

directly notify licensees who are subject to this regulation of any fee changes.

4. The Commission will forward to the submitting licensee all data received from the FBI as a result of the licensee's application(s) for criminal history records checks, including the FBI fingerprint record.

#### *F. Right To Correct and Complete Information*

1. Prior to any final adverse determination, the licensee shall make available to the individual the contents of any criminal history records obtained from the FBI for the purpose of assuring correct and complete information. Written confirmation by the individual of receipt of this notification must be maintained by the licensee for a period of one (1) year from the date of notification.

2. If, after reviewing the record, an individual believes that it is incorrect or incomplete in any respect and wishes to change, correct, or update the alleged deficiency, or to explain any matter in the record, the individual may initiate challenge procedures. These procedures include either direct application by the individual challenging the record to the agency (*i.e.*, law enforcement agency) that contributed the questioned information, or direct challenge as to the accuracy or completeness of any entry on the criminal history record to the Assistant Director, Federal Bureau of Investigation Identification Division, Washington, DC 20537-9700 (as set forth in 28 CFR 16.30 through 16.34). In the latter case, the FBI forwards the challenge to the agency that submitted the data and requests that agency to verify or correct the challenged entry. Upon receipt of an official communication directly from the agency that contributed the original information, the FBI Identification Division makes any changes necessary in accordance with the information supplied by that agency. The licensee must provide at least ten (10) days for an individual to initiate an action challenging the results of a FBI CHRC after the record is made available for his/her review. The licensee may make a final access determination based upon the criminal history record only upon receipt of the FBI's ultimate confirmation or correction of the record. Upon a final adverse determination on access to an ISFSI, the licensee shall provide the individual its documented basis for denial. Access to an ISFSI shall not be granted to an individual during the review process.

#### *G. Protection of Information*

1. The licensee shall develop, implement, and maintain a system for personnel information management with appropriate procedures for the protection of personal, confidential information. This system shall be designed to prohibit unauthorized access to sensitive information and to prohibit modification of the information without authorization.

2. Each licensee who obtains a criminal history record on an individual pursuant to this Order shall establish and maintain a system of files and procedures, for protecting the record and the personal information from unauthorized disclosure.

3. The licensee may not disclose the record or personal information collected and maintained to persons other than the subject individual, his/her representative, or to those who have a need to access the information in performing assigned duties in the process of determining suitability for unescorted access to the protected area of an ISFSI. No individual authorized to have access to the information may re-disseminate the information to any other individual who does not have the appropriate need-to-know.

4. The personal information obtained on an individual from a criminal history record check may be transferred to another licensee if the gaining licensee receives the individual's written request to re-disseminate the information contained in his/her file, and the gaining licensee verifies information such as the individual's name, date of birth, social security number, sex, and other applicable physical characteristics for identification purposes.

5. The licensee shall make criminal history records, obtained under this section, available for examination by an authorized representative of the NRC to determine compliance with the regulations and laws.

#### **Attachment 3—Independent Spent Fuel Storage Installation Addressee List**

Timothy J. O'Connor, Site Vice-President, Monticello Nuclear Generating Plant, Nuclear Management Company, LLC, Docket No. 72-58, 2807 West County Road 75, Monticello, MN 55362-9637.

David A. Christian, Senior Vice-President and Chief Nuclear Officer, Innsbrook Technical Center, Kewaunee Power Station, Docket No. 72-64, 5000 Dominion Boulevard, Glen Allen, VA 23060-6711.

Christopher M. Crane, President and Chief Nuclear Officer, Exelon Nuclear, Exelon Generation Company, LLC,

Limerick Generating Station, Docket No. 72-65, 200 Exelon Way, KSA 3-E, Kennett Square, PA 19348.

Stewart B. Minahan, Vice President-Nuclear and CNO, Nebraska Public Power District, Cooper Nuclear Station, Docket No. 72-66, 72676 648A Avenue, Brownville, NE 68321.

