II. Further Information

Withdrawal of Regulatory Guide 9.4 does not, in and of itself, alter any prior or existing licensing commitments based on its use. The guidance provided in this regulatory guide is no longer necessary. Regulatory guides may be withdrawn when their guidance is superseded by congressional action, the methods or techniques described in the regulatory guide no longer describe a preferred approach, or the regulatory guide does not provide 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–1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738. The PDR's mailing address is U.S. NRC PDR, Washington, DC 20555–0001. The PDR staff can be reached by telephone at 301–415–4737 or 800–397–4209, by fax at 301–415–3548, and by e-mail to *pdr@nrc.gov*.

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Dated at Rockville, Maryland, this 12th day of October 2007.

For the Nuclear Regulatory Commission.

Michael R. Johnson,

Deputy Director, Office of Nuclear Regulatory Research.

[FR Doc. E7–20742 Filed 10–19–07; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

SES Performance Review Board

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the OPM Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Mark Reinhold, Center for Human Capital Management Services, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, (202) 606–1402.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the U.S. Office of Personnel Management, one or more SES performance review boards. The board reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and considers recommendations to the appointing authority regarding the performance of the senior executive.

U.S. Office of Personnel Management.

Linda M. Springer,

Director.

The following have been designated as members of the Performance Review Board of the U.S. Office of Personnel Management:

Howard C. Weizmann, Deputy Director—Chair
Patricia L. Hollis, Chief of Staff and Director of External Affairs
Mark Reger, Chief Financial Officer
Robert F. Danbeck, Managing Director, Retirement Systems Modernization
Nancy H. Kichak, Associate Director, Strategic Human Resources Policy Division
Kevin E. Mahoney, Associate Director, Human Capital Leadership and Merit System Accountability Division
Kathy L. Dillaman, Associate Director, Federal Investigative Services Division
Ronald C. Flom, Associate Director, Management Services Division and Chief Human Capital Officer
Kerry B. McTigue, General Counsel
Mark D. Reinhold, Deputy Associate Director for Human Capital Management Services—Executive Secretariat

[FR Doc. E7–20636 Filed 10–19–07; 8:45 am]

BILLING CODE 6325–45–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 39–2449; File No. 22–28859]

Application and Opportunity for Hearing: Grupo Iusacell Celular, S.A. de C.V.

October 15, 2007.

The Securities and Exchange Commission gives notice that Grupo Iusacell Celular, S.A. de C.V. has filed an application under section 304(d) of the Trust Indenture Act of 1939. Iusacell Celular asks the Commission to exempt from the certificate or opinion delivery requirements of section 314(d) of the 1939 Act certain provisions of indentures between Iusacell Celular, certain guarantors and Law Debenture Trust Company of New York, as trustee. The indentures relate to Senior Floating Rate First Lien Notes due 2011 and 10% Senior Subordinated Second Lien Notes due 2012.

Section 304(d) of the 1939 Act, in part, authorizes the Commission to exempt conditionally or unconditionally any indenture from one or more provisions of the 1939 Act. The Commission may provide an exemption under Section 304(d) if it finds that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the 1939 Act.

Section 314(d) requires the obligor to furnish to the indenture trustee certificates or opinions of fair value from an engineer, appraiser or other expert upon any release of collateral from the lien of the indenture. The engineer, appraiser or other expert must opine that the proposed release will not impair the security under the indenture in contravention of the provisions of the indenture. The application requests an exemption from Section 314(d) for specified dispositions of collateral that are made in Iusacell Celular's and the guarantors' ordinary course of business.

In its application, Iusacell Celular alleges that:

1. The indentures permit Iusacell Celular and the guarantors to dispose of collateral in the ordinary course of their business;
2. Iusacell Celular and the guarantors will deliver to the trustee annual consolidated financial statements audited by certified independent accountants; and
3. Iusacell Celular and the guarantors will deliver to the trustee a semi-annual certificate stating that all dispositions of collateral during the relevant six-month period occurred in Iusacell Celular's and the guarantors' ordinary course of business and that all of the proceeds were used as permitted by the indentures.

Any interested persons should look to the application for a more detailed statement of the asserted matters of fact and law. The application is on file in the Commission's Public Reference Section, File Number 22–28859, 100 F Street, NE., Washington, DC 20549.

