

allowed certain of their ongoing practices to continue but in a manner controlled by OSHA criteria. In this sense, they are special conditions that the Agency places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition under 29 CFR 1910.7. However, these programs help to define the scope of that recognition.

Preliminary Finding on the Renewal

SWRI has submitted an acceptable request for renewal and expansion of its recognition as an NRTL. Our review of the application file, the assessor's memos, and other pertinent documents, indicates that SWRI can meet the requirements, as prescribed by 29 CFR 1910.7, for the renewal of the one site and the test standards and programs listed above, and for the expansion to include the one additional test standard, as noted. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether SWRI has met the requirements of 29 CFR 1910.7 for the renewal and expansion of its recognition as an NRTL. Your comments should consist of pertinent written documents and exhibits. Should you need more time to comment, you must request it in writing, including reasons for the request. OSHA must receive your written request for extension at the address provided above no later than the last date for comments. OSHA will limit any extension to 30 days, unless the requester justifies a longer period. You may obtain or review copies of the SWRI request, the on-site review report, other pertinent documents, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. Docket No. NRTL3-90 contains all materials in the record concerning the SWRI application.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant SWRI's renewal and expansion request. The Assistant Secretary will make the final decision on granting the renewal and expansion and, in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR Section 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC this 25th day of September, 2006.

Edwin G. Foulke, Jr.,
Assistant Secretary.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 52-007-ESP; ASLBP No. 04-821-01-ESP]

In the Matter of Exelon Generation Company, LLC (Early Site Permit for Clinton ESP Site); Before Administrative Judges: Dr. Paul B. Abramson, Chairman; Dr. Anthony J. Baratta; Dr. David L. Hetrick; Notice (Notice of Hearing and of Opportunity to Make Oral or Written Limited Appearance Statements)

October 2, 2006.

This Atomic Safety and Licensing Board hereby gives notice that it will convene an evidentiary session to receive testimony and exhibits in the "mandatory hearing" portion of this proceeding regarding the September 25, 2003 Application of the Exelon Generation Company, LLC, (Exelon) for a 10 CFR part 52 early site permit (ESP), seeking approval of the site of the existing Clinton nuclear power station in DeWitt County, Illinois, for the possible construction of one or more new nuclear reactors.¹ This mandatory hearing will concern safety and environmental matters relating to the proposed issuance of the requested ESP, as more fully described below.

In addition, the Board gives notice that, in accordance with 10 CFR 2.315(a), it will entertain oral limited appearance statements from members of the public in connection with this proceeding.

A. Matters To Be Considered

As set forth by the Commission in the December 2003 "Notice of Hearing and Opportunity To Petition for Leave To Intervene Early Site Permit for the Clinton ESP Site" (68 FR at 69,426) and the applicable regulations in 10 CFR 52.21 the matters at issue in this proceeding are: (a) Whether issuance of an ESP will be inimical to the common defense and security or to the health and safety of the public (Safety Issue 1); (b) whether, taking into consideration the site criteria contained in 10 CFR part 100, a reactor or reactors having characteristics that fall within the parameters for the site, can be

constructed and operated without undue risk to the public health and safety (Safety Issue 2); and (c) whether in accordance with the requirements of 10 CFR part 51, subpart A, the ESP should be issued as proposed. Additionally, in accord with the December 2003 notice: (d) whether the requirements of sections 102(2)(A), (C), and (E) of the National Environmental Policy Act of 1969 and 10 CFR part 51, subpart A, have been complied with in the proceeding; (e) the final balance among conflicting factors contained in the record of proceeding with a view to determining the appropriate action to be taken; and (f) after considering reasonable alternatives, whether a license should be issued, denied, or appropriately conditioned to protect environmental values.

B. Date, Time, and Location of Mandatory Hearing

The Board will conduct this mandatory hearing at the specified location and time:

1. *Date:* Tuesday, November 7, 2006, *time:* beginning at 9 a.m. c.s.t., *location:* Decatur Conference Center, 4191 W. U.S. Highway 36, Decatur, Illinois.

The hearing on these issues will continue day-to-day until concluded.

The public is advised that, in accordance with 10 CFR 2.390, portions of the hearing sessions may be closed to the public because the matters at issue may involve the discussion of protected information.

C. Date, Time, and Location of Oral Limited Appearance Statement Session

This session will be on the following date at the specified location and time:

1. *Date:* Wednesday, November 8, 2006, *time:* 6 to 10 p.m. c.s.t., *location:* Clinton Junior High School, 701 Illini Drive, Clinton, Illinois.

