petition. The teleconference was transcribed and the transcription was treated as a supplement to the petition. Transcripts of the teleconference are available via the Agencywide Documents Access and Management System (ADAMS) on the agency's Web site at *http://www.nrc.gov/reading-rm/adams.html,* and for inspection at the NRC Public Document Room, located at One White Flint North, Public File Area O–1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The petition concerns the operation of the independent spent fuel storage installation (ISFSI) at the Palisades Nuclear Plant.

The Petitioners requested that the NRC take enforcement action against the licensee for the Palisades Nuclear Plant, Nuclear Management Company, LLC (NMC), by condemning and stopping the use of the two independent spent fuel storage installation (ISFSI) concrete pads holding dry spent fuel storage casks on the plant site.

As the basis for the petition, the Petitioners stated that the concrete cask storage pads do not conform with NRC regulations for earthquake stability, specifically 10 CFR 72.212(b)(2)(i)(B) and 72.212(b)(3), and, therefore, pose a hazard in case of an earthquake. The Petitioners asserted that the licensee's evaluations of the older and newer concrete storage pads did not properly consider the behavior of the soil beneath the pads in determining the effects on the storage casks as a result of a seismic event.

On April 26, 2006, the NRC staff's PRB held a teleconference with the Petitioners. The teleconference gave the Petitioners an opportunity to provide additional information and to clarify issues raised in the petition. During the teleconference, the Petitioners requested additional time to submit a supplement to the petition, and the PRB agreed to the request, as documented in a letter to the Petitioners, dated May 4, 2006. However, no supplement was submitted. On June 27, 2006, the NRC staff informed the Petitioners by letter that the issue regarding the seismic response of the older ISFSI pad, and the issue of soil amplification for the newer pad, had been previously resolved and would not be considered under 10 CFR 2.206. In that same letter, the staff informed the Petitioners that the issue regarding the slope stability analysis for the newer pad was accepted for review under 10 CFR 2.206. The transcript of the teleconference and the letters are available in ADAMS, as stated above.

On November 28, 2006, the NRC sent a copy of the proposed director's decision to the Petitioners and to the licensee for comment. At the request of the Petitioners, the NRC extended the end of the comment period from January 5, 2007, to February 2, 2007. The Petitioners submitted comments by electronic mail on February 2, 2007. The comments and the staff's responses to them are available electronically through the NRC's Public Electronic Reading Room at *http://www.nrc.gov/reading-rm.html,* under docket number 07200007.

The Director of the Office of Nuclear Material Safety and Safeguards has determined that the Petitioners' request, to condemn and stop the use of the two ISFSI concrete pads holding dry spent fuel storage casks at the Palisades site, is denied. The NRC staff has concluded that the Petitioners' concerns have been adequately addressed by the licensee's revised slope stability evaluation for the newer concrete storage pad. The reasons for this decision are explained in the director's decision [DD–07–02] pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 2.206, the complete text of which is available at the Commission's Public Document Room, located at One White Flint North, Public File Area O–1F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC's Web site, *http://www.nrc.gov/reading-rm.html* (the Public Electronic Reading Room).

A copy of the director's decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided for by this regulation, the director's decision will constitute the final action of the Commission 25 days after the date of the decision, unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 20th day of March 2007.

For the Nuclear Regulatory Commission.

Jack R. Strosnider,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E7–5433 Filed 3–23–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Availability Concerning Technical Specification Improvement To Add an Action Statement for Two Inoperable Control Room Air Conditioning Subsystems to the Technical Specifications Using the Consolidated Line Item Improvement Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC) has prepared a model Application related to changes to the Standard Technical Specifications (STS), Section 3.7.5 (STS 3.7.4 for BWR/6), ''Control Room Air Conditioning (AC) System'' for NUREG–1433 (BWR/4) and NUREG–1434 (BWR/6), Rev. 3.0. The changes add an Action Statement to Limiting Condition for Operation (LCO) (LCO 3.7.5 for BWR/4 and LCO 3.7.4 for BWR/6). The new Action Statement allows a finite time to restore one control room AC subsystem to operable status and requires verification that control room temperature remains < 90°F every 4 hours. The proposed changes would also revise the Bases for STS 3.7.5 (STS 3.7.4 for BWR/6).

