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Dated: February 16, 2010.

**Rochelle C. Baval,**

*Office of the Secretary.*

[FR Doc. 2010-3354 Filed 2-17-10; 4:15 pm]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2010-0052]

### Withdrawal of Regulatory Guide

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of Regulatory Guide 1.56, "Maintenance of Water Purity in Boiling Water Reactors."

#### FOR FURTHER INFORMATION CONTACT:

Matthew D. Yoder, Division of Component Integrity, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-4017 or e-mail [Matthew.Yoder@nrc.gov](mailto:Matthew.Yoder@nrc.gov).

#### SUPPLEMENTAL INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or Commission) is withdrawing Regulatory Guide (RG) 1.56, "Maintenance of Water Purity in Boiling Water Reactors," Revision 1, dated July 1978. Revision 1 of RG 1.56 was issued for comment in July 1978 and never finalized. It was intended to support General Design Criterion (GDC) 14, "Reactor Coolant Pressure Boundary" and GDC 31, "Fracture Prevention of Reactor Coolant Pressure Boundary" of Appendix A, "General Design Criteria for Nuclear Power Plants," in Title 10, Part 50, of the *Code of Federal Regulations*, "Domestic Licensing of Production and Utilization Facilities."

RG 1.56 describes an acceptable method for maintaining water purity levels in the reactor coolant in order to ensure that degradation of the reactor coolant pressure boundary is not exacerbated by poor chemistry conditions. However, degradation of the reactor coolant pressure boundary is generally a long-term process and other direct means to monitor and correct reactor coolant pressure boundary

degradation exist, which are controlled by regulations and plant technical specifications. For example, in-service inspection of components and primary coolant leakage limits are regulatory requirements that provide direct means to identify degradation of the reactor coolant pressure boundary. Therefore, requirements related to the chemistry program do not constitute initial conditions that are assumed in any design basis accident or transient related to reactor coolant system integrity.

The staff considers water chemistry to be an operational issue for plants. If a licensee frequently repairs or replaces components because poor chemistry practices are causing degradation, then that is a cost the licensee must incur. It is in the licensee's best interest to operate the plant with a chemistry regime that optimizes component performance. There is adequate industry-generated guidance available for licensees to develop a plant-specific water chemistry program. For example, the 2004 revision of the Electric Power Research Institute report BWRVIP-130: "BWR Water Chemistry" provides a framework for plant-specific chemistry programs. The industry routinely updates this guidance to incorporate the latest knowledge and lessons learned in the area of water chemistry.

##### II. Further Information

The withdrawal of RG 1.56 does not alter any prior or existing licensing commitments or conditions based on its use. The guidance provided in this regulatory guide no longer provides useful information. Regulatory guides may be withdrawn when their guidance is superseded by congressional action or no longer provides useful information.

Regulatory guides are available for inspection or downloading through the NRC's public Web site under "Regulatory Guides" in the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections>. Regulatory guides are also available for inspection at the NRC's Public Document Room (PDR), Room O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738. The PDR's mailing address is US NRC PDR, Washington, DC 20555-0001. You can reach the staff by telephone at 301-415-4737 or 800-397-4209, by fax at 301-415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

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

Dated at Rockville, Maryland, this 4th day of February 2010.

For the Nuclear Regulatory Commission.

**Andrea D. Valentin,**

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

[FR Doc. 2010-3233 Filed 2-18-10; 8:45 am]

**BILLING CODE 7590-01-P**

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### Consumer Interface With the Smart Grid

**AGENCY:** Office of Science and Technology Policy (OSTP), Executive Office of the President.

**ACTION:** Notice; request for public comment.

**SUMMARY:** With this notice, the Office of Science and Technology Policy (OSTP) within the Executive Office of the President requests input from the public regarding the consumer interface with the Smart Grid. This Request for Information (RFI) will be active from February 23, 2010 to March 12, 2010. Respondents are invited to respond online via the Smart Grid Forum at <http://www.nist.gov/smartgrid/>, or may submit responses via electronic mail. Electronic mail responses will be reposted on the online forum.

