

which are set forth in the license amendment.

In accordance with 10 CFR 72.46(b)(2), a determination has been made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected. Therefore, immediate action on the license amendment may be taken and a notice of the action taken will be promptly published in the **Federal Register**. This **Federal Register** notice also informs interested persons of the right to request a hearing on whether the action should be rescinded or modified.

Also in connection with this action, the Commission prepared an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI). The Notice of Availability of the EA and FONSI for Prairie Island ISFSI was published in the **Federal Register** on December 4, 2009 (74 FR 63798).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of the EA and FONSI are available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 20th day of August 2010.

For the Nuclear Regulatory Commission.

**Eric Benner,**

*Branch Chief, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2010-21826 Filed 8-31-10; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[NRC-2010-0289]

### **Notice of Availability and Opportunity for Comment on Draft Division of Safety Systems Interim Staff Guidance DSS-ISG-2010-01: Staff Guidance Regarding the Nuclear Criticality Safety Analysis for Spent Fuel Pools**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Solicitation of public comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) requests public comment on a draft Division of Safety Systems Interim Staff Guidance, (DSS-ISG) DSS-ISG-2010-01, "Staff Guidance Regarding the Nuclear Criticality Safety

Analysis for Spent Fuel Pools." This draft DSS-ISG provides updated guidance to the NRC staff reviewer to address the increased complexity of recent spent fuel pool (SFP) license application analyses and operations. The guidance is intended to reiterate existing guidance, clarify ambiguity in existing guidance, and identify lessons learned based on recent submittals.

**DATES:** Comments may be submitted by October 1, 2010. Comments received after this date will be considered, if it is practical to do so, but only comments received on or before this date can be assured consideration.

**ADDRESSES:** You may submit comments by any one of the following methods. Please include Docket ID NRC-2010-0289 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site <http://www.regulations.gov>. Your comments will not be edited to remove any identifying or contact information, therefore, you should not include any information in your comments that you do not want publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

*Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2010-0289. Address questions about NRC dockets to Carol Gallagher 301-492-3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Cindy K. Bladey, Chief, Rules, Announcements and Directives Branch, Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RADB at (301) 492-3667.

You can access publicly available documents related to this notice using the following methods:

*NRC's Public Document Room (PDR):* The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

*NRC's Agencywide Documents Access and Management System (ADAMS):* 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 gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The Staff Guidance Regarding the Nuclear Criticality Safety Analysis Accompanying Spent Fuel Pool License Amendment Requests, DSS-ISG-2010-01, is available electronically under ADAMS Accession Number ML102220567.

*Federal Rulemaking Web site:* Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching on Docket ID: NRC-2010-0289.

**FOR FURTHER INFORMATION CONTACT:** Kent A. L. Wood, Reactor Systems Engineer, Reactor Systems Branch, Division of Safety Systems, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Rockville, Maryland 20852. Telephone: (301) 415-4120; fax number: (301) 415-3577; e-mail: [Kent.Wood@nrc.gov](mailto:Kent.Wood@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The NRC is issuing this notice to solicit public comments on the draft DSS-ISG-2010-01, "Staff Guidance Regarding the Nuclear Criticality Safety Analysis Accompanying Spent Fuel Pool License Amendment Requests." After the NRC staff considers any public comments received, it will make a determination regarding issuance of the proposed DSS-ISG.

Dated at Rockville, Maryland, this 25th day of August 2010.

For the Nuclear Regulatory Commission.

**William H. Ruland,**

*Director, Division of Safety Systems, Office of Nuclear Reactor Regulation.*

[FR Doc. 2010-21825 Filed 8-31-10; 8:45 am]

**BILLING CODE 7590-01-P**

## **PERSONNEL MANAGEMENT OFFICE**

### **Proposed Collection; Equal Employment Opportunity Commission (EEOC) Form, Demographic Information on Applicants, OMB 3046-0046; Correction**

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** Notice; correction.

**SUMMARY:** The published document in the Federal Register of August 2, 2010,

concerning Proposed collection. The document contained incorrect dates.

**DATES:** Effective on September 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** U.S. Office of Personnel Management, Employment Services, USAJOBS, 1900 E Street, NW., Washington, DC 20415, Attention: Patricia Stevens or send electronic mail to [patricia.stevens@opm.gov](mailto:patricia.stevens@opm.gov).

