

remove the individual fuel assemblies by the use of normal means (e.g., degradation of the internal components such as radiation damage to internal components, depletion of the neutron absorbing material, Boral blistering, fuel degradation, and basket degradation) for the retrievability safety function.

However, if these components' intended functions are relied upon for safety, these components would need to be evaluated for those safety functions which may include retrieval of the individual fuel assemblies safely.

**II. Public Comments**

The NRC issued draft ISG–2, Revision 2 (ADAMS Accession No. ML15239A683) in the **Federal Register** on October 21, 2015 (80 FR 63843), for a 30-day public comment period and received comments from the following sources:

| Document  | ADAMS Accession No. |
|---|---------------------|
| Kristopher Cummings (Nuclear Energy Institute (NEI)) dated November 16, 2015 .....              | ML15337A082         |
| Robert Einziger, dated November 13, 2015 .....  | ML15324A253         |
| Donna Gilmore (San Onofre Safety), dated November 20, 2015 .....                                | ML15337A007         |
| Patricia Borchmann, dated November 20, 2015 .....   | ML15337A010         |
| Marv Lewis, dated November 21, 2015, and November 26, 2015 .....                                | ML15337A009         |
|   | ML15337A012         |
| Diane D'Arrigo (Nuclear Information and Resource Service (NIRS)), dated November 20, 2015 ..... | ML15337A011         |
| Connecticut Yankee Atomic Power Company, dated November 17, 2015 .....                          | ML15337A083         |
| Yankee Atomic Electric Company, dated November 17, 2015 .....                                   | ML15337A083         |
| Maine Yankee Atomic Power Company, dated November 17, 2015 .....                                | ML15337A083         |
| Richard Morgal, dated November 20, 2015 .....   | ML15337A084         |
|   | ML15337A008         |

The NRC considered these comments in developing the final ISG. Detailed responses to the comments can be found in ML16117A082.

The final ISG–2, Revision 2 is approved for NRC staff and stakeholder use and will be incorporated into the NRC's next standard review plan guidance revision.

**III. Congressional Review Act**

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

**IV. Backfitting and Issue Finality**

This ISG provides guidance to the NRC staff for reviewing an application for an ISFSI license with respect to compliance with the retrievability requirement of 10 CFR 72.122(l). Issuance of the ISG does not constitute backfitting as defined in sections 72.62 and 50.59. Issuance of this ISG is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52 for generally licensed ISFSIs. The staff's position is based upon the following considerations.

1. The ISG does not constitute backfitting, inasmuch as the ISG is internal guidance to the NRC staff.

The ISG provides interim guidance to the staff on how to review an application for NRC's regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either ISFSI or nuclear power plant applicants or licensees are protected under the backfitting provisions in 10 CFR parts

50 or 72, or the issue finality provisions of 10 CFR part 52.

2. Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.

Applicants and potential applicants are not, with certain exceptions, protected by the backfitting provisions in sections 72.62 or 50.109, or any issue finality provisions under 10 CFR part 52. This is because neither the backfitting provisions nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants. The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (e.g., an early site permit) and/or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. However, the matters covered in this ISG are not subject matters or issues for which issue finality protection is provided.

3. The NRC staff has no intention to impose the ISG on existing ISFSI or nuclear power plant licensees either now or in the future (absent a voluntary request for change from the licensee).

The NRC does not intend to impose or apply the positions described in this ISG to existing (already issued) licenses (e.g., ISFSI licenses, operating licenses and combined licenses) absent a voluntary request for a change from the licensee. Hence, the ISG need not be evaluated as if it were a backfit.

Dated at Rockville, Maryland, this 2nd day of June, 2016.

For the Nuclear Regulatory Commission.

