

those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request or petition to intervene is filed so that they can obtain access to the document through the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by email to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov), or by a toll-free call to 866-672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m. Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and marked "Attention: Rulemaking and Adjudications Staff;" or (2) courier, express mail, or expedited delivery service addressed to the Office of the Secretary, 16th Floor, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, and marked "Attention: Rulemaking and Adjudications Staff." Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket, which is available to the public at <http://ehd1.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. Participants are requested not to include private personal information such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law

requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d). If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or any written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date this Order is published in the FR without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

*It is so ordered.*

Dated at Rockville, Maryland, this 24th day of July 2013.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Director, Office of Enforcement.*

[FR Doc. 2013-18516 Filed 7-31-13; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2013-0170]**

### **Status of the Office of New Reactors' Implementation of Electronic Distribution of Advanced Reactor Correspondence**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Implementation of electronic distribution of advanced reactor correspondence; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing this Federal Register notice to inform the public that, in the future, publicly available correspondence originating from the Division of Advanced Reactors and Rulemaking (DARR) in the Office of New Reactors (NRO) will be transmitted

only by a computer-based email distribution system listserv to addressees and subscribers. This change does not affect the availability of official agency records in the NRC's Agencywide Documents Access and Management System (ADAMS), which may be accessed through NRC's Web page at [www.nrc.gov](http://www.nrc.gov).

**ADDRESSES:** Please refer to Docket ID NRC-2013-0170 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 any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0170. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; 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).

- *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.

**FOR FURTHER INFORMATION CONTACT:** Cameron S. Goodwin, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6146; email: [Cameron.Goodwin@nrc.gov](mailto:Cameron.Goodwin@nrc.gov).

### **Further information**

This electronic distribution process was first utilized by the Division of Operating Reactor Licensing (DORL) in October 2008. All four regions are also utilizing this process for their operating reactor correspondence. Region 2 was the final region to convert to electronic distribution in June of 2013. Public feedback regarding this process has been positive. This process distributes correspondence documents to the addressees and members of the listserv at the same time. Distribution of documents containing safeguards, proprietary or security-related

information, or other information that is withheld from public disclosure will not be affected by this initiative.

This initiative will be implemented by August 2013. Individuals may subscribe to receive DARR generated correspondence by entering the following URL into their web browser address bar: <http://www.nrc.gov/public-involve/listserver.html>. Or through NRC's Web site, [www.nrc.gov](http://www.nrc.gov), as described below:

1. Go to the NRC's public Web site ([www.nrc.gov](http://www.nrc.gov)).
2. Click on the "Public Meetings and Involvement" tab.
3. On this page, under the heading "Information and Meeting Schedules to Help You Participate," click on "Subscribe to Email Updates."
4. On this page, scroll down to the Lyris Subscription Services.
5. Enter your email address.
6. You have the option to select "All Advanced Reactor Correspondence" or the individual designs.
7. Once you have selected the designs, click on the "Subscribe" button.

Dated at Rockville, Maryland, this 22nd day of July 2013.

For the Nuclear Regulatory Commission,

**Cameron S. Goodwin,**

*Project Manager, Small Modular Reactor Licensing Branch 2, Division of Advanced Reactors and Rulemaking, Office of New Reactors.*

[FR Doc. 2013-18522 Filed 7-31-13; 8:45 am]

**BILLING CODE 7590-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-70050; File No. 10-209]

### Application of Topaz Exchange, LLC for Registration as a National Securities Exchange; Findings, Opinion, and Order of the Commission

July 26, 2013.

#### I. Introduction

On July 3, 2012, Topaz Exchange, LLC ("Topaz Exchange" or "Exchange") submitted to the Securities and Exchange Commission ("Commission") an Application for Registration as a National Securities Exchange ("Form 1 Application")<sup>1</sup> under Section 6 of the Securities Exchange Act of 1934

<sup>1</sup> On March 1, 2013, the Commission issued an order granting Topaz Exchange exemptive relief, subject to certain conditions, in connection with the filing of its Form 1 Application. See Securities Exchange Act Release No. 69011, 78 FR 14844 (March 7, 2013). Because Topaz Exchange's Form 1 Application was incomplete without the exemptive relief, the date of filing of such application is March 1, 2013. *Id.*

("Act").<sup>2</sup> On December 19, 2012, Topaz Exchange submitted Amendment No. 1 to its Form 1 Application.<sup>3</sup> On December 31, 2012, Topaz Exchange submitted Amendment No. 2 to its Form 1 Application.<sup>4</sup> Notice of the Form 1 Application, as modified by Amendment Nos. 1 and 2, was published for comment in the **Federal Register** on March 7, 2013.<sup>5</sup> The Commission received four comment letters regarding the Form 1 Application.<sup>6</sup> Topaz Exchange submitted a detailed response to comments on July 11, 2013.<sup>7</sup> On July 11, 2013, Topaz Exchange submitted Amendment No. 3 to the Form 1 Application.<sup>8</sup>

<sup>2</sup> 15 U.S.C. 78f.