The NRC staff has also prepared a model safety evaluation (SE) and no significant hazards consideration (NSHC) determination relating to this matter. The purpose of these models is to permit the NRC to efficiently process amendments that propose to adopt the associated changes into plant-specific technical specifications (TS). Licensees of nuclear power reactors to which the models apply may request amendments confirming the applicability of the SE and NSHC determination to their reactors.

DATES: The NRC staff issued a **Federal Register** Notice (71 FR 75774, December 18, 2006) that provided a model SE and a model NSHC determination relating to adding an action statement for two inoperable control room AC subsystems to the plant specific TS. The NRC staff hereby announces that the model SE and NSHC determination may be referenced in plant-specific applications to adopt the changes. The staff has posted a model application on the NRC Web site to assist licensees in using the consolidated line item improvement process (CLIIP) to revise the Standard Technical Specifications (STS), Section 3.7.5, ''Control Room Air Conditioning (AC) System.'' The NRC staff can most efficiently consider applications based

upon the model application if the application is submitted within one year of this **Federal Register** Notice.

FOR FURTHER INFORMATION CONTACT: Peter C. Hearn, Mail Stop: O12H2, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone 301–415–1189.

SUPPLEMENTARY INFORMATION: Background Regulatory Issue Summary 2000–06, ''Consolidated Line Item Improvement Process for Adopting Standard Technical Specification Changes for Power Reactors,'' was issued on March 20, 2000. The CLIIP includes an opportunity for the public to comment on proposed changes to operating licenses, including the technical specifications (TS), after a preliminary assessment by the NRC staff and a finding that the change will likely be offered for adoption by licensees. The CLIIP directs the NRC staff to evaluate any comments received for a proposed generic change to operating licenses and to either reconsider the change or issue the announcement of availability for the change proposed for adoption by licensees. Those licensees opting to apply for the subject change to operating licenses are responsible for reviewing the NRC staff's evaluation, referencing the applicable technical justifications, and providing any necessary plant-specific information. Each amendment application made in response to the notice of availability will be processed and noticed in accordance with applicable rules and NRC procedures. This notice involves adding an action statement for two inoperable control room AC subsystems to the associated STS Limiting Condition for Operation (LCO).

Applicability

This proposed change to the standard technical specifications (STS) was submitted by the Technical Specifications Task Force (TSTF) in TSTF–477, Revision 3, ''Adding an Action Statement for Two Inoperable Control Room Air Conditioning Subsystems.''

This proposal to modify technical specification requirements by the adoption of TSTF–477 is applicable to all licensees of General Electric Boiling Water Reactors who have adopted or will adopt in conjunction with the change, technical specification requirements for a Bases Control Program consistent with the TS Bases Control Program described in Section 5.5 of the STS. Licensees that have not adopted requirements for a Bases Control Program by converting to the improved STS or by other means, are requested to include the requirements for a Bases Control Program consistent with the STS in their application for the change. The need for a Bases Control Program stems from the need for adequate regulatory control of some key elements of the proposal that are contained in the Bases upon adoption of TSTF–477. The staff is requesting that the Bases changes be included with the proposed license amendments consistent with the Bases in TSTF–477. To ensure that the overall change, including the Bases, includes appropriate regulatory controls, the staff plans to condition the issuance of each license amendment on the licensee's incorporation of the changes into the Bases document and on requiring the licensee to control the changes in accordance with the Bases Control Program.

To efficiently process the incoming license amendment applications, the NRC staff requests that each licensee applying for the changes addressed in TSTF–477 use the CLIIP to submit an application that adheres to the following model. Any deviations from the model application should be explained in the licensee's submittal.

The CLIIP does not prevent licensees from requesting an alternate approach or proposing changes other than those proposed in TSTF–477. Variations from the approach recommended in this notice may, however, require additional review by the NRC staff and may increase the time and resources needed for the review. Significant variations from the approach, or inclusion of additional changes to the license, will result in staff rejection of the submittal. Instead, licensees desiring significant variations and/or additional changes should submit a LAR that does not claim to adopt TSTF–477.

