

(ADAMS Accession No. ML13032A592). This ITAAC was approved as part of the issuance of the combined license, NPF-91, for this facility.

### NRC Staff Determination of Completion of ITAAC

The NRC staff has determined that the inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met for Vogtle Electric Generating Plant, Unit 3, ITAAC E.2.5.04.05.01. This notice fulfills the staff's obligations under 10 CFR 52.99(e)(1) to publish a notice in the **Federal Register** of the NRC staff's determination of the successful completion of inspections, tests and analyses.

The documentation of the NRC staff's determination is in the ITAAC Closure Verification Evaluation Form (VEF), dated March 19, 2013 (ADAMS Accession No. ML13109A243). The VEF is a form that represents the NRC staff's structured process for reviewing ICNs. The ICN presents a narrative description of how the ITAAC was completed, and the NRC's ICN review process involves a determination on whether, among other things, (1) the ICN provides sufficient information, including a summary of the methodology used to perform the ITAAC, to demonstrate that the inspections, tests, and analyses have been successfully completed; (2) the ICN provides sufficient information to demonstrate that the acceptance criteria are met; and (3) any required inspections for the ITAAC have been completed and any ITAAC findings associated with the ITAAC have been closed.

The NRC staff's determination of the successful completion of this ITAAC is based on information available at this time and is subject to the licensee's ability to maintain the condition that the acceptance criteria are met. If new information disputes the NRC staff's determination, this ITAAC will be reopened as necessary. The NRC staff's determination will be used to support a subsequent finding, pursuant to 10 CFR 52.103(g), at the end of construction that all acceptance criteria in the combined license are met. The ITAAC closure process is not finalized for this ITAAC until the NRC makes an affirmative finding under 10 CFR 52.103(g). Any future updates to the status of this ITAAC will be reflected on the NRC's Web site at <http://www.nrc.gov/reactors/new-reactors/oversight/itaac.html>.

Dated at Rockville, Maryland, this 10th day of June 2013.

For the Nuclear Regulatory Commission.

**Brian Anderson,**

*Senior Project Manager, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. 2013-14307 Filed 6-14-13; 8:45 am]

**BILLING CODE 7590-01-P**

### NUCLEAR REGULATORY COMMISSION

[NRC-2012-0159]

#### Fuel Oil Systems for Emergency Power Supplies

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing revision 2 of Regulatory Guide (RG) 1.137, "Fuel Oil Systems for Emergency Power Supplies." Revision 2 of RG 1.137 endorses ANSI/ANS-59.51-1997, "Fuel Oil Systems for Safety-Related Emergency Diesel Generators," (reaffirmed in October 2007) with the exceptions and clarification stated in the RG. ANSI/ANS-59.51-1997 describes methods that the NRC considers acceptable for use in complying with NRC regulations for assuring the quality of fuel oil for emergency diesel generators used in nuclear power plants.

**ADDRESSES:** Please refer to Docket ID NRC-2012-0159 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-2012-0159. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **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 2 of Regulatory Guide 1.137, is available in ADAMS under Accession No. ML12300A122. The regulatory analysis may be found in ADAMS under Accession No. ML121090459.

- **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.

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#### FOR FURTHER TECHNICAL 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 2 of RG 1.137 endorses American National Standards Institute (ANSI), American Nuclear Society (ANS) (ANSI/ANS) Standard 59.51-1997, "Fuel Oil Systems for Safety-Related Emergency Diesel Generators," (reaffirmed in October 2007), and American Society for Testing and Materials (ASTM) standard D975-13, "Standard Specification for Diesel Fuel Oils," with the exceptions stated in the regulatory positions. Both ANSI/ANS-59.51-1997 and ASTM D975-13 describe methods the NRC considers acceptable for use in complying with NRC requirements for assuring the quality of fuel oil and fuel oil systems for emergency diesel generators used in nuclear power plants. The methods described in ANSI/ANS 59.51-1997 and ASTM D975-13 are consistent with NRC requirements derived from "General Design Criteria (GDC) 17, Electric Power Systems" 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 10 CFR 50.55a.

