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Dated: October 22, 2009.

**Rochelle C. Baval,**

*Office of the Secretary.*

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## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0468]

### Appointments to Performance Review Boards for Senior Executive Service

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Appointment to Performance Review Boards for Senior Executive Service.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has announced the following appointments to the NRC Performance Review Boards.

The following individuals are appointed as members of the NRC Performance Review Board (PRB) responsible for making recommendations to the appointing and awarding authorities on performance appraisal ratings and performance awards for Senior Executives and Senior Level employees:

Darren B. Ash, Deputy Executive Director for Corporate Management, Office of the Executive Director for Operations.

R. W. Borchardt, Executive Director for Operations.

Stephen G. Burns, General Counsel.  
Elmo E. Collins, Jr., Regional Administrator, Region IV.

Margaret M. Doane, Director, Office of International Programs.

James E. Dyer, Chief Financial Officer.  
Kathryn O. Greene, Director, Office of Administration.

Michael R. Johnson, Director, Office of New Reactors.

Eric J. Leeds, Director, Office of Nuclear Reactor Regulation.

Bruce S. Mallet, Deputy Executive Director for Reactor and Preparedness Programs, Office of the Executive Director for Operations.

Martin J. Virgilio, Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs,

Office of the Executive Director for Operations.

Michael F. Weber, Director, Office of Nuclear Material Safety and Safeguards.

The following individuals will serve as members of the NRC PRB Panel that was established to review appraisals and make recommendations to the appointing and awarding authorities for NRC PRB members:

Joseph R. Gray, Acting Deputy General Counsel, Office of the General Counsel.

Brian W. Sheron, Director, Office of Nuclear Regulatory Research.

Roy P. Zimmerman, Director, Office of Nuclear Security and Incident Response.

All appointments are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code.

**DATES:** *Effective Date:* October 27, 2009.

**FOR FURTHER INFORMATION CONTACT:** Secretary, Executive Resources Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-2076.

Dated at Bethesda, Maryland, this 20th day of October 2009.

For the Nuclear Regulatory Commission.

**James F. McDermott,**

*Secretary, Executive Resources Board.*

[FR Doc. E9-25783 Filed 10-26-09; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60856; File No. 4-533]

### Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the National Market System Plan for the Selection and Reservation of Securities Symbols To Add BATS Exchange, Inc., as a Party Thereto

October 21, 2009.

Pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 608 thereunder,<sup>2</sup> notice is hereby given that on September 30, 2009, BATS Exchange, Inc., ("BATS") filed with the Securities and Exchange Commission ("Commission") an amendment to the National Market System Plan for the Selection and Reservation of Securities Symbols ("Symbology Plan" or "Plan").<sup>3</sup> The amendment proposes to

<sup>1</sup> 15 U.S.C. 78k-1(a)(3).

<sup>2</sup> 17 CFR 242.608.

<sup>3</sup> On November 6, 2008, the Commission approved the Symbology Plan that was originally proposed by the Chicago Stock Exchange, Inc. ("CHX"), The Nasdaq Stock Market, Inc. ("Nasdaq"), National Association of Securities

add BATS as a party to the Symbology Plan. The Commission is publishing this notice to solicit comments on the proposed amendment from interested persons.

### I. Description and Purpose of the Amendment

The current parties to the Symbology Plan are NASDAQ OMX BX, Inc. ("BSE"), Chicago Board Options Exchange, Incorporated ("CBOE"), CHX, FINRA, the International Securities Exchange, LLC ("ISE"), Nasdaq, New York Stock Exchange LLC ("NYSE"), NYSE Arca, Inc. ("NYSE Arca"), NYSE Amex LLC ("NYSE Amex") (f/k/a NYSE Alternext US LLC) ("NYSE Alternext"), NSX and Phlx.<sup>4</sup> The proposed amendment to the Symbology Plan would add BATS as a party to the Symbology Plan. A self-regulatory organization ("SRO") may become a party to the Symbology Plan if it satisfies the requirements of Section I(c) of the Plan. Specifically, an SRO may become a party to the Symbology Plan if: (i) It maintains a market for the listing or trading of Plan Securities<sup>5</sup> in accordance with rules approved by the Commission, which securities are identified by one, two, or three character symbols, on the one hand, or four or five character symbols, on the other hand, in each case prior to any suffix or special conditional identifier; (ii) it signs a current copy of the Plan; and (iii) it pays to the other parties a proportionate share of the aggregate development costs, based upon the number of symbols reserved by the new party during the first twelve (12) months of such party's membership.<sup>6</sup>

Dealers, Inc. ("NASD") (n/k/a Financial Industry Regulatory Authority, Inc. ("FINRA")), National Stock Exchange, Inc. ("NSX"), and Philadelphia Stock Exchange, Inc. ("Phlx"), subject to certain changes. See Securities Exchange Act Release No. 58904, 73 FR 67218 (November 13, 2008) (File No. 4-533).

<sup>4</sup> On November 18, 2008, ISE filed with the Commission an amendment to the Plan to add ISE as a member to the Plan. See Securities and Exchange Act Release No. 59024 (November 26, 2008), 73 FR 74538 (December 8, 2008) (File No. 4-533).

On December 22, 2008, NYSE, NYSE Arca, and NYSE Alternext ("NYSE Group Exchanges") and CBOE filed with the Commission amendments to the Plan to add the NYSE Group Exchanges and CBOE as members to the Plan. See Securities Exchange Act Release No. 59162 (December 24, 2008), 74 FR 132 (January 2, 2009) (File No. 4-533).

On December 24, 2008, BSE filed with the Commission an amendment to the Plan to add BSE as a member to the Plan. See Securities Exchange Act Release No. 59187 (December 30, 2008), 74 FR 729 (January 7, 2009) (File No. 4-533).

<sup>5</sup> "Plan Securities" are defined in the Symbology Plan as securities that: (i) are NMS securities as currently defined in Rule 600(a)(46) under the Act; and (ii) any other equity securities quoted, traded and/or trade reported through an SRO facility.

<sup>6</sup> Sections I(c) and V(a) of the Plan.