#### Correction

In the **Federal Register** of Monday, August 2, 2010, at 75 FR 45173, in the third column, correct the **DATES** section to read:

**DATES:** Effective on December 12, 2010.

U.S. Office of Personnel Management.  
**Angela Bailey,**  
*Deputy Associate Director for Recruitment and Diversity.*

[FR Doc. 2010-21799 Filed 8-31-10; 8:45 am]

**BILLING CODE 6325-39-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-62775; File No. SR-PHLX-2010-115]

### Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Amendment to Rule 862 Relating to, Among Other Things, Eliminate Broker Discretionary Voting for All Elections of Directors, Except for Companies Registered Under the Investment Company Act of 1940

August 26, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4<sup>2</sup> thereunder, notice is hereby given that on August 18, 2010, NASDAQ OMX PHLX, Inc. (“PHLX” 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 Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> 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, pursuant to Section 19(b)(1) of the Act<sup>5</sup> and Rule 19b-4 thereunder,<sup>6</sup> proposes to amend PHLX Rule 862 (Proxies at Direction of Owner) to comport with the Chicago Board Options Exchange (“CBOE”) Rule 31.85(b) and the New York Stock Exchange (“NYSE”) Rule 452 to eliminate broker discretionary voting for all elections of directors at shareholder meetings, whether contested or not, except for companies registered under the Investment Company Act of 1940 (the “1940 Act”),<sup>7</sup> to amend PHLX Rule 862 to preclude broker discretionary voting on a matter that materially amends an investment advisory contract with an investment company, and to define that a material amendment to an investment advisory contract would include any proposal to obtain shareholder approval of an investment company’s investment advisory contract with a new investment advisor. In addition, including the changes noted above, this proposal reorganizes the broker voting rules to specifically include 20 instances where member organizations may not vote without customer instructions, while retaining the prohibition that the member organization may not vote without instructions from the customer on matters that may substantially affect the rights and privileges of the stockholders. This proposal also clarifies proxy procedures and proxy record retention.

The text of the proposed rule change is available on the Exchange’s Web site at <http://www.nasdaqtrader.com/micro.aspx?id=PHLXRulefilings>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### 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 Exchange 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 these 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 aspects of such statements.

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

##### 1. Purpose

PHLX Rule 862 provides instructions on how the proxies are voted. The purpose of the proposed rule change is to amend PHLX Rule 862(2) to comport with CBOE Rule 31.85(b) and NYSE Rule 452 to eliminate broker discretionary voting for all elections of directors at shareholder meetings, whether contested or not, except for companies registered under the Investment Company Act of 1940 (the “1940 Act”), to amend PHLX Rule 862 to preclude broker discretionary voting on a matter that materially amends an investment advisory contract with an investment company, and to define that a material amendment to an investment advisory contract would include any proposal to obtain shareholder approval of an investment company’s investment advisory contract with a new investment advisor. In addition, including the changes noted above, this proposal reorganizes the broker voting rules to specifically include 20 instances where member organizations may not vote without customer instructions, while retaining the prohibition that the member organization may not vote without instructions from the customer on matters that may substantially affect the rights and privileges of the stockholders. This proposal also clarifies proxy procedures and proxy record retention.

The proposed amendment does not materially change the proxy rules with the exception of the changes made in this filing. Amending PHLX Rule 862 to comport with CBOE Rule 31.85 (b) and NYSE Rule 452 provides consistency among the exchanges to eliminate disparities regarding proxy voting. The Exchange proposes this amendment in response to a request by the Securities and Exchange Commission (the “Commission”) that self-regulatory organizations have uniform proxy rules regarding broker discretionary voting.<sup>8</sup> As a result, PHLX believes the broker discretionary voting amendments will have little impact on the market participants since the changes are in line with the rules of the other self-regulatory organizations as defined within the meaning of Section 3(a)(26)

<sup>5</sup> 15 U.S.C. 78s(b)(1).

<sup>6</sup> 17 CFR 240.19b-4.

<sup>7</sup> The Commission notes that the exception for companies registered under the 1940 Act only apply to uncontested director elections, *i.e.*, when there is no counter solicitation. *See* proposed Phlx Rule 862(b)(2).

<sup>8</sup> *See* NYSE Approval Order, 74 FR at 33298, Commission Release No. 34-60215 (July 1, 2009), note 69.

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

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).