[FR Doc. E8-2714 Filed 2-12-08; 8:45 am]

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#### **NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-266 and 301]

#### **Nuclear Management Company, LLC; Notice of Withdrawal of Application for Amendment To Renewed Facility Operating License Nos. DPR-24 and DPR-27; FPL Energy Point Beach, LLC; Point Beach Nuclear Plant, Units 1 and 2**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of FPL Energy Point Beach, LLC, (the licensee) to withdraw its October 1, 2007, application for proposed amendment to Renewed Facility Operating License Nos. DPR-24 and DPR-27 for the Point Beach Nuclear Plant, Units No. 1 and 2, located in Manitowoc County, Wisconsin.

The proposed amendment would have revised the accident source term in the design-basis radiological consequences analyses and the associated Technical Specifications (TSs), pursuant to Section 50.67 of Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.67).

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on November 20, 2007, (72 FR 65366). However, by letter dated January 30, 2008, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated October 1, 2007, and the licensee's letter dated January 30, 2008, which withdrew the application for a license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm.html>. Persons who do not have access to ADAMS or

who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 6th day of February 2008.

For the Nuclear Regulatory Commission.

**Jack Cushing,**

*Senior Project Manager, Plant Licensing Branch III-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E8-2711 Filed 2-12-08; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-57289; File No. SR-Amex-2008-06]

**Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Amex Rule 3-AEMI**

February 7, 2008.

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 31, 2007, the American Stock Exchange LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Exchange filed the proposal pursuant to section 19(b)(3)(A) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder,<sup>4</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 Substance of the Proposed Rule Change**

The Exchange proposes to amend Amex Rule 3-AEMI to include provisions regarding the prevention of the misuse of material nonpublic information by members, member organizations, or persons associated with such members, pursuant to the Act. The text of the proposed rule change is available at Amex, the

Commission’s Public Reference Room, and <http://www.Amex.com>.

**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. Amex 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 the Statutory Basis for, the Proposed Rule Change**

1. Purpose

The purpose of the proposal is to amend Amex Rule 3-AEMI to include provisions regarding the prevention of the misuse of material nonpublic information by members, member organizations, or persons associated with such members, pursuant to section 15(f) of the Act.<sup>5</sup> section 15(f) requires that every registered broker or dealer establish, maintain and enforce written policies and procedures reasonably designed, taking into consideration the nature of such broker’s or dealer’s business, to prevent the misuse of material, nonpublic information by such broker or dealer or any person associated with such broker or dealer. The Commission previously approved proposals by the Amex to amend non-AEMI Amex Rule 3 to require members to establish, maintain and enforce written policies and procedures to prevent the misuse of material nonpublic information.<sup>6</sup> This filing proposes to update Amex Rule 3-AEMI to adopt the rules in non-AEMI Amex Rule 3 concerning the prevention of the misuse of material nonpublic information, as previously approved by the Commission.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with section 6(b) of the Act<sup>7</sup> in general, and furthers the objectives of section 6(b)(5)<sup>8</sup> in

particular, in that it would remove impediments to and perfect the mechanism of a free and open market in a manner consistent with the protection of investors and the public interest.

**B. Self-Regulatory Organization’s Statement on Burden on Competition**

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

**C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others**

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not:

(i) significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder. As required under Rule 19b-4(f)(6)(iii) under the Act, the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of the filing of the proposed rule change.

A proposed rule change filed under 19b-4(f)(6) normally may not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Waiver of the 30-day operative delay would enable the Exchange to implement and enforce the new provisions relating to the prevention of the misuse of material nonpublic information in Amex Rule 3-AEMI immediately. For this reason, the Commission therefore designates the

<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. 78s(b)(3)(A).

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

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

<sup>6</sup> See Securities Exchange Act Release No. 34-54983 (Dec. 20, 2006), 71 FR 78476 (Dec. 29, 2006) (File No. SR-Amex-2006-86). See also Securities Exchange Act Release No. 34-55187 (Jan. 29, 2007), 72 FR 5467 (Feb. 6, 2007) (File No. SR-Amex-2006-110).

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).