

Procedure Act for changes to regulations or guidance in the United States. There are many areas in which the existing BSS and the draft BSS available for comment are known to differ from the current provisions in the regulations of various Federal and State agencies in the United States. Thus, views expressed on the IAEA draft BSS are not considered as comments on any current or possible future regulation activity, but are useful to assist the international community in developing a logical, scientifically based set of requirements. Furthermore, the IAEA BSS can serve as one possible point of reference in the ongoing consideration by various U.S. Agencies of possible regulatory options which may or may not result in a greater degree of alignment with international radiation protection recommendations, such as those in ICRP Publication 103.

ISCORS is a Committee of Federal Agencies intended to foster early resolution and coordination of regulatory issues associated with radiation standards and guidelines. Federal Agencies who are members of ISCORS include the U.S. Environmental Protection Agency, the U.S. Nuclear Regulatory Commission, the U.S. Department of Energy, the U.S. Department of Defense, the U.S. Department of Homeland Security, the U.S. Department of Transportation, the Occupational Safety and Health Administration of the U.S. Department of Labor, and the U.S. Department of Health and Human Services. The Office of Science and Technology Policy, and the Office of Management and Budget are observers to the Committee because of their science policy and regulatory policy responsibilities. Representatives from selected state radiation control organizations and the Defense Nuclear Facilities Safety Board are also observers to the Committee because of their expertise in regulatory implementation and oversight.

Attendees at the meeting are invited to express their views on the draft safety requirement DS379. The views expressed during the meeting will be considered for incorporation, along with comments developed within the Agencies, and will help determine the U.S. Government comments on the draft BSS to be submitted to the IAEA. ISCORS recognizes that a variety of views may be provided, and that viewpoints may differ. ISCORS does not intend to provide specific feedback to those attending the public meeting, and attendees should have no expectation that the views expressed during the meeting will be included in the U.S. Government comments submitted to IAEA. However, ISCORS, and its

members agencies, believe that is important to provide an opportunity for the public to express their views on the BSS through this forum. Comments submitted by Member States, including the United States, will be available on the IAEA web site. Note that future domestic rulemakings, if appropriate, will continue to follow established rulemaking procedures, including the opportunity to formally comment on proposed rules.

Dated at Rockville, Maryland, this 28th day of January, 2010.

For the Nuclear Regulatory Commission.

**Robert J. Lewis,**

*Director, Division of Material Safety and State Agreements, Office of Federal and State Materials, and Environmental Management Programs.*

[FR Doc. 2010-2547 Filed 2-4-10; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50-277 and 50-278; NRC-2010-0042]**

### **Exelon Generation Company, LLC; PSEG Nuclear, LLC; Peach Bottom Atomic Power Station Units 2 and 3; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Exelon Generation Company, LLC, (Exelon) and PSEG Nuclear, LLC, to withdraw the portion of its August 7, 2008, application related to incorporation of Technical Specification Task Force Traveler 363, Revision 0, for proposed amendment to Facility Operating License Nos. DPR-44 and DPR-56 for the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, located in York and Lancaster Counties, Pennsylvania.

The proposed amendment would have revised the Technical Specifications to incorporate TSTF-363-A, "Revise Topical Report References in ITS [improved technical specifications] 5.6.5, COLR [Core Operating Limits Report]," Revision 0. The amendment would have modified the PBAPS Units 2 and 3 TS 5.6.5, "Core Operating Limits Report (COLR)," to remove the requirement to maintain COLR Topical Report references by number, title, date, and NRC staff approved document, if included. Incorporation of the TSTF would have permitted referencing of the topical report by number and title only in the TSs, with the additional details being controlled within the COLR document.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on May 5, 2009 (74 FR 20744). However, by letter dated January 19, 2010, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated August 7, 2008, and the licensee's letter dated January 19, 2010, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 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 internet at 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 by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, this 29th day of January 2010.

For the Nuclear Regulatory Commission.

**John D. Hughey,**

*Project Manager, Plant Licensing Branch LPL1-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2010-2532 Filed 2-4-10; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

**[Release Nos. 33-9104; 34-61462; File No. 265-25-03]**

### **Investor Advisory Committee**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of meeting of SEC Investor Advisory Committee.

**SUMMARY:** The Securities and Exchange Commission Investor Advisory Committee is providing notice that it will hold a public meeting on Monday, February 22, 2010, in the Multipurpose Room, L-006, at the Commission's main offices, 100 F Street, NE., Washington, DC. The meeting will begin at 9 a.m. (EST) and will be open to the public. The Committee meeting will be webcast on the Commission's Web site at

<http://www.sec.gov>. Persons needing special accommodations to take part because of a disability should notify a contact person listed below. The public is invited to submit written statements to the Committee.

The agenda for the meeting includes: (i) Consideration of a Committee recusal policy; (ii) report from the Education Subcommittee, including a presentation on the National Financial Capability Survey; (iii) report from the Investor as Purchaser Subcommittee, including a discussion of fiduciary duty and mandatory arbitration; (iv) report from the Investor as Owner Subcommittee, including recommendations for the Committee on Regulation FD and proxy voting transparency, as well as reports on a work plan for environmental, social, and governance disclosure and on financial reform legislation; and (v) discussion of next steps and closing comments.

