

Standard for Software Verification and Validation,” and IEEE Std. 1028–2008, “IEEE Standard for Software Reviews and Audits.” These two IEEE standards describe methods acceptable to the NRC staff for demonstrating compliance with the NRC’s regulations for verification, validation, and design control of software used in safety systems of a nuclear power plant. In particular, the methods are consistent with part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), “Domestic Licensing of Production and Utilization Facilities,” Appendix A, “General Design Criteria for Nuclear Power Plants,” General Design Criterion (GDC) 1, “Quality Standards and Records,” which requires, in part, that a quality assurance program be established and implemented to provide adequate assurance that systems and components important to safety will satisfactorily perform their safety functions.

Revision 2 of RG 1.168 supersedes Revision 1 of RG 1.168 and represents the NRC staff’s guidance for future users and guidance. Earlier versions of this RG, however, continue to be acceptable for those licensees whose licensing basis includes earlier versions of this RG, absent a licensee-initiated change to its licensing basis. Additional information on the staff’s use of this revised RG with respect to both current and future users and applications is set forth in the “Implementation” section of the revised RG.

This RG is one of six revised RGs addressing computer software development and use in safety related systems of nuclear power plants. These RGs were developed by the Office of Nuclear Regulatory Research, Division of Engineering (RES/DE) with the assistance of multiple individuals in the Office of New Reactors, Division of Engineering (NRO/DE); Office Nuclear Reactor Regulation, Division of Engineering (NRR/DE); and the Office of Nuclear Security and Incident Response, Division of Security Policy (NSIR/DSP). The six interrelated RGs are:

1. Revision 2 of RG 1.168, “Verification, Validation, Reviews, and Audits for Digital Computer Software used in Safety Systems of Nuclear Power Plants,” issued for public comment as DG–1267. The package for Rev. 2 of RG 1.168 is in ADAMS at Accession No. ML12236A132.

2. Revision 1 of RG 1.169, “Configuration Management Plans for Digital Computer Software used in Safety Systems of Nuclear Power Plants,” issued for public comment as DG–1206. The package for Rev. 1 of RG

1.169 is in ADAMS at Accession No. ML12354A524.

3. Revision 1 of RG 1.170, “Test Documentation for Digital Computer Software used in Safety Systems of Nuclear Power Plants,” issued for public comment as DG1207. The package for Rev. 1 of RG 1.170 is in ADAMS at Accession No. ML12354A531.

4. Revision 1 of RG 1.171, “Software Unit Testing for Digital Computer Software Used in Safety Systems of Nuclear Power Plants,” issued for public comment as DG1208. The package for Rev. 1 of RG 1.171 is in ADAMS at Accession No. ML12354A534.

5. Revision 1 of RG 1.172, “Software Requirements Specifications for Digital Computer Software used in Safety Systems of Nuclear Power Plants,” issued for public comment as DG–1209. The package for Rev. 1 of RG 1.172 is in ADAMS at Accession No. ML12354A538.

6. Revision 1 of RG 1.173, “Developing Software Life Cycle Processes for Digital Computer Software used in Safety Systems of Nuclear Power Plants,” issued for public comment as DG–1210. The package for Rev. 1 of RG 1.173 is in ADAMS at Accession No. ML13008A338.

### III. Backfitting and Issue Finality

Issuance of this revised RG does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the “Implementation” section of this RG, the NRC has no current intention to impose this RG on holders of current operating licenses, early site permits or combined licenses, unless this final RG is part of the licensing basis for the facility. The NRC may apply this revised RG to applications for operating licenses, early site permits and combined licenses docketed by the NRC as of the date of issuance of the final RG, as well as to future applications for operating licenses, early site permits and combined licenses submitted after the issuance of the RG. Such action does not constitute backfitting as defined in 10 CFR 50.109(a)(1) and is not otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in part 52.

### IV. Congressional Review Act

This RG is a rule as designated in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget (OMB) has not found it to be a major rule as designated in the Congressional Review Act.

Dated at Rockville, Maryland, this 19th day of July, 2013.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

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

[FR Doc. 2013–18728 Filed 8–5–13; 8:45 am]

**BILLING CODE 7590–01–P**

### NUCLEAR REGULATORY COMMISSION

[NRC–2012–0195]

#### Test Documentation for Digital Computer Software Used in Safety Systems of Nuclear Power Plants

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Revision to regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a revised regulatory guide (RG), Revision 1 of RG 1.170, “Test Documentation for Digital Computer Software Used in Safety Systems of Nuclear Power Plants.” This RG endorses the Institute of Electrical and Electronic Engineers (IEEE) Standard 829–2008, “IEEE Standard for Software and System Test Documentation” with the clarifications and exceptions stated in Section C, “Staff Regulatory Guidance” of the RG. IEEE Std. 829–2008 describes methods that the NRC considers acceptable for use in complying with NRC regulations for developing test documentation and design quality in the software used in safety systems of nuclear power plants.