The Commission also gives notice that any interested persons may request, in writing, that a hearing be held on this matter. Interested persons must submit those requests to the Commission no later than November 14, 2007. Interested persons must include the following in their request for a hearing on this matter:

—The nature of that person's interest;
—The reasons for the request; and
—The issues of law or fact raised by the application that the interested person desires to refute or request a hearing on.

The interested person should address this request for a hearing to: Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. At any time after November 14, 2007, the Commission may issue an order granting the application, unless the Commission orders a hearing.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–20782 Filed 10–19–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56662; File No. SR–ISE–2007–71]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of a Proposed Rule Change Relating to Fee Changes on a Retroactive Basis

October 16, 2007.

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 October 2, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') 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 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 retroactively apply the fee reduction that was implemented on September 4, 2007 to the time period of July 1, 2007 to August 31, 2007 (''Retroactive Period''). The text of the proposed rule change is available at the Commission's Public Reference Room, at the Exchange, and at *www.ise.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. 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

On September 4, 2007, the Exchange implemented a fee reduction to the Schedule of Fees with respect to Electronic Access Member (''EAM'') Trading Application Software Fees (''Software Fees'').[3] Consequently, the Software Fees are as follows:

- Equity EAMs are charged $250 for each of the first and second connections and $50 for each additional connection thereafter, regardless of whether the Equity EAM is connected via Financial Information eXchange (''FIX'') or Application Programming Interface (''API'').[4]
- Options EAMs that connect via API are charged $250 for each of the first five connections and $100 for each additional connection.
- Options EAMs that connect via FIX are charged $250 for each of the first and second connections and $50 for each additional connection thereafter.

In this filing, the Exchange proposes to retroactively apply the above-mentioned reduced fees during the Retroactive Period. The Exchange believes that retroactive application is appropriate for Equity EAMs because prior to July 1, 2007, Equity EAMs were charged a fee of $250 per month to connect to the ISE Stock Exchange, and fees on second and subsequent connections were waived, regardless of whether the Equity EAM connected via FIX or API.[5] The Exchange allowed this waiver to expire on June 30, 2007, at which time the fee to connect to the ISE Stock Exchange, on a monthly basis, became $250 per connection. Subsequent to the fee increase, the Exchange analyzed the impact of the fee increase on Equity EAMs and determined that the disparity between the increase in fees and the additional work required to assist the Equity EAMs in maintaining additional lines to the Exchange was not accurately correlated. Accordingly, the Exchange believes it is appropriate to retroactively apply this reduction to the Schedule of Fees.

The Exchange believes that retroactive application is appropriate for Options EAMs because originally Options EAMs were charged $250 per month for each of the first five CLICK terminals, and $100 per month for each additional terminal. However, under a now expired pilot program previously adopted by the Exchange, Options EAMs' fees associated with a second and any subsequent CLICK terminals were waived. As a result, Options EAMs were only charged a $250 per month to connect to the Exchange. Earlier this year, once all existing CLICK terminals were decommissioned, the Exchange submitted a fee filing that, among other things, proposed to remove all references to CLICK terminals from its fee schedule.[6] In doing so, and after conducting an internal analysis of the impact of fees to members, the Exchange notes that the CLICK Fee Filing actually raised the connection fees for Options EAMs, contrary to what the Exchange intended. Thus, this filing seeks to remedy the mistake the CLICK Fee Filing has caused during the Retroactive Period by retroactively applying this reduction to the Schedule of Fees during the Retroactive Period.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] which requires that an exchange have an equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

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

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

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 56379 (September 10, 2007), 72 FR 52591 (September 14, 2007) (SR–ISE–2007–79) (notice of filing and immediate effectiveness of a proposed rule change relating to fee changes).

[4] ISE uses an open API, which members program to in order to develop applications that send trading commands and/or queries to and receive broadcasts and/or transactions from the trading system. FIX is an industry-wide messaging standard protocol.

[5] *See* Securities Exchange Act Release No. 54897 (December 8, 2006), 71 FR 75593 (December 15, 2006) (SR–ISE–2006–76) (notice of filing and immediate effectiveness of a proposed rule change relating to ISE Stock Exchange fees).

[6] *See* Securities Exchange Act Release No. 55960 (June 26, 2007), 72 FR 36531 (July 3, 2007) (SR–ISE–2007–42) (the ''CLICK fee filing'').

[7] 15 U.S.C. 78f(b)(4).