

Interim staff guidance	ADAMS Accession Number
FCSS Interim Staff Guidance—11, Revision 0 .....	ML091730073

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Dated at Rockville, Maryland, this 30th day of June 2009.

For the Nuclear Regulatory Commission.

**Marissa G. Bailey,**

*Deputy Director, Special Projects and Technical Support Directorate, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E9-16352 Filed 7-9-09; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0304]

### Draft Regulatory Guide: Issuance, Availability

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance, Availability of Draft Regulatory Guide (DG)-1176.

#### FOR FURTHER INFORMATION CONTACT:

Nanette Gilles, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-1180 or e-mail [Nanette.Gilles@nrc.gov](mailto:Nanette.Gilles@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide, entitled, "Guidance for the Assessment of

Beyond-Design-Basis Aircraft Impacts," is temporarily identified by its task number, DG-1176, which should be mentioned in all related correspondence. This guide describes a method that the staff of the NRC considers acceptable for use in satisfying its regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) part 50, "Domestic Licensing of Production and Utilization Facilities," regarding the consideration of aircraft impacts for new nuclear power reactors. In particular, this guide endorses the methodologies described in the industry guidance document, Nuclear Energy Institute (NEI) 07-13, "Methodology for Performing Aircraft Impact Assessments for New Plant Designs," Revision 7, issued May 2009. The public version of NEI 07-13 can be found in the NRC's Agencywide Documents Access and Management System (ADAMS), Accession No. ML091490723. Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can enter the ADAMS database, which provides text and image files of the NRC's public documents. Persons who do not have access to ADAMS, or who have problems accessing the documents located in ADAMS, may contact the reference staff in the NRC's Public Document Room at 1-800-397-4209 or 301-415-4737, or by e-mail at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). Nonpublic versions of this regulatory guide and NEI 07-13 contain more specific details about the methodology for performing aircraft impact assessments and will be handled under Safeguards Information (SGI) controls. Because the nonpublic guidance documents will contain SGI, the documents will only be made available to those individuals with a need to know and who are otherwise qualified to have access to SGI. Plant designers (including their employees and agents) who meet the NRC's requirements for access to SGI will be entitled to use the more detailed guidance documents to perform the aircraft impact assessments.

##### II. Further Information

The NRC staff is soliciting comments on DG-1176. Comments may be accompanied by relevant information or supporting data, and should mention

DG-1176 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS). Personal information will not be removed from your comments. You may submit comments by any of the following methods:

1. *Mail comments to:* Rulemaking and Directives Branch, Mail Stop: TWB-05-B01M, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

2. *Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID [NRC-2009-0304]. Address questions about NRC dockets to Carol Gallagher, 301-492-3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

3. *Fax comments to:* Rulemaking and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 492-3446.

Requests for technical information about DG-1176 may be directed to the DG-1176 may be directed to the NRC contact, Nanette Gilles at (301) 415-1180 or e-mail to [Nanette.Gilles@nrc.gov](mailto:Nanette.Gilles@nrc.gov).

Comments would be most helpful if received by September 8, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-1176 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML073170252.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) 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) 397-4209, by fax at (301) 415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

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Dated at Rockville, Maryland, this 6th day of July 2009.

For the Nuclear Regulatory Commission.

**Mark P. Orr,**

*Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. E9-16349 Filed 7-9-09; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### National Bureau of Standards Reactor

[Docket No. 50-184; NRC-2009-0305]

### Notice of Issuance of Renewed Facility License No. TR-5

The U.S. Nuclear Regulatory Commission (NRC) has issued renewed Facility Operating License No. TR-5, held by the National Institute of Standards and Technology (the licensee), which authorizes continued operation of the National Bureau of Standards Reactor (NBSR), located in Gaithersburg, Montgomery County, Maryland. The NBSR is a tank-type, heavy-water-moderated-and-cooled test reactor licensed to operate at a steady-state power level of 20 megawatts thermal power. Renewed Facility Operating License No. TR-5 will expire at midnight 20 years from its date of issuance.

The renewed license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in Title 10, Chapter 1, "Nuclear Regulatory Commission," of the *Code of Federal Regulations* (10 CFR), and sets forth those findings in the renewed license. The agency afforded an opportunity for hearing in the Notice of Opportunity for Hearing published in the **Federal Register** on September 21, 2004 (69 FR 56462). The NRC received no request for a hearing or petition for leave to intervene following the notice.

The NRC staff prepared a safety evaluation report for the renewal of Facility License No. TR-5 and concluded, based on that evaluation, that the licensee can continue to operate the facility without endangering the health and safety of the public. The NRC

staff also prepared a final Environmental Impact Statement for license renewal, noticed in the **Federal Register** on December 13, 2007 (72 FR 70900), and concluded that renewal of the license will not have a significant impact on the quality of the human environment.

For details with respect to the application for renewal, see the licensee's letter dated April 9, 2004 (ADAMS Accession Nos. ML041120167, ML041120179, ML041120201, ML041120205, ML041120206, ML041120207, ML041120210, ML041120216, ML041120217, ML041120221, ML041120225, ML041120229, ML041120233, ML041120234, ML041120235, ML041120237, ML041120239, ML041120241, ML041120244, ML041120247, ML041120250), as supplemented on October 2, 2006 (ADAMS Accession No. ML062850511), May 30 (ADAMS Accession No. ML071570459) and August 14, 2007 (ADAMS Accession No. ML072390261), September 16 (ADAMS Accession No. ML082890338), October 21 (ADAMS Accession No. ML083030209), and December 8, 2008 (ADAMS Accession No. ML083510754), and March 3 (ADAMS Accession No. ML090700132), March 19 (ADAMS Accession No. ML090890327), and April 22, 2009 (ADAMS Accession Nos. ML091190451 and ML091190464). Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff at 1-800-397-4209 or 301-415-4737, or send an e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 2nd day of July 2009.

For the Nuclear Regulatory Commission.

**Kathryn M. Brock,**

*Chief, Research and Test Reactors Branch A, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-16350 Filed 7-9-09; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60216; File No. SR-NYSE-2009-59]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange LLC Amending Exchange Rules To Allow Customers To Transmit Orders on the Exchange With Settlement Instructions of "Cash," "Next Day," and "Seller's Option" Directly to a Floor Broker for Manual Execution

July 1, 2009.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on June 23, 2009, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. 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 proposes to amend several Exchange rules to allow customers to transmit orders with settlement instructions for other than regular way settlement, *i.e.*, settling on the third business day following the trade date. Such orders must be transmitted to a Floor broker for manual handling on the Exchange. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and <http://www.nyse.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 IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below,

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

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.