**DATES:** Written statements should be received on or before February 16, 2010.

**ADDRESSES:** Written statements may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet submission form (<http://www.sec.gov/rules/other.shtml>); or
- Send an e-mail message to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number 265-25-03 on the subject line.

#### *Paper Comments*

- Send paper statements in triplicate to Elizabeth M. Murphy, Federal Advisory Committee Management Officer, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File No. 265-25-03. This file number should be included on the subject line if e-mail is used. To help us process and review your statements more efficiently, please use only one method. The Commission will post all statements on the Advisory Committee's Web site (<http://www.sec.gov/spotlight/investoradvisorycommittee.shtml>). Statements are available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Kayla J. Gillan, Deputy Chief of Staff, Office of the Chairman, at (202) 551-2100, or Owen Donley, Chief Counsel, Office of Investor Education and Advocacy, at (202) 551-6322, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-6561.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, section 10(a), Kayla J. Gillan, Designated Federal Officer of the Committee, has approved publication of this notice.

Dated: February 2, 2010.

**Elizabeth M. Murphy,**  
*Committee Management Officer.*

[FR Doc. 2010-2519 Filed 2-4-10; 8:45 am]

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## **SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34-61446; File No. SR-NASDAQ-2009-077]**

### **Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving Proposed Rule Change To Modify the Procedures Followed When a Listed Company Falls Below Certain Listing Requirements**

January 29, 2010.

#### **I. Introduction**

On August 17, 2009, The NASDAQ Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to modify the length of certain compliance periods in Nasdaq's continued listing requirements and to modify the time available for a company to provide a plan to regain compliance with certain listing requirements.<sup>3</sup> The proposed rule change was published for comment in the **Federal Register** on September 8, 2009.<sup>4</sup> The Commission received three comment letters on the proposal.<sup>5</sup> On

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

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

<sup>3</sup> Nasdaq is also proposing to eliminate certain abbreviations that are used inconsistently and utilize defined terms, as appropriate, in Rules 5810 and 5840, and to remove authority in Rule 5810(c)(2)(C) that is duplicated in Rule 5810(c)(2)(B).

<sup>4</sup> See Securities Exchange Act Release No. 46267 (September 2, 2009), 74 FR 46267 ("Notice").

<sup>5</sup> See letter from Barbara Roper, Director of Investor Protection, Consumer Federation of America, to Elizabeth M. Murphy, Secretary,

December 28, 2009 the Exchange filed a response to the comment letter.<sup>6</sup> This order approves the proposed rule change.

## **II. Description of the Proposal**

### *Price Related Criteria*

Under Nasdaq's current continued listing requirements relating to market value of listed securities, a company is considered to be non-compliant after falling below the standard for 10 consecutive trading days.<sup>7</sup> Thereafter, the company is provided 90 calendar days to regain compliance with the market value of listed securities requirement. Further, Nasdaq's current continued listing rules relating to market value of publicly held shares provide that a company is deficient if it is below the standard for 30 consecutive trading days. Upon such failure, the company is provided with 90 calendar days to regain compliance.<sup>8</sup>

Nasdaq proposes to modify the length of time required to trigger non-compliance with the market value of listed securities requirement and to modify the compliance periods associated with the Exchange's market value of listed securities and market value of publicly held shares continued listing requirements. Nasdaq notes that, under its bid price continued listing standard, if a company's security has a closing bid price below \$1.00 for 30 consecutive trading days, it no longer meets the bid price requirement and is automatically provided 180 calendar days to regain compliance.<sup>9</sup> Nasdaq asserts that because compliance with each of these rules is directly related to the price of an issuer's security, the length of time to trigger non-compliance, and the amount of time afforded as a compliance period, should be consistent. As such, Nasdaq proposes to lengthen the period that a company would need to be below the market

Commission, dated September 28, 2009 ("CFA Comment Letter"); letter from Alan F. Eisenberg, Executive Vice President, Biotechnology Industry Organization ("BIO") to Elizabeth M. Murphy, Secretary, Commission, dated September 29, 2009 ("BIO Comment Letter"); and letter from Jason S. Frankl, Senior Managing Director, FTI Consulting ("FTI"), to Elizabeth M. Murphy, Secretary, Commission, dated October 5, 2009 ("FTI Comment Letter").

<sup>6</sup> See letter from Arnold Golub, Vice President and Associate General Counsel, Nasdaq, to Elizabeth Murphy, Secretary, Commission, dated December 28, 2009 ("Nasdaq Response Letter").

<sup>7</sup> Nasdaq Rule 5810(b)(3)(C). NASDAQ changed the period to regain compliance with the market value of listed securities requirement from 30 to 90 days in January of last year. Securities Exchange Act Release No. 59291 (January 23, 2009), 74 FR 5197 (January 29, 2009) (SR-NASDAQ-2009-002).

<sup>8</sup> Nasdaq Rule 5810(b)(3)(D).

<sup>9</sup> Nasdaq Rule 5810(b)(3)(A).