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Dated: September 3, 2009.

**Rochelle C. Baval,**

*Office of the Secretary.*

[FR Doc. E9-21835 Filed 9-4-09; 4:15 pm]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0106]

### Withdrawal of Proposed Regulatory Issue Summary; Implementation of New Final Rule, Protection of Safeguards Information

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of Proposed Regulatory Issue Summary (RIS) "Implementation of New Final Rule, Protection of Safeguards Information."

**FOR FURTHER INFORMATION CONTACT:** Robert Norman at 301-415-2278 or by e-mail at [Robert.Norman@nrc.gov](mailto:Robert.Norman@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing draft Regulatory Issue Summary (RIS) "Implementation of New Final Rule, Protection of Safeguards Information" published March 12, 2009 (74 FR 10786). This draft RIS provided stakeholders information concerning the changes to Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 73.21, 73.22 and 73.23. This draft RIS provided clarifying information of the impact of the new rule (effective date February 23, 2009). The NRC will not pursue finalizing the draft RIS because the NRC has issued Draft Regulatory Guide (DG-5034) in the **Federal Register** for public comment (74 FR 39343, 39354) to assist licensees in meeting the requirements of 10 CFR 73.21, 73.22, and 73.23. Therefore, the RIS is no longer needed.

##### II. Further Information

Regulatory guides are the preferred method to disseminate guidance information and are available for inspection or downloading through the NRC's public Web site under "Regulatory Guides" in the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doccollections>. Regulatory guides are also available for inspection at the NRC's Public

Document Room (PDR), Room O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738. The PDR's mailing address is US NRC PDR, Washington, DC 20555-0001. The PDR staff can 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 1st day of September 2009.

For the Nuclear Regulatory Commission.

**Martin C. Murphy,**

*Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60608; File No. SR-NYSE-2009-85]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange LLC Adding Language to Several NYSE Rules To Clarify That Transactions That Occur Solely Within NYSE MatchPoint<sup>SM</sup> Will Be Treated Differently Than Executions That Occur in the NYSE Display Book<sup>®</sup> for Certain Order Processing Purposes

September 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 August 18, 2009, New York Stock Exchange LLC ("NYSE" 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 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 add language to several NYSE rules to clarify that transactions that occur solely within NYSE MatchPoint<sup>SM</sup> ("MatchPoint" or the "facility") will be treated differently than executions that

occur in the NYSE Display Book<sup>®</sup> ("NYSE Display Book" or "DBK") for certain order processing purposes. The Exchange is seeking to amend NYSE Rules 13, 15, 79A, 100, 104, 116, 123B, 123C, 123D, 124 and 1000. 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, 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

The purpose of the proposed rule filing is to add language to several NYSE rules to clarify that transactions that occur solely within the MatchPoint facility will be treated differently than executions that occur in the DBK for certain order processing purposes. The proposed additional text will not change the core purpose of the subject rules or the functionality of MatchPoint or other NYSE trading systems and facilities. Specifically, the Exchange is seeking to amend NYSE Rules 13, 15, 79A, 100, 104, 116, 123B, 123C, 123D, 124 and 1000.

The Exchange launched MatchPoint in January 2008 following approval of its rule filing by the Securities and Exchange Commission (the "SEC" or the "Commission"). MatchPoint is an anonymous point-in-time electronic trading facility of the NYSE that matches aggregated orders at predetermined sessions throughout regular hours and after hours of the Exchange. MatchPoint trades securities listed on all major and regional U.S. stock exchanges.

MatchPoint is a "stand alone" facility of the Exchange in that orders entered into MatchPoint do not interact with any other Exchange facilities or other automated trading centers. Rather, it matches aggregated buy and sell orders within the facility during predetermined

<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.