**DATES:** Comments must be received by 5 p.m. EST on March 12, 2010.

**ADDRESSES:** Submit comments by one of the following methods:

*Smart Grid Forum:* <http://www.nist.gov/smartgrid/>.

*Via E-mail:* [smartgrid@ostp.gov](mailto:smartgrid@ostp.gov).

*Mail:* Office of Science and Technology Policy, Attn: Open Government Recommendations, 725 17th Street, Washington, DC 20502.

Comments submitted in response to this notice may be made available to the public online or by alternative means. For this reason, *please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information*. If you submit an e-mail comment, your e-mail address will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet.

**FOR FURTHER INFORMATION CONTACT:** Dr. Kevin Hurst, Assistant Director for Energy Technology, Office of Science and Technology Policy, Executive Office of the President, Attn: Open Government, 725 17th Street, NW., Washington, DC 20502, 202-456-7116.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Modernization of the Nation's electric grid is a vital component of the President's comprehensive energy plan, which aims to reduce U.S. dependence on foreign oil, create jobs, and help U.S. industry compete successfully in global markets for clean energy technology.

Seventy-two percent of the Nation's electricity is consumed in buildings, and nearly half of that is in homes. Optimizing building energy consumption, especially during peak load periods, can improve the reliability, security, and efficiency of the electric grid while reducing energy costs to consumers. The "Smart Grid"—a modernized electricity transmission and distribution system involving the increased use of digital information and controls technology—can help to realize these benefits. Demand-side Smart Grid technologies include "smart meters" (which provide two-way, near-real-time data communications between the utility and consumer premises), "smart appliances" (which provide data communications and control options), and "smart interfaces" that can integrate distributed energy resources, demand response resources, or other energy loads and storage devices such as plug-in electric and hybrid electric vehicles.

The Smart Grid will help to provide consumers with the information, automation, and tools they need to control and optimize energy use. This control and optimization requires interoperability and information exchange between the grid and a wide variety of energy-using devices and controllers, such as thermostats, water heaters, appliances, consumer electronics, and energy management systems. The Department of Energy (DOE) Smart Grid Investment Grant program, funded by the American Recovery and Reinvestment Act, is accelerating deployment of smart meters and other components of an advanced electric grid.

In many instances, smart meters will have the capability to communicate near-real-time measurements of electricity usage to the utility and the consumer. In some implementations, data can be provided to the consumer directly from the smart meter (or another monitoring device) through an in-home display or energy management system via a local communications interface. In other implementations, consumers or their authorized agents can obtain their usage data via the internet from an information system at the utility.

One of the goals of the Smart Grid is to enable innovation and competition in

new products and services that can help consumers minimize both peak and overall energy usage and save money. To be most effective, the Smart Grid will need to provide not only usage data but also information such as electricity price data and demand response signals to the consumer and energy-using devices in the home. This information could be provided to the consumer's home devices either through the smart meter's local communication interface or through a separate gateway, provided either by the utility or a third-party service provider. In order to clarify the various implementation options, we seek comments on issues related to the demand-side Smart Grid architecture, including the potential costs, benefits, implementation hurdles, and ways in which each option would support open innovation in home energy services.

A robust, secure, and flexible architecture based on open standards is needed for information exchange between the home and the Smart Grid. Section 1305 of the Energy Independence and Security Act of 2007 advises that the Smart Grid interoperability framework be designed to " \* \* \* consider the use of voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable State and Federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals \* \* \* ". The diversity of communications technologies and standards used by devices in the home presents a significant challenge to achieving interoperability. A balance must be struck between, on the one hand, maximizing innovation and customer choice, and, on the other hand, ensuring reliability and a sufficiently standardized environment so that manufacturers can produce cost-effective Smart Grid-enabled appliances that work anywhere in the Nation. That balance must also include the need for cost-effective Smart Grid infrastructure. In addition, ensuring cyber security in the home-to-grid interface is a critical consideration.