<sup>3</sup> Amendment No. 1, among other things, includes changes to the Limited Liability Company Agreement of Topaz Exchange, LLC ("Topaz Exchange LLC Agreement") and the Constitution of Topaz Exchange, LLC ("Topaz Exchange Constitution") concerning board composition and size, the initial director election process, and the use of regulatory funds. Amendment No. 1 also includes revisions to proposed rules of Topaz Exchange to remove rules relating to complex orders; to respond to comments on the Form 1 application from Commission staff; and to reflect recent changes to comparable rules of International Securities Exchange, LLC ("ISE"). Amendment No. 1 further provides additional descriptions in the Form 1 Application regarding proposed allocation procedures, auction mechanisms, execution of qualified contingent crosses, and the interim and initial director election processes, and removes references to complex orders.

<sup>4</sup> Amendment No. 2, among other things, provides updated information regarding the board of directors of ISE and the Corporate Governance Committee of ISE and includes information regarding Longitude S.A., a newly incorporated affiliate of Topaz Exchange, which information includes the Articles of Incorporation and financial information for Longitude S.A. Finally, Amendment No. 2 provides an updated organizational chart that reflects the affiliates of Topaz Exchange.

<sup>5</sup> See Securities Exchange Act Release No. 69012 (March 1, 2013), 78 FR 14847 ("Notice").

<sup>6</sup> See Letter from Angelo Evangelou, Associate General Counsel, Chicago Board Options Exchange, Incorporated, to Elizabeth M. Murphy, Secretary, Commission, dated April 23, 2013 ("CBOE Letter"); Letter from Jeffrey S. Davis, Vice President and Deputy General Counsel, NASDAQ OMX Group, Inc., to Elizabeth M. Murphy, Secretary, Commission, dated April 25, 2013 ("NASDAQ Letter"); Letter from Janet McGinness, EVP and Corporate Secretary, NYSE Euronext, General Counsel, NYSE Markets, to Elizabeth M. Murphy, Secretary, Commission, dated May 10, 2013 ("NYSE Euronext Letter I"); and Letter from Janet McGinness, EVP and Corporate Secretary, NYSE Euronext, General Counsel, NYSE Markets, to Elizabeth M. Murphy, Secretary, Commission, dated June 20, 2013 ("NYSE Euronext Letter II").

<sup>7</sup> See Letter from Michael Simon, General Counsel and Secretary, Topaz Exchange, to Elizabeth M. Murphy, Secretary, Commission, dated July 10, 2013 ("Topaz Exchange Response Letter").

<sup>8</sup> Amendment No. 3, among other things, includes changes to proposed Topaz Exchange rules to respond to concerns raised by the commenters and to reflect changes to comparable ISE rules since the filing of Amendment No. 1. The changes are discussed below in Section II.D. Amendment No. 3 also provides further descriptions or updates

#### II. Discussion

Under Sections 6(b) and 19(a) of the Act,<sup>9</sup> the Commission shall by order grant an application for registration as a national securities exchange if the Commission finds, among other things, that the proposed exchange is so organized and has the capacity to carry out the purposes of the Act and can comply, and can enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange.

As discussed in greater detail below, the Commission finds that Topaz Exchange's application for exchange registration meets the requirements of the Act and the rules and regulations thereunder. Further, the Commission finds that the proposed rules of Topaz Exchange are consistent with Section 6 of the Act in that, among other things, they assure a fair representation of the exchange's members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, or with a broker or dealer;<sup>10</sup> and that they are designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest and are not designed to permit unfair discrimination between customers, issuers, or broker-dealers.<sup>11</sup> Finally, the Commission finds that Topaz Exchange's proposed rules do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.<sup>12</sup>

#### A. Overview of Ownership of Topaz Exchange

Topaz Exchange is structured as a Delaware limited liability company

information in the Form 1 Application. The changes proposed in Amendment No. 3 are not substantive, are consistent with the existing rules of other registered national securities exchanges, or are responsive to the concerns of the commenters and do not raise any new or novel regulatory issues.

<sup>9</sup> 15 U.S.C. 78f(b) and 15 U.S.C. 78s(a), respectively.

<sup>10</sup> See 15 U.S.C. 78f(b)(3).

<sup>11</sup> See 15 U.S.C. 78f(b)(5).

<sup>12</sup> See 15 U.S.C. 78f(b)(8).