The 1979 revision to RG 1.137 endorsed the guidance in ANSI Standard N195–1976, “Fuel Oil Systems for Standby Diesel-Generators.” The ANSI standard was revised in 1989 and reformatted and revised in 1997 as ANSI/ANS–59.51–1997 with no change to RG 1.137. Revision 2 of RG 1.137 endorses the most current version of the ANSI/ANS standard.

Revision 2 of RG 1.137 was issued with a temporary identification as Draft Regulatory Guide, DG–1282 on July 5, 2012 (77 FR 39745) for a 60-day public comment period. The public comment period was extended until September 28, 2012 (77 FR 48177). Public comments were received and addressed by the NRC staff. These comments and the NRC staff responses are available in ADAMS under Accession No. ML12300A121.

The NRC prepared a regulatory analysis for the development of DG–1285 and it is available in ADAMS under Accession No. ML121090459.

Revision 2 of RG 1.137 supersedes Revision 1 of RG 1.137, and represents the NRC staff’s guidance for future users and applications. Earlier versions of this regulatory guide, however, continue to be acceptable for those licensees whose licensing basis includes earlier versions of this regulatory guide, absent a licensee-initiated change to its licensing basis. Additional information on the staff’s use of this revised regulatory guide with respect to both current and future users and applications is set forth in the “Implementation” section of the revised regulatory guide.

### III. Backfitting and Issue Finality

Issuance of this final regulatory guide 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 regulatory guide, the NRC has no current intention to impose this regulatory guide on holders of current operating licenses or combined licenses.

This regulatory guide may be applied to applications for operating licenses and combined licenses docketed by the NRC as of the date of issuance of the final regulatory guide, as well as future applications for operating licenses and combined licenses submitted after the issuance of the regulatory guide. Such action does not constitute backfitting as defined in 10 CFR 50.109(a)(1) or is 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 regulatory guide 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 7th day of June, 2013.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

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

[FR Doc. 2013–14309 Filed 6–14–13; 8:45 am]

**BILLING CODE 7590–01–P**

### PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

**[Notice–PCLOB–2013–03; Docket No 2013–0004; Sequence No. 3]**

#### Sunshine Act Meeting

**TIME AND DATE:** 1:00 p.m.–3:00 p.m. on Wednesday, June 19, 2013.

**PLACE:** The meeting will be held at 2100 K Street NW., Washington, DC 20427.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** The Privacy and Civil Liberties Oversight Board will meet in closed session to discuss classified information pertaining to the PRISM-related activities and the Foreign Intelligence Surveillance Act.

The Government in the Sunshine Act, 5 U.S.C. 552b, normally requires that agencies provide at least one week prior notice to the public of the time, date, and location of meetings. As permitted by section 552b(e)(1), the Board determined, by recorded vote, that agency business requires that this meeting be called at an earlier date.

**CONTACT PERSON FOR MORE INFORMATION:** Susan Reingold, Chief Administrative Officer, 202–331–1986.

Dated: June 12, 2013.

**Claire McKenna,**  
*Legal Counsel.*

[FR Doc. 2013–14431 Filed 6–13–13; 11:15 am]

**BILLING CODE 6820–B3–P**

### SECURITIES AND EXCHANGE COMMISSION

#### Sunshine Act Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** [78 FR 35075, June 11, 2013].

**STATUS:** Closed Meeting.

**PLACE:** 100 F Street NE., Washington, DC.

**DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING:** June 13, 2013 at 2:00 p.m.

**CHANGE IN THE MEETING:** Additional Item.

The following matter will also be considered during the 2:00 p.m. Closed Meeting scheduled for Thursday, June 13, 2013: a personnel matter.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions as set forth in 5 U.S.C. 552b(c)(2) and (6) and 17 CFR 200.402(a)(2) and (6), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Walter, as duty officer, voted to consider the item listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: June 12, 2013.

**Elizabeth M. Murphy,**  
*Secretary.*

[FR Doc. 2013–14422 Filed 6–13–13; 11:15 am]

**BILLING CODE 8011–01–P**

### SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69735; File No. SR–NYSE–2013–39]**

**Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Rule 103B, Section III(A) To Increase From Three to Four the Minimum Number of DMM Units an Issuer Must Interview From the Pool of DMM Units Eligible To Participate in the Allocation Process**

June 11, 2013.

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>

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

<sup>2</sup> 17 CFR 240.19b–4.