The Smart Grid must provide benefits to a variety of consumers. Consumers who have many energy-using appliances and devices may wish to have the grid interoperate with an existing home area network and a sophisticated home energy management system. Other consumers may not have the desire, skill, or means to configure a home area network and may simply wish to plug in a new, Smart-Grid-enabled appliance and have it automatically communicate

with the grid in order to realize energy-saving benefits. The diversity of consumer needs must be considered in the design and deployment of Smart Grid infrastructure and devices.

The Executive Branch is considering ways to ensure that the consumer interface to the Smart Grid achieves the desired goal of providing all consumers with the information they need to control and optimize their energy use in a manner that ensures ease of use, widespread adoption, and innovation. The National Institute of Standards and Technology (NIST), pursuant to the Energy Independence and Security Act of 2007, recently published the first release of an interoperability framework for the Smart Grid (NIST Special Publication 1108, available at [http://www.nist.gov/public\\_affairs/releases/smartgrid\\_interoperability\\_final.pdf](http://www.nist.gov/public_affairs/releases/smartgrid_interoperability_final.pdf)), which includes discussion of these issues and identifies the need for further work to provide solutions.

## II. Invitation To Comment

Input is welcome on issues related to the architecture of the consumer interface with the Smart Grid as well as consumer ownership of Smart Grid data. Questions that individuals may wish to address include, but are not limited to the following. As part of your submission, please indicate the question to which your answer responds.

1. Should the smart meter serve as the primary gateway for residential energy usage data, price data, and demand response signals? What are the most important factors in making this assessment, and how might those factors change over time?

2. Should a data gateway other than the smart meter be used for all or a subset of the data described in question 1?

3. If the smart meter, via the utility network, is the primary gateway for the data described in question 1, will it be technically and commercially feasible for consumers and their authorized third-party service providers to access the data easily and in real time?

4. Who owns the home energy usage data? Should individual consumers and their authorized third-party service providers have the right to access energy usage data directly from the meter?

5. How are low-income consumers best served by home-to-grid technology?

6. What alternative architectures involving real-time (or near-real-time) electricity usage and price data are there that could support open innovation in home energy services?

7. Some appliance manufacturers have announced plans to market Smart Grid-enabled appliances in late 2011

provided that appropriate communication standards are defined in 2010. What standard data communications interfaces(s) should be supported by appliances and the smart meter or data gateway so that appliance manufacturers can cost-effectively produce smart appliances that can communicate with the Smart Grid anywhere in the nation? How can communication between smart appliances and the Smart Grid be made “plug and play” for consumers who do not have the skills or means to configure data networks? If gateways or adapters are needed, who should pay for them: The utility or the consumer?

Please note that several important Smart Grid topics—including Federal and State policy hurdles, cyber security, and business case challenges—are beyond the scope of this request, except insofar as they bear on the primary topics identified above. One or more future requests for comment may be organized to obtain input on these additional issues. Discussions of all of the above topics are also ongoing in several forums, including the Smart Grid Interoperability Panel established by NIST and the GridWise Architecture Council established by DOE. Relevant input received through this request will be shared with NIST, DOE, and other interested Federal agencies.

**Ted Wackler,**  
*Deputy Chief of Staff.*

[FR Doc. 2010-3251 Filed 2-18-10; 8:45 am]

**BILLING CODE P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61495; File No. SR-BX-2010-006]

### Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rules 2848, 3330, and 9810 To Reflect Changes to Corresponding FINRA Rules

February 4, 2010.