**Bo Pham,**

*Acting Deputy Director, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2016–13569 Filed 6–7–16; 8:45 am]

**BILLING CODE 7590–01–P**

**NUCLEAR REGULATORY COMMISSION**

**Advisory Committee on the Medical Uses of Isotopes: Meeting Notice**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission will convene a teleconference meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on June 24, 2016, to discuss the draft report of the ACMUI Radioactive Seed Localization (RSL) Subcommittee and discuss potential rulemaking to expand the financial assurance requirements for some radioactive byproduct material. The RSL report will include the subcommittee's comments on the draft RSL licensing guidance. For the second topic, NRC staff will summarize the results of a recently completed scoping study to determine whether financial planning requirements for decommissioning and end-of-life management for some radioactive byproduct material, are necessary. NRC staff believes that the financial assurance requirements in Title 10 of the *Code of Federal*

Regulations (10 CFR) Section 30.35 should be expanded to include all byproduct material Category 1 and 2 radioactive sealed sources tracked in the National Source Tracking System. Meeting information, including a copy of the agenda and handouts, will be available at <http://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2016.html>. The agenda and handouts may also be obtained by contacting Ms. Sophie Holiday using the information below.

**DATES:** The teleconference meeting will be held on Friday, June 24, 2016, 3:00 p.m. to 5:00 p.m. Eastern Time.

**Public Participation:** Any member of the public who wishes to participate in the teleconference should contact Ms. Holiday using the contact information below.

**Contact Information:** Sophie Holiday, email: [sophie.holiday@nrc.gov](mailto:sophie.holiday@nrc.gov), telephone: (301) 415-7865.

#### Conduct of the Meeting

Dr. Philip Alderson, ACMUI Chairman, will preside over the meeting. Dr. Alderson will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Holiday at the contact information listed above. All submittals must be received by June 21, 2016, 3 business days prior to the meeting, and must pertain to the topic on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meetings, at the discretion of the Chairman.

3. The draft transcript and meeting summary will be available on ACMUI's Web site <http://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2016.html> on or about August 08, 2016.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in 10 CFR part 7.

Dated at Rockville, Maryland, this 2nd day of June 2016.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. 2016-13552 Filed 6-7-16; 8:45 am]

**BILLING CODE 7590-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-77983; File No. SR-MIAX-2016-15]

### Self-Regulatory Organizations: Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 1015, Disciplinary Functions

June 2, 2016.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on May 27, 2016, Miami International Securities Exchange LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. 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 is filing a proposal to amend Exchange Rule 1015, Disciplinary Functions, Interpretations and Policies .01, to state that the Exchange has entered into a contract with the Financial Industry Regulatory Authority ("FINRA") and to remove obsolete references to the Chicago Board Options Exchange, Inc. ("CBOE") from the Rule.

The text of the proposed rule change is available on the Exchange's Web site at [http://www.miaxoptions.com/filter/wotitle/rule\\_filing](http://www.miaxoptions.com/filter/wotitle/rule_filing), at MIAX's principal office, 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

The Exchange proposes to amend Exchange Rule 1015, Disciplinary Functions, to remove two references to CBOE from current Interpretations and Policies .01 to the Rule. The current rule states that the Exchange intends to enter into a contract with FINRA and/or CBOE to provide professional hearing officers and to act as an agent of the Exchange with respect to the disciplinary procedures of the Exchange.

The Exchange has entered into a contract with FINRA to provide professional hearing officers and to act as an agent of the Exchange with respect to the disciplinary procedures of the Exchange. Certain regulatory services previously offered by CBOE are now being provided by FINRA. Therefore the reference to CBOE is obsolete as it is no longer feasible to contemplate entering into an agreement with CBOE as articulated in the current rule.

Additionally, the current Rule includes a second reference to CBOE which is also now obsolete, that states that a professional hearing officer, in the course of discharging his responsibilities, shall apply the standards contained in the FINRA Industry Code of Procedure and/or CBOE Rules Chapter XVII, and policies, practices and interpretations thereof. The Exchange proposes to delete this reference as well.

##### 2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act<sup>3</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>4</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule change is designed to protect investors and the public interest and to promote just and equitable principles of trade by eliminating obsolete references to CBOE from its rules relating to its regulatory

<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. 78f(b).

<sup>4</sup> 15 U.S.C. 78f(b)(5).