

This meeting will be webcast live at the Web address—<http://www.nrc.gov>.

Thursday, March 22, 2007

12:55 p.m.

Affirmation Session (Public Meeting) (Tentative).

a. Consumers Energy Company, *et al.* (Palisades Nuclear Plant); License Transfer Application (Tentative).

#### Week of March 26, 2007—Tentative

Thursday, March 29, 2007

9:30 a.m.

Discussion of Management Issues (Closed—Ex. 2).

1:30 p.m.

Discussion of Security Issues (Closed—Ex. 1, 3, & 9).

#### Week of April 2, 2007—Tentative

There are no meetings scheduled for the Week of April 2, 2007.

#### Week of April 9, 2007—Tentative

There are no meetings scheduled for the Week of April 9, 2007.

\*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292.

Contact person for more information: Michelle Schroll, (301) 415-1662.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.*, braille, large print), please notify the NRC's Disability Program Coordinator, Deborah Chan, at 301-415-7041, TDD: 301-415-2100, or by e-mail at [DLC@nrc.gov](mailto:DLC@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: March 1, 2007.

**R. Michelle Schroll,**

*Office of the Secretary.*

[FR Doc. 07-1062 Filed 3-2-07; 1:27 pm]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-498 and 50-499; License Nos. NPF-76 and NPF-80]

### STP Nuclear Operating Company; Notice of Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a director's decision with regard to a petition dated May 16, 2006, filed by Mr. Glenn Adler on behalf of Service Employees International Union, hereinafter referred to as the Petitioner. The petition was supplemented by letter dated June 26, 2006, and provided to the U.S. Nuclear Regulatory Commission (NRC) during a meeting with the agency's petition review board (PRB) on June 27, 2006. Transcripts of the meeting are available, as an attachment to the PRB meeting summary, 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 O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The petition concerns the operation of the South Texas Project (STP) Electric Generating Station, Units 1 and 2.

The Petitioner requested that the NRC issue a demand for information (DFI) to STP Nuclear Operating Company (STPNOC), licensee for STP, to provide the results of assessments of the safety-conscious work environment (SCWE) at STP conducted since January 1, 2004; summaries of action plans and results of actions to remedy the problems revealed by the assessments, including documents mentioned at an August 2005 meeting convened to discuss the STP SCWE; summaries of action plans and results of efforts to remedy problems revealed by such assessments in 2001 and 2003; and all correspondence between the NRC, STPNOC, and Wackenhut Corporation concerning the 2001, 2003, and 2005 comprehensive cultural surveys (CCAs).

As the basis for the petition, the Petitioner stated that, in 1998 the NRC found that STP had violated Federal law by subjecting four employees to a "hostile work environment" after the employees raised safety concerns. The Petitioner noted that the NRC issued an order requiring STP to hire an independent contractor to conduct periodic CCAs.

The Petitioner stated that the licensee hired Synergy Consulting Services Corporation. The Wackenhut

Corporation took over security at STP in July 2001, after winning a 3-year contract for security, with an option for 2 additional years. The Petitioner further noted that in the 2001 and 2003 CCAs, Wackenhut scored poorly on independent surveys assessing the STPNOC nuclear safety culture, SCWE, general culture and work environment, leadership, management, and supervisory skills and practices.

The Petitioner stated that, despite apparently repeated efforts by STPNOC to remedy the poor performance of Wackenhut, a more recent survey revealed that Wackenhut's performance problems continued, as indicated in the 2005 CCA, and that the STPNOC action plans apparently were not successful with respect to Wackenhut and other entities.

The Petitioner stated that obtaining the documents it identified will facilitate the NRC to be better informed about improvement in the licensee's SCWE at STPNOC. In addition, the NRC will be better able to assess the effectiveness of previous steps taken with Wackenhut and other entities for whom problems persisted, despite repeated efforts to remedy them.

On June 27, 2006, the Petitioner and the licensee's attorney met with the staff's PRB. The meeting gave the Petitioner and the licensee's attorney an opportunity to provide additional information and to clarify issues raised in the petition. The summary of the meeting and its transcript are available in ADAMS, as stated above.

On November 21, 2006, the NRC sent a copy of the proposed director's decision to the Petitioner and the licensee for comment. At the request of the Petitioner, the NRC extended the end of the comment period from December 21, 2006, to January 12, 2007. However, the NRC staff did not receive any comments. The NRC has included the latest update of the results of its ongoing oversight at STP, and made some editorial changes to the text of this director's decision.

The director's decision [DD-07-01] explains the reasons for this decision pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Section 2.206, the complete text of which is available on the agency's Web site via ADAMS and at the Commission's Public Document Room, located at One White Flint North, Public File Area O1 F21, 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).

The NRC staff denied the Petitioner's request for a DFI to STPNOC. Issuance of a DFI is not warranted because the NRC has already reviewed and has ready access to all the information for which the Petitioner had requested a DFI. NRC has also denied your request to docket the documents for which you requested DFI. The NRC will docket only documents which are submitted to the NRC. However, NRC is denying your request for a DFI, and NRC did not require submission of the documents in its Confirmatory Order Modifying License (Effective Immediately) of June 9, 1998. Instead, STPNOC maintains the documents for ready access by the NRC at the site.