**ADDRESSES:** Please refer to Docket ID NRC–2012–0195 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2012–0195. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC

Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "*Begin Web-based ADAMS Search*." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. Revision 1 of RG 1.170 is available in ADAMS under Accession No. ML13003A216. The regulatory analysis may be found in ADAMS under Accession No. ML103200469.

- *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

**FOR FURTHER INFORMATION CONTACT:**

Mark Orr, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-251-7495; email: [Mark.Orr@NRC.gov](mailto:Mark.Orr@NRC.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The NRC is issuing a revision to an existing guide in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information such 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.

**II. Further Information**

Revision 1 of RG 1.170 was issued with a temporary identification as Draft Regulatory Guide, DG-1207 on August 22, 2012 (77 FR 50720) for a 60-day public comment period. The public comment period closed on November 23, 2012. Multiple public comments were received and addressed by the NRC staff. These comments and the NRC staff responses are available in ADAMS under Accession number ML13003A209.

Revision 1 of RG 1.170 endorses IEEE Std. 829-2008, "IEEE Standard for Software and System Test Documentation" with the exceptions

stated in the Section C "Staff Regulatory Guidance" of the RG. IEEE Std. 829-2008 describes methods that the NRC considers acceptable for use in complying with NRC regulations for developing test documentation and design quality in the software used in safety systems of nuclear power plants. In particular, the methods are consistent with the GDC in Appendix A to part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic Licensing of Production and Utilization Facilities" and the criteria for quality assurance programs in Appendix B to 10 CFR part 50 as they apply to the documentation of software testing activities. The criteria in Appendices A and B of 10 CFR part 50 apply to systems and related quality assurance processes, and the requirements extend throughout the life cycle of the protection system especially when those systems include software. There are further requirements for software testing which can be found in the documentation retention and handling section of 10 CFR part 21.51, "Maintenance and Inspection of Records."

This RG is one of six RG revisions addressing computer software development and use in safety related systems of nuclear power plants. These RGs were developed by the Office of Nuclear Regulatory Research, Division of Engineering (RES/DE) with the assistance of multiple individuals in the Office of New Reactors, Division of Engineering (NRO/DE); Office Nuclear Reactor Regulation, Division of Engineering (NRR/DE); and the Office of Nuclear Security and Incident Response, Division of Security Policy (NSIR/DSP). The six interrelated RGs are:

1. Revision 2 of RG 1.168, "Verification, Validation, Reviews, and Audits for Digital Computer Software used in Safety Systems of Nuclear Power Plants," issued for public comment as DG-1267. The package for Rev. 2 of RG 1.168 is in ADAMS at Accession No. ML12236A132.

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ADAMS at Accession No. ML12354A531.

4. Revision 1 of RG 1.171, "Software Unit Testing for Digital Computer Software Used in Safety Systems of Nuclear Power Plants," issued for public comment as DG1208. The package for Rev. 1 of RG 1.171 is in ADAMS at Accession No. ML12354A534.

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6. Revision 1 of RG 1.173, "Developing Software Life Cycle Processes for Digital Computer Software used in Safety Systems of Nuclear Power Plants," issued for public comment as DG-1210. The package for Rev. 1 of RG 1.173 is in ADAMS at Accession No. ML13008A338.

**III. Backfitting and Issue Finality**

Issuance of this revised RG does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the "Implementation" section of this RG, the NRC has no current intention to impose this RG on holders of current operating licenses, early site permits or combined licenses, unless this final regulatory guide is part of the licensing basis for the facility. The NRC may apply this revised RG to applications for operating licenses, early site permits and combined licenses docketed by the NRC as of the date of issuance of the final RG, as well as to future applications for operating licenses, early site permits and combined licenses submitted after the issuance of the RG. Such action does not constitute backfitting as defined in 10 CFR 50.109(a)(1) and is not otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in part 52.

**Congressional Review Act**

This RG is a rule as designated in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget (OMB) has not found it to be a major rule as designated in the Congressional Review Act.

Dated at Rockville, Maryland, this 19th day of July, 2013.