Public Notices

In a **Federal Register** Notice dated December 18, 2006 (71 FR 75774), the NRC staff requested comment on the use of the CLIIP to process requests to adopt the TSTF–477 changes. In addition, there have been multiple notices published for plant-specific amendment requests to adopt changes similar to those described in this notice.

The NRC staff's model SE and model application may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records are accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Library component on the NRC Web site (the Electronic Reading Room).

The NRC staff received no formal comments following the notice published on December 18, 2006 (71 FR 75774), soliciting comments on the model SE and NSHC determination related to the TSTF–477 changes. The staff did receive editorial comments on the model SE and model application. The comments involving a spacing issue between words, deleting the extraneous use of the word Bases, a missing parentheses and replacing the an ''iSTS'' acronym with ''STS'' were incorporated. The comment involving placing a bracket around the Control Room Temperature limit of < 90°F was not incorporated since it would allow Control Room Temperatures of greater than 90°F. The comment was retained involving removing the term ''Changes to the Bases or license controlled document are performed in accordance with 10 CFR 50.59'' in order emphasize the requirement for a License Amendment and Safety Evaluation when Bases changes affect the Technical Specifications.

The NRC staff finds that the previously published models remain appropriate references and has chosen not to republish the model SE and model NSHC determination in this notice. As described in the model application prepared by the NRC staff, licensees may reference in their plant-specific applications to adopt the TSTF–477 changes, the model SE, NSHC determination, and environmental assessment previously published in the **Federal Register** on December 18, 2006 (71 FR 75774).

Dated at Rockville, Maryland, this 14th day of March 2007.

For the Nuclear Regulatory Commission.

Timothy J. Kobetz,

Chief, Technical Specifications Branch, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation.

For inclusion on the technical specification Web page, the following example of an application was prepared by the NRC staff to facilitate use of the consolidated line item improvement process (cliip). The model provides the expected level of detail and content for an application to adopt TSTF–477, revision 3, add an action statement for two inoperable control room air conditioning subsystems to the technical specifications using cliip. Licensees remain responsible for ensuring that their actual application fulfills their administrative requirements as well as nuclear regulatory commission regulations.

U.S. Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555–0001

SUBJECT: Plant Name, Docket No. 50–, Application For Technical Specification

Change Tstf–477, Add An Action Statement For Two Inoperable Control Room Air Conditioning Subsystems To The Technical Specifications Using Consolidated Line Item Improvement Process

Gentlemen: In accordance with the provisions of 10 CFR 50.90 [LICENSEE] is submitting a request for an amendment to the technical specifications (TS) for [PLANT NAME, UNIT NOS.].

The proposed amendment would modify the TS by adding an action statement for two inoperable control room AC subsystems to the plant specific TS.

Enclosure 1 provides a description of the proposed change, the requested confirmation of applicability, and plant-specific verifications. Enclosure 2 provides the existing TS pages marked up to show the proposed change. Enclosure 3 provides revised (clean) TS pages. Enclosure 4 provides the existing TS Bases pages marked up to show the proposed change in accordance with 10 CFR 50.36(a).

[LICENSEE] requests approval of the proposed license amendment by [DATE], with the amendment being implemented [BY DATE OR WITHIN X DAYS].

In accordance with 10 CFR 50.91, a copy of this application, with enclosures, is being provided to the designated [STATE] Official.

I declare under penalty of perjury under the laws of the United States of America that I am authorized by [LICENSEE] to make this request and that the foregoing is true and correct. (Note that request may be notarized in lieu of using this oath or affirmation statement).

