, May 30, 2013 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Paredes, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;
Consideration of amicus participation;
An adjudicatory matter; and
Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551-5400.

Dated: May 22, 2013.

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2013-12629 Filed 5-22-13; 4:15 pm]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-69605; File No. SR-NSCC-2013-802]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Extension of Review Period of Advance Notice, as Modified by Amendment No. 1, To Institute Supplemental Liquidity Deposits to Its Clearing Fund Designed to Increase Liquidity Resources To Meet Its Liquidity Needs

May 20, 2013.

On March 21, 2013, National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") advance notice SR-NSCC-2013-802 ("Advance Notice") pursuant to Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 ("Clearing Supervision Act")¹ and Rule 19b-4(n)(1)(i)² thereunder.³ On April 19, 2013, NSCC filed with the

Commission Amendment No. 1 to the Advance Notice.⁴ The Advance Notice, as modified by Amendment No. 1, was published for comment in the **Federal Register** on May 1, 2013.⁵ As of May 14, 2013, the Commission has received eight comment letters on the proposal contained in the Advance Notice and its related proposed rule change.⁶ Additionally, on March 19, 2013, prior to filing the Advance Notice, NSCC received a comment letter on the proposal directly from an NSCC member.⁷

Section 806(e)(1)(G) of the Clearing Supervision Act provides that NSCC may implement the changes if it has not received an objection to the proposed changes within 60 days of the later of (i) the date that the Commission receives the advance notice or (ii) the date that any additional information requested by the Commission is received,⁸ unless extended as described below.

Pursuant to Section 806(e)(1)(H) of the Clearing Supervision Act, the Commission may extend the review period of an advance notice for an additional 60 days, if the changes proposed in the advance notice raise novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension.⁹

Here, as the Commission has not requested any additional information, the date that is 60 days after NSCC filed the Advance Notice with the Commission is May 20, 2013. However, the Commission finds it appropriate to extend the review period of the Advance Notice, as modified by Amendment No. 1, for an additional 60 days under Section 806(e)(1)(H) of the Clearing Supervision Act.¹⁰ The Commission finds the Advance Notice, as modified by Amendment No. 1, both novel and complex because it proposes a rule change that is particularly detailed, intricate, multifaceted, and is

the first of its kind for a registered clearing agency.

Accordingly, the Commission, pursuant to Section 806(e)(1)(H) of the Clearing Supervision Act,¹¹ extends the review period for an additional 60 days so that the Commission shall have until July 19, 2013 to issue an objection or non-objection to the Advance Notice, as modified by Amendment No. 1 (File No. SR-NSCC-2013-802).

By the Commission.

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2013-12404 Filed 5-23-13; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-69611; File No. SR-NASDAQ-2013-077]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 4751(f)(15)

May 20, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 10, 2013, The NASDAQ Stock Market LLC ("NASDAQ" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") a 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

NASDAQ proposes to amend Rule 4751(f)(15). The text of the proposed rule change is below. Proposed deletions are in brackets; new language is italicized.

* * * * *

4751. Definitions

The following definitions apply to the Rule 4600 and 4750 Series for the trading of securities listed on Nasdaq or a national securities exchange other than Nasdaq.

(a)-(e) No change.

(f) The term "Order Type" shall mean the unique processing prescribed for

¹¹ *Id.*

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹ 12 U.S.C. 5465(e)(1).

² 17 CFR 240.19b-4(n)(1)(i).

³ NSCC also filed the proposal contained in the Advance Notice as a proposed rule change (File No. SR-NSCC-2013-02) under Section 19(b)(1) of the Securities and Exchange Act of 1934 ("Exchange Act") and Rule 19b-4 thereunder. Release No. 34-69313 (Apr. 4, 2013), 78 FR 21487 (Apr. 10, 2013). Pursuant to Section 19(b)(2) of the Exchange Act, generally, not later than 45 days after the date of publication of the proposed rule change in the **Federal Register** or such longer period up to 90 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination or the self-regulatory organization consents, the Commission will either: (i) by order approve or disapprove the proposed rule change, or (ii) institute proceedings to determine whether the proposed rule change should be disapproved. 17 U.S.C. 78s(b)(2)(A). See Release No. 34-69313 (Apr. 4, 2013), 78 FR 21487 (Apr. 10, 2013). The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

⁴ See Release No. 34-69451 (Apr. 25, 2013), 78 FR 25496 (May 1, 2013).

⁵ *Id.*

⁶ See Comments Received on File Nos. SR-NSCC-2013-802 (<http://sec.gov/comments/sr-nscc-2013-802/nscc2013802.shtml>) and SR-NSCC-2013-02 (<http://sec.gov/comments/sr-nscc-2013-02/nscc201302.shtml>). Since the proposal contained in the Advance Notice was also filed as a proposed rule change, see Release No. 34-69313, *supra* note 3, the Commission is considering all public comments received on the proposal regardless of whether the comments are submitted to the Advance Notice or the proposed rule change.

⁷ See Exhibit 2 to File No. SR-NSCC-2013-802 (<http://sec.gov/rules/sro/nscc/2013/34-69451-ex2.pdf>).

⁸ See 12 U.S.C. 5465(e)(1)(G).

⁹ See 12 U.S.C. 5465(e)(1)(H).

¹⁰ *Id.*