D. Participation Guidelines for Oral Limited Appearance Statements

Any person not a party, or a representative of a party, to the proceeding will be permitted to make an oral statement of not more than five minutes setting forth his or her position on matters of concern relating to this proceeding. Although these statements do not constitute testimony or evidence, they nonetheless may help the Board and/or the parties in their consideration of the issues in this proceeding.

Oral limited appearance statements will be entertained during the hours specified above, or such lesser time as may be sufficient to accommodate the

¹ See 68 FR 69,426 (Dec. 12, 2003).

speakers who are present.² In this regard, if all scheduled and unscheduled speakers present have made a presentation, the Licensing Board will terminate the session before the ending time listed above.

Although the Board expects that the time allotted for each statement will be no more than five minutes, it may be further limited depending on the number of written requests to make an oral statement that are submitted in accordance with section E below and/or the number of persons present at the designated time indicate that it is necessary to reduce each person's time to enable all those desiring to speak to do so.

E. Priority to those who Submitted a Prior Request

Persons wishing to make an oral statement who have submitted a timely written request to do so will be given priority over those who have not filed such a request. To be considered timely, a written request to make an oral statement must either be mailed, faxed, or sent by e-mail so as to be received by 5 p.m. eastern standard time on October 30, 2006. Written requests to make an oral statement should be submitted to: *Mail:* Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. *Fax:* (301) 415-1101 (verification (301) 415-1966). *E-mail:* hearingdocket@nrc.gov.

In addition, using the same method of service, a copy of the written request to make an oral statement should be sent to the Chairman of this Licensing Board as follows: *Mail:* Administrative Judge Paul B. Abramson, Atomic Safety and Licensing Board Panel, Mail Stop T-3 F23, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. *Fax:* (301) 415-5599 (verification (301) 415-6094). *E-mail:* KSV@nrc.gov and JLL5@nrc.gov.

F. Submitted Written Limited Appearance Statements

In addition to or in lieu of an oral limited appearance statement, a written limited appearance statement may be submitted to the Board regarding this proceeding at any time. Such statements

² Any members of the public who plan to attend either the mandatory hearing or the limited appearance session are advised that security measures may be employed at the entrance to the hearing facility, including searches of hand-carried items such as briefcases or backpacks. Participants are expected to respect and preserve the dignity of this proceeding; therefore, during the limited appearance session, static signs no larger than 18" by 18" will be permitted, but may not be attached to sticks, held up, waved, or moved about in the rooms.

should be sent to the Office of the Secretary using the methods prescribed above, with a copy to the Licensing Board Chairman.

G. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). 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 (800) 397-4209 or (301) 415-4737, or by e-mail to pdr@nrc.gov.

H. Scheduling Information Updates

Any updated/revised scheduling information regarding the evidentiary hearing and limited appearance sessions can be found on the NRC Web site at <http://www.nrc.gov/public-involve/public-meetings/index.cfm> or by calling (800) 368-5642, extension 5036, or (301) 415-5036.

For the Atomic Safety and Licensing Board.³

Dated: October 2, 2006.

Paul B. Abramson,

Administrative Judge, Rockville, Maryland.
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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-483]

Union Electric Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC/the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-30, issued to Union Electric Company (the licensee), for operation of the Callaway Plant, Unit 1 (Callaway), located in Callaway County, Missouri.

The proposed amendment would change the plant Technical

³ Copies of this notice were sent this date by Internet e-mail transmission to counsel for (1) applicant Exelon; (2) the NRC Staff.

Specifications (TSs) consistent with the NRC-approved Revision 0 to Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-419. The amendment would revise (1) the definition of the Pressure and Temperature Limits Report (PTLR) in Section 1.1, "Definitions," and (2) TS 5.6.6, "Reactor Coolant System (RCS) Pressure and Temperature Limits Report (PTLR)." The licensee submitted its request to revise the TSs in its application dated September 20, 2006.

Before issuance of the proposed 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.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to reference the Topical Report number and title do not alter the use of the analytical methods used to determine the P/T [pressure/temperature] limits or COMS [cold over pressure mitigation system] setpoints that have been reviewed and approved by the NRC. This method of referencing Topical Reports would allow the use of current Topical Reports to support limits in the PTLR without having to submit an amendment to the operating license. Implementation of revisions to Topical Reports would still be reviewed and where required receive NRC review and approval. The proposed changes do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not alter or prevent the ability of structures, systems, and components (SSCs) from performing their intended