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 24th day of February 2007.

For the Nuclear Regulatory Commission.

**J.E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E7-3827 Filed 3-5-07; 8:45 am]

**BILLING CODE 7590-01-P**

## POSTAL SERVICE

### United States Postal Service Board of Governors; Sunshine Act Meeting

#### Board Votes To Close February 27, 2007 Meeting

By telephone vote on February 27, 2007, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting held in Washington, DC, via teleconference. The Board determined that prior public notice was not possible.

*Item Considered:* Postal Regulatory Commission Opinion and Recommended Decision in Docket No. R2006-1, Postal Rate and Fee Changes.

*General Counsel Certification:* The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

**CONTACT PERSON FOR MORE INFORMATION:** Requests for information about the meeting should be addressed to the

Secretary of the Board, Wendy A. Hocking, at (202) 268-4800.

**Wendy A. Hocking,**

*Secretary.*

[FR Doc. 07-1066 Filed 3-2-07; 1:58 pm]

**BILLING CODE 7710-12-M**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-55367; File No. 4-529]

### Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d-2; Order Approving and Declaring Effective a Plan for the Allocation of Regulatory Responsibilities Between the International Securities Exchange, LLC and the National Association of Securities Dealers, Inc.

February 27, 2007.

Notice is hereby given that the Securities and Exchange Commission ("Commission") has issued an Order, pursuant to Sections 17(d)<sup>1</sup> and 11A(a)(3)(B)<sup>2</sup> of the Securities Exchange Act of 1934 ("Act"), granting approval and declaring effective an amended and restated plan for the allocation of regulatory responsibilities ("Plan") that was filed pursuant to Rule 17d-2 under the Act<sup>3</sup> by the International Securities Exchange, LLC ("ISE") and the National Association of Securities Dealers, Inc. ("NASD") (together with ISE, the "Parties").<sup>4</sup>

Accordingly, NASD shall assume, in addition to the regulatory responsibility it has under the Act, the regulatory responsibilities allocated to it under the Plan. At the same time, ISE is relieved of those regulatory responsibilities allocated to NASD under the Plan.

#### I. Introduction

Section 19(g)(1) of the Act,<sup>5</sup> among other things, requires every self-regulatory organization ("SRO") registered as either a national securities exchange or registered securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d)<sup>6</sup> or 19(g)(2)<sup>7</sup> of the Act. Section

17(d)(1) of the Act<sup>8</sup> was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication for those broker-dealers that maintain memberships in more than one SRO ("common members").<sup>9</sup> With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d-1<sup>10</sup> and Rule 17d-2<sup>11</sup> under the Act. Rule 17d-2 permits SROs to propose joint plans for the allocation of regulatory responsibilities, other than financial responsibility rules, with respect to their common members. Under paragraph (c) of Rule 17d-2, the Commission may declare such a plan effective if, after providing for notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system, and is in conformity with the factors set forth in Section 17(d) of the Act. Upon effectiveness of a plan filed pursuant to Rule 17d-2, an SRO is relieved of those regulatory responsibilities for common members that are allocated by the plan to another SRO.

On January 17, 2007, the Commission published notice of the Plan filed by ISE and NASD.<sup>12</sup> The Commission received no comments on the Plan. The Plan is intended to replace and supersede the current 17d-2 plan between NASD and ISE and all prior amendments thereto in their entirety,<sup>13</sup> and is intended to

<sup>8</sup> 15 U.S.C. 78q(d)(1).

<sup>9</sup> See Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94-75, 94th Cong., 1st Session 32 (1975).

<sup>10</sup> 17 CFR 240.17d-1. Rule 17d-1 authorizes the Commission to name a single SRO as the designated examining authority ("DEA") to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.

<sup>11</sup> 17 CFR 240.17d-2.

<sup>12</sup> See Notice, *supra* note 4.

<sup>13</sup> The Parties currently operate pursuant to a 17d-2 plan in which NASD has assumed certain inspection, examination, and enforcement responsibility for common members with respect to certain applicable laws, rules, and regulations (the "current NASD-ISE 17d-2 plan"). See Securities Exchange Act Release Nos. 42668 (April 11, 2000), 65 FR 21048 (April 19, 2000) (File No. 4-431)

<sup>1</sup> 15 U.S.C. 78q(d).

<sup>2</sup> 15 U.S.C. 78k-1(a)(3)(B).

<sup>3</sup> 17 CFR 240.17d-2.

<sup>4</sup> See Securities Exchange Act Release No. 55057 (January 8, 2007), 72 FR 2040 (January 17, 2007) ("Notice").

<sup>5</sup> 15 U.S.C. 78s(g)(1).

<sup>6</sup> 15 U.S.C. 78q(d).

<sup>7</sup> 15 U.S.C. 78s(g)(2).