

Dated: February 21, 2007.

Kathy Plowitz-Worden,

Committee Management Officer.

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Determination of the Chairperson of the National Endowment for the Arts Regarding Potential Closure of Portions of Meetings of the National Council on the Arts

Section 6(f) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 *et seq.*) authorizes the National Council on the Arts to review applications for financial assistance to the National Endowment for the Arts and make recommendations to the Chairperson.

The Federal Advisory Committee Act (FACA), as amended (Pub. L. 92-463) governs the formation, use, conduct, management, and accessibility to the public of committees formed to advise the Federal Government. Section 10 of that Act directs meetings of advisory committees to be open to the public, except where the head of the agency to which the advisory committee reports determines in writing that a portion of a meeting may be closed to the public consistent with subsection (c) of section 552b of Title 5, United States Code (the Government in the Sunshine Act.)

It is the policy of the National Endowment for the Arts that meetings of the National Council on the Arts be conducted in open session including those parts during which applications are reviewed. However, in recognition that the Endowment is required to consider the artistic excellence and artistic merit of applications for financial assistance and that consideration of individual applications may require a discussion of matters such as an individual artist's abilities, reputation among colleagues, or professional background and performance, I have determined to reserve the right to close limited portions of Council meetings if such information is to be discussed. The purpose of the closure is to protect information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. Closure for this purpose is authorized by subsection (c)(6) of section 552b of Title 5, United States Code.

Additionally, the Council will consider prospective nominees for the National Medal of Arts award in order to advise the President of the United States in his final selection of National Medal of Arts recipients. During these sessions, similar information of a personal nature will be discussed. As with applications for financial assistance, disclosure of this information about individuals who are under consideration for the award would constitute a clearly unwarranted invasion of personal privacy.

Therefore, in light of the above, I have determined that those portions of Council meetings devoted to consideration of prospective nominees for the National Medal of Arts award may be closed to the public. Closure for these purposes is authorized by subsections (c)(6) of section 552b of Title 5, United States Code. A record shall be maintained of any closed portion of the Council meeting. Further, in accordance with the FACA, a notice of any intent to close any portion of the Council meeting will be published in the **Federal Register**.

Dated: February 16, 2007.

Dana Gioia,

Chairman, National Endowment for the Arts.

Dated: February 21, 2007.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-266, 50-301, and 72-5]

Nuclear Management Company, LLC; Wisconsin Electric Power Company Point Beach Nuclear Plant, Unit Nos. 1 and 2, and Independent Spent Fuel Storage Installation; Notice of Consideration of Approval of Transfer of Renewed Facility Operating Licenses and Conforming Amendments and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the direct transfer of the Renewed Facility Operating Licenses, which are numbered DPR-24 and DPR-27, for the Point Beach Nuclear Plant, Unit Nos. 1 and 2 (Point Beach), currently held by Wisconsin Electric Power Company (WEPCO), as owner, and Nuclear Management Company, LLC (NMC), as operating authority, of Point Beach. The

transfer would be to FPL Energy Point Beach, LLC (FPLE Point Beach). WEPCO and NMC are also seeking, as an option, approval to transfer the operating authority for Point Beach from NMC to FPLE Point Beach prior to the closing for the transfer of ownership. The Commission is considering amending the licenses for administrative purposes to reflect the proposed transfers.

According to an application for approval dated January 26, 2007, and filed by WEPCO and NMC, FPLE Point Beach would acquire ownership of the facility following approval of the proposed transfer of licenses, and would be responsible for the operation and maintenance of Point Beach. FPLE Point Beach will also take title to the general license for the independent spent fuel storage installation. In addition, WEPCO and FPLE Point Beach have signed an Interim Operating Agreement that would permit WEPCO, at its option, and upon receipt of applicable regulatory approvals, to transfer operating authority to FPLE Point Beach prior to the closing for the ownership transfer. In a separate letter from FPLE Point Beach dated January 26, 2007, FPLE Point Beach provided the proprietary versions of several enclosures to the application from NMC and WEPCO that include proprietary financial information to support the application.

No physical changes to the Point Beach facility or operational changes are being proposed in the application.

The proposed amendments would replace references to WEPCO and NMC in the licenses with references to FPLE Point Beach, to reflect the proposed transfer.

Pursuant to 10 CFR 50.80 and 72.50, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the direct transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the