

For the Nuclear Regulatory Commission.
Harriet Karagiannis,
*Regulatory Guide Development Branch,
 Division of Engineering, Office of Nuclear
 Regulatory Research.*
 [FR Doc. E8-26804 Filed 11-10-08; 8:45 am]
 BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of November 10, 17, 24, December 1, 8, 15, 2008.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of November 10, 2008

There are no meetings scheduled for the week of November 10, 2008.

Week of November 17, 2008—Tentative

There are no meetings scheduled for the week of November 17, 2008.

Week of November 24, 2008—Tentative

There are no meetings scheduled for the week of November 24, 2008.

Week of December 1, 2008—Tentative

There are no meetings scheduled for the week of December 1, 2008.

Week of December 8, 2008—Tentative

Tuesday, December 9, 2008

9:30 a.m.

Briefing on Equal Employment Opportunity (EEO) Programs (Public Meeting) (Contact: Sandy Talley, 301-415-8059).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

Thursday, December 11, 2008

9:30 a.m.

Briefing on Uranium Recovery—Part 1 (Public Meeting).

1:30 p.m.

Briefing on Uranium Recovery—Part 2 (Public Meeting).

(Contact for both parts: Dominick Orlando, 301-415-6749). Both parts of this meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

Friday, December 12, 2008

9:30 a.m.

Discussion of Management Issues (Closed—Ex. 2).

Week of December 15, 2008—Tentative

Monday, December 15, 2008

1 p.m.

Discussion of Management Issues (Closed—Ex. 2).

Wednesday, December 17, 2008

2 p.m.

Briefing on Threat Environment Assessment (Closed—Ex. 1).

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*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292. Contact person for more information: Michelle Schroll, (301) 415-1662.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at rohn.brown@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to darlene.wright@nrc.gov.

Dated: November 6, 2008.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. E8-26921 Filed 11-7-08; 4:15 pm]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58897; File No. SR-NASDAQ-2008-018]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving Proposed Rule Change as Modified by Amendment Nos. 1 and 2 Thereto to Remove from Rule 7019 the Fees for Receiving Index Values

November 3, 2008.

On March 12, 2008, The NASDAQ Stock Market LLC ("Nasdaq") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to remove from the Nasdaq rulebook references to the fees charged by Nasdaq for receiving index values. On September 5, 2008, Nasdaq filed Amendment No. 1 to the proposed rule change. On September 25, 2008, Nasdaq filed Amendment No. 2 to the proposed rule change. The proposed rule change, as amended, was published for comment in the **Federal Register** on October 3, 2008.³ The Commission received no comments regarding the proposal. This order approves the proposed rule change, as modified by Amendment Nos. 1 and 2.

Nasdaq distributes values for indexes and exchange traded funds ("ETFs") through an index dissemination service. Through this service, Nasdaq calculates and disseminates the values of Nasdaq indexes, such as the Nasdaq-100, and, on occasion, non-Nasdaq indexes. Nasdaq also distributes information related to ETFs, including intra-day asset values. All market participants may subscribe to the index dissemination service.

Nasdaq Rule 7019(b) sets forth the fees paid by distributors to receive various Nasdaq Market Center data feeds. Nasdaq proposes to delete the portion of Rule 7019(b) that relates to fees for the index dissemination service.

The Commission has carefully reviewed the proposed rule change and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.⁴ The Commission believes that it is reasonable for Nasdaq

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 58666 (September 26, 2008), 73 FR 57725.

⁴ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

to delete the portion of Rule 7019(b) that relates to fees for the index dissemination service, as, based on representations made by Nasdaq, the index dissemination service does not appear to be a facility of a national securities exchange within the meaning of the Act. Removing the provisions of Rule 7019(b) that relate to the index dissemination service is thus consistent with the requirements of section 6(b) of the Act,⁵ as the fees charged by Nasdaq in connection with the index dissemination service do not fall within the scope of the rules that must be filed with the Commission pursuant to section 19(b)(1) of the Act⁶ and Rule 19b-4 thereunder.⁷

If, however, Nasdaq were to propose to tie pricing for the index dissemination service to exchange services, or otherwise modify the index dissemination service such that it falls within the definition of facility of an exchange in the Act,⁸ Nasdaq would have to file a proposed rule change with the Commission. Similarly, Nasdaq would have to file a proposed rule change with the Commission if it were to condition a company's inclusion in an index on that company's listing market.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR-NASDAQ-2008-018), as modified by Amendment Nos. 1 and 2, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Florence E. Harmon,

Acting Secretary.

[FR Doc. E8-26625 Filed 11-10-08; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-58894; File No. SR-NASDAQ-2008-086]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change To Extend the Pilot Program for NASDAQ Last Sale Data Feeds

October 31, 2008.

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 October 31, 2008, The NASDAQ Stock Market LLC (“NASDAQ” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II 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, and is approving the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend for two months the four-month pilot that created the NASDAQ Last Sale (“NLS”) market data products. NLS allows data distributors to have access to real-time market data for a capped fee, enabling those distributors to provide free access to the data to millions of individual investors via the internet and television. Specifically, NASDAQ offers the “NASDAQ Last Sale for NASDAQ” and “NASDAQ Last Sale for NYSE/Amex” data feeds containing last sale activity in U.S. equities within the NASDAQ Market Center and reported to the jointly-operated FINRA/NASDAQ Trade Reporting Facility (“FINRA/NASDAQ TRF”).

This pilot program supports the aspiration of Regulation NMS to increase the availability of proprietary data by allowing market forces to determine the amount of proprietary market data information that is made available to the public and at what price. During the current pilot period, the program has vastly increased the availability of NASDAQ proprietary market data to individual investors. Based upon data from NLS distributors, NASDAQ believes that since its launch in July 2008, the NLS data has been viewed by over 50,000,000 investors on websites operated by Google, Interactive Data, and Dow Jones, among others. The text of the proposed rule change is available at NASDAQ, the Commission's Public Reference Room, and <http://nasdaq.complinet.com>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change

and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Prior to the launch of NLS, public investors that wished to view market data to monitor their portfolios generally had two choices: (1) Pay for real-time market data or (2) use free data that is 15 to 20 minutes delayed. To increase consumer choice, NASDAQ proposed a four-month pilot to offer access to real-time market data to data distributors for a capped fee, enabling those distributors to disseminate the data via the internet and television at no cost to millions of internet users and television viewers. NASDAQ now proposes a two-month extension of that pilot program asset forth in the original proposal as described below.

The NLS pilot created two separate “Level 1” products containing last sale activity within the NASDAQ market and reported to the jointly-operated FINRA/NASDAQ TRF. First, the “NASDAQ Last Sale for NASDAQ Data Product,” a real-time data feed that provides real-time last sale information including execution price, volume, and time for executions occurring within the NASDAQ system as well as those reported to the FINRA/NASDAQ TRF. Second, the NASDAQ Last Sale for NYSE/Amex data product that provides real-time last sale information including execution price, volume, and time for NYSE- and Amex-securities executions occurring within the NASDAQ system as well as those reported to the FINRA/NASDAQ TRF.

NASDAQ developed these product proposals in consultation with industry members and also market data vendors and purchasers. These products are designed to meet the needs of current and prospective subscribers that do not need or are unwilling to pay for the consolidated data provided by the SIP Level 1 products. NASDAQ is also proposing to ease the administrative burden of market data vendors that are receiving and using data in new ways, particularly those that provide the data via the internet and various television media. Providing investors with new options for receiving market data was a primary goal of the market data

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78s(b)(1).

⁷ 17 CFR 240.19b-4.

⁸ See 15 U.S.C. 78c(a)(2).

⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.