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> notice is hereby given that on January 14, 2010, NASDAQ OMX BX, Inc. (the “Exchange” or “BX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been

substantially prepared by the Exchange. The Exchange has designated the proposed rule change as constituting a non-controversial rule change under Rule 19b-4(f)(6) under the Act,<sup>3</sup> which renders the proposal effective upon filing with the Commission. 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 this proposed rule change to amend BX Rules 2848 (Communications with the Public and Customers Concerning Index Warrants, Currency Index Warrants, and Currency Warrants); 3330 (Payment Designed to Influence Market Prices, Other than Paid Advertising); and 9810 (Initiation of Proceeding) to reflect recent changes to corresponding rules of the Financial Industry Regulatory Authority (“FINRA”). The text of the proposed rule change is available at <http://nasdaqomxbx.cchwallstreet.com>, the Exchange'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

BX based much of its rules on those of The NASDAQ Stock Market LLC (“NASDAQ”). Similarly, many of NASDAQ's rules are based on rules of FINRA (formerly the National Association of Securities Dealers (“NASD”). As a consequence, many of BX's rules closely mirror those of FINRA. During 2008, FINRA embarked on an extended process of moving rules formerly designated as “NASD Rules” into a consolidated FINRA rulebook. In most cases, FINRA has renumbered these rules, and in some cases has

substantively amended them. Accordingly, BX also proposes to initiate a process of modifying its rulebook to ensure that BX rules corresponding to FINRA/NASD rules continue to mirror them as closely as practicable. In some cases, it will not be possible for the rule numbers of BX rules to mirror corresponding FINRA rules, because existing or planned BX rules make use of those numbers. However, wherever possible, BX plans to update its rules to reflect changes to corresponding FINRA rules.

This filing addresses BX Rules 2848 (Communications with the Public and Customers Concerning Index Warrants, Currency Index Warrants, and Currency Warrants); 3330 (Payment Designed to Influence Market Prices, Other than Paid Advertising); and 9810 (Initiation of Proceeding) to update cross-references to corresponding rules of FINRA.

In SR-FINRA-2009-078,<sup>4</sup> FINRA made changes that reflected, among other things, incorporation into the consolidated FINRA rulebook of NASD Rule 3330 as FINRA Rule 5230 (Payments Involving Publications that Influence the Market Price of a Security);<sup>5</sup> NASD Rule 2330 as FINRA Rule 2150 (Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts);<sup>6</sup> and NASD Rule 2220 as FINRA Rule 2220 (Options Communications).<sup>7</sup>

FINRA Rule 2220, like former NASD Rule 2220, sets forth a member's obligations with respect to its options communications with the public and: (a) uses, to the extent appropriate, the same terminology and definitions as in FINRA's general rules on communications with the public; (b) makes the requirements for principal review of correspondence concerning options the same as for correspondence generally; and (c) updates the standards on the content of communications that precede the delivery of the options disclosure document (ODD).

BX is, by this filing, updating references in its Rule 2848 from NASD Rule 2220 to FINRA Rule 2220.

<sup>4</sup> See Securities Exchange Act Release No. 61087 (December 1, 2009), 74 FR 65190 (December 9, 2009) (SR-FINRA-2009-078) (notice of filing and immediate effectiveness).

<sup>5</sup> See Securities Exchange Act Release No. 60648 (September 10, 2009), 74 FR 47837 (September 17, 2009) (SR-FINRA-2009-048) (order approving adoption of FINRA Rule 5230).

<sup>6</sup> See Securities Exchange Act Release No. 60701 (September 21, 2009), 74 FR 49425 (September 28, 2009) (SR-FINRA-2009-014) (order approving adoption of FINRA Rule 2150).

<sup>7</sup> See Securities Exchange Act Release No. 60534 (August 19, 2009), 74 FR 44410 (August 28, 2009) (SR-FINRA-2009-036) (order approving adoption of FINRA Rules 2124, 2220, 4370, and 5250).

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

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

<sup>3</sup> 17 CFR 240.19b-4(f)(6).