If you should have any questions regarding this submittal, please contact [NAME, TELEPHONE NUMBER]

Sincerely,

[Name, Title]

Enclosures:

1. Description and Assessment
2. Proposed Technical Specification Changes
3. Revised Technical Specification Pages
4. Marked up Existing TS Bases Changes

cc: NRC Project Manager
NRC Regional Office
NRC Resident Inspector
State Contact

Enclosure 1—Description and Assessment

1.0 Description

The proposed amendment would modify technical specifications by adding an Action Statement to the Limiting Condition for Operation (LCO). The new Action Statement allows a finite time to restore one control room AC subsystem to operable status and requires verification that control room temperature remains < 90 °F every 4 hours.[1]

The changes are consistent with Nuclear Regulatory Commission (NRC) approved Industry/Technical Specification Task Force (TSTF) TSTF–477 Revision 3. The availability of this TS improvement was published in the **Federal Register** on [DATE] as part of the consolidated line item improvement process (CLIIP).

2.0 Assessment

2.1 Applicability of TSTF–477, and Published Safety Evaluation

[LICENSEE] has reviewed TSTF–477 (Reference 1), and the NRC model safety evaluation (SE) (Reference 2) as part of the CLIIP. [LICENSEE] has concluded that the information in TSTF–477, as well as the SE prepared by the NRC staff are applicable to [PLANT, UNIT NOS.] and justify this amendment for the incorporation of the changes to the [PLANT] TS. [NOTE: Only those changes proposed in TSTF–477 are addressed in the model SE. The model SE addresses the entire fleet of General Electric Boiling Water Reactors. The plants adopting TSTF–477 must confirm the applicability of the changes to their plant.]

2.2 Optional Changes and Variations

[LICENSEE] is not proposing any variations or deviations from the TS changes described in TSTF–477 or the NRC staff's model safety evaluation dated [DATE]. [NOTE: The CLIIP does not prevent licensees from requesting an alternate approach or proposing changes without the requested Bases or Bases control program. However, deviations from the approach recommended in this notice may require additional review by the NRC staff and may increase the time and resources needed for the review. Significant variations from the approach, or inclusion of additional changes to the license, will result in staff rejection of the submittal. Instead, licensees desiring significant variations and/or additional changes should submit a LAR that does not claim to adopt TSTF–477.]

3.0 Regulatory Analysis

3.1 No Significant Hazards Consideration Determination

[LICENSEE] has reviewed the proposed no significant hazards consideration determination (NSHC) published in the **Federal Register** as part of the CLIIP. [LICENSEE] has concluded that the proposed NSHC presented in the **Federal Register** notice is applicable to [PLANT] and is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

3.2 Verification and Commitments

As discussed in the notice of availability published in the **Federal Register** on [DATE] for this TS improvement, plant-specific verifications were performed as follows:

In addition, [LICENSEE] has proposed TS Bases consistent with TSTF–477 which provide guidance and details on how to implement the new requirements. Finally, [LICENSEE] has a Bases Control Program consistent with Section 5.5 of the Standard Technical Specifications (STS).

4.0 Environmental Evaluation

The amendment changes requirements with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR part 20. The NRC staff has determined that the amendment adopting TSTF–477, Rev 3, involves no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that TSTF–477, Rev 3, involves no significant hazards considerations, and there has been no public comment on the finding in **Federal Register** Notice 71 FR 75774, December 18, 2006. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

5.0 References

1. TSTF–477, Revision 3, ''Adding an Action Statement for Two Inoperable Control Room Air Conditioning Subsystems.''

2. NRC Model Safety Evaluation Report.

Enclosure 2—Proposed Technical Specification Changes (Mark-Up)

Enclosure 3—Proposed Technical Specification Pages

[Clean copies of Licensee specific Technical Specification (TS) pages, corresponding to the TS pages changed by TSTF–477, Rev 3, are to be included in Enclosure 3]

Enclosure 4—Proposed Changes to Technical Specification Bases Pages

[FR Doc. E7–5434 Filed 3–23–07; 8:45 am]

BILLING CODE 7590–01–P

[1] [In conjunction with the proposed change, technical specifications (TS) requirements for a Bases Control Program, consistent with the TS Bases Control Program described in Section 5.5 of the applicable vendor's standard TS (STS), shall be incorporated into the licensee's TS, if not already in the TS.]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55491; File No. SR–CBOE–2006–95]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change as Modified by Amendment Nos. 1 and 2 Thereto To List for Trading Options on the Vanguard® Emerging Markets Exchange Traded Fund

March 19, 2006.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 30, 2006, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.