For the Nuclear Regulatory Commission.  
**Thomas Boyce**,  
 Chief, Regulatory Guide Development Branch,  
 Division of Engineering, Office of Nuclear  
 Regulatory Research.  
 [FR Doc. 2013-18719 Filed 8-5-13; 8:45 am]  
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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-70085; File Nos. SR-NYSE-2011-55; SR-NYSEAmex-2011-84]

### Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE MKT LLC; Order Granting an Extension to Limited Exemptions From Rule 612(c) of Regulation NMS In Connection With the Exchanges' Retail Liquidity Programs

July 31, 2013.

On July 3, 2012, the Commission issued an order pursuant to its authority under Rule 612(c) of Regulation NMS ("Sub-Penny Rule")<sup>1</sup> that granted the New York Stock Exchange LLC ("NYSE" or "Exchange") and NYSE MKT LLC<sup>2</sup> ("NYSE MKT" and, together with NYSE, the "Exchanges") limited exemptions from the Sub-Penny Rule in connection with the operation of each Exchange's Retail Liquidity Program ("Programs").<sup>3</sup> The limited exemptions were granted concurrently with the Commission's approval of the Exchanges' proposals to adopt their respective Retail Liquidity Programs for one-year pilot terms.<sup>4</sup> The exemptions were granted coterminous with the effectiveness of the pilot Programs; both the pilot Programs and exemptions are scheduled to expire on July 31, 2013.

The Exchanges now seek to extend the exemptions until July 31, 2014.<sup>5</sup> The Exchanges' request was made in conjunction with immediately effective filings that extend the operation of the Programs for one year, until July 31, 2014.<sup>6</sup> In their request to extend the

exemptions, the Exchanges note that the Programs took some time after they were adopted to develop and implement fully. Accordingly, the Exchanges have asked for additional time to allow themselves and the Commission to analyze more robust data concerning the Programs, which the Exchanges committed to provide to the Commission.<sup>7</sup> For this reason and the reasons stated in the Order originally granting the limited exemptions, the Commission finds that extending the exemptions, pursuant to its authority under Rule 612(c) of Regulation NMS, is appropriate in the public interest and consistent with the protection of investors.

*Therefore, it is hereby ordered* that, pursuant to Rule 612(c) of Regulation NMS, each Exchange is granted a one-year extension of the limited exemption from Rule 612 of Regulation NMS that allows it to accept and rank orders priced equal to or greater than \$1.00 per share in increments of \$0.001, in connection with the operation of its Retail Liquidity Program.

The limited and temporary exemptions extended by this Order are subject to modification or revocation if at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Exchange Act. Responsibility for compliance with any applicable provisions of the federal securities laws must rest with the persons relying on the exemptions that are the subject of this Order.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Kevin M. O'Neill**,

*Deputy Secretary.*

[FR Doc. 2013-18899 Filed 8-5-13; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-70084; File No. SR-NYSEArca-2013-76]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Options Fee Schedule To Increase the Royalty Fees Applicable to Non-Customer Transactions in Options on the Russell 2000 Index

July 31, 2013.

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 July 25, 2013, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule to increase the Royalty Fees applicable to non-Customer transactions in options on the Russell 2000 Index ("RUT"). The text of the proposed rule change is available on the Exchange's Web site at [www.nyse.com](http://www.nyse.com), 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 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.

<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.

<sup>7</sup> See Order, *supra* note 3, 77 FR at 40681.

<sup>8</sup> 17 CFR 200.30-3(a)(83).

<sup>1</sup> 17 CFR 242.612(c).

<sup>2</sup> At the time it filed the original proposal to adopt the Retail Liquidity Program, NYSE MKT went by the name NYSE Amex LLC. On May 14, 2012, the Exchange filed a proposed rule change, immediately effective upon filing, to change its name from NYSE Amex LLC to NYSE MKT LLC. See Securities Exchange Act Release No. 67037 (May 21, 2012), 77 FR 31415 (May 25, 2012) (SR-NYSEAmex-2012-32).

<sup>3</sup> See Securities Exchange Act Release No. 67347, 77 FR 40673 (July 10, 2012) (SR-NYSE-2011-55; SR-NYSEAmex-2011-84) ("Order").

<sup>4</sup> See *id.*

<sup>5</sup> See Letter from Janet McGinness, SVP and Corporate Secretary, NYSE Euronext, to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, dated July 30, 2013.

<sup>6</sup> See SR-NYSE-2013-48 and SR-NYSEMKT-2013-60.