

the CTSs (*i.e.*, to convert the CTSs to the ITSs). Emphasis was placed on human factors principles to improve clarity and understanding.

Some specifications in the CTSs would be relocated. Such relocated specifications would include those requirements which do not meet the 10 CFR 50.36 selection criteria. These requirements may be relocated to the TS Bases document, the MNGP Updated Safety Analysis Report, the Core Operating Limits Report, the operational quality assurance plan, plant procedures, or other licensee-controlled documents. Relocating requirements to licensee-controlled documents does not eliminate them, but rather places them under more appropriate regulatory controls (*i.e.*, 10 CFR 50.54(a)(3), and 10 CFR 50.59) to manage their implementation and future changes.

#### *Environmental Impacts of the Proposed Action*

The NRC staff has completed its evaluation of the proposed action and concludes that the conversion to ITSs would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents. The proposed action will not increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites because no previously undisturbed area will be affected by the proposed amendment. The proposed action does not affect non-radiological plant effluents and has no other effect on the environment. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action and, thus, the proposed action will not have any significant impact to the human environment.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.*, the “no-

action” alternative). Denial of the application would result in no change in current environmental impacts. Thus, the environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for MNGP dated November 1974.

#### *Agencies and Persons Consulted*

On April 18, 2006, the NRC staff consulted with Mr. Steve Rakow of the Minnesota Department of Commerce regarding the environmental impact of the proposed action. The State official agreed with the conclusions of the NRC.

#### **Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated June 29, 2005, as supplemented by letters dated April 25 (two letters), May 4, and May 12, 2006, and the information provided to the NRC staff through the joint NRC-Monticello Nuclear Power Plant ITS Conversion Web page. 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 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/adams.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 25th day of May 2006.

For the Nuclear Regulatory Commission.

**Terry A. Beltz,**

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

[FR Doc. E6-8651 Filed 6-2-06; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 72-31]

### **Yankee Atomic Electric Company; Yankee Atomic Independent Spent Fuel Storage Installation; Issuance of Environmental Assessment and Finding of No Significant Impact**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of environmental assessment and finding of no significant impact.

#### **FOR FURTHER INFORMATION CONTACT:**

Stewart W. Brown, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-8531; Fax number: (301) 415-8555; E-mail: [swb1@nrc.gov](mailto:swb1@nrc.gov).

#### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions to Yankee Atomic Electric Company (the licensee), pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 72.7, from specific provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214. The licensee is storing spent nuclear fuel under the general licensing provisions of 10 CFR part 72 in the NAC-MPC System at an independent spent fuel storage installation (ISFSI) located at the Yankee Atomic Electric Station in Rowe, Massachusetts. The requested exemptions would allow the licensee to deviate from requirements of the NAC-MPC Certificate of Compliance (CoC) No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, and Section A 5.4, Radioactive Effluent Control Program. Specifically, the exemptions would relieve the licensee from the requirements to: (1) Develop training modules under its systems approach to training (SAT) program that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System; and (2) submit an annual report “pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a).”

#### **II. Environmental Assessment (EA)**

*Identification of Proposed Action:* The proposed action is to exempt the licensee from regulatory requirements to develop certain training and submit an annual report. By letter dated January 9, 2006, the licensee requested exemptions

from certain regulatory requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214, which require a general licensee to store spent fuel in an NRC-certified spent fuel storage cask under the terms and conditions set forth in the CoC. The proposed exemptions would allow the licensee to deviate from the requirements in CoC No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, and Section A 5.4, Radioactive Effluent Control Program.

CoC No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, requires that a training program for the NAC-MPC System be developed under the general licensee's SAT program. Further, the training modules must include comprehensive instructions for the operation and maintenance of both the NAC-MPC System and the ISFSI. In addition, CoC No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.4, Radioactive Effluent Control Program, Item c. requires an annual report to be submitted "pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a)." By exempting the licensee from the requirements of 10 CFR 72.212(a), 72.212(b)(2)(i), 72.212(b)(7), and 72.214 for this request, the licensee will not be required to either develop training modules that include comprehensive instructions for the operation and maintenance of the ISFSI or submit an annual report "pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a)."

The proposed action before the NRC is whether to grant these exemptions under the provisions of 10 CFR 72.7.

*Need for the Proposed Action:* The requirements of CoC No. 1025, Amendment 3, Appendix A, Technical Specifications for the NAC-MPC System, Section A 5.1, Training Program, and Section A 5.4, Radioactive Effluent Control Program impose regulatory obligations, with associated costs, that do not provide a commensurate increase in safety. Granting the requested exemptions will allow the licensee not to have to: (1) Develop training modules under the SAT program that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System; and (2) submit an annual report "pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a)." Thus, the licensee will not incur the costs associated with these activities.

*Environmental Impacts of the Proposed Action:* The NRC has reviewed the exemption requests submitted by the

licensee and determined that not requiring the licensee to: (1) Develop training modules under its SAT program that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System; and (2) submit an annual report "pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a)" are administrative changes, and would have no significant impacts to the environment.

Further, NRC has evaluated the impact to public safety that would result from granting the requested exemptions. NRC determined that requiring the licensee to develop training modules under its SAT program for the operation and maintenance of ISFSI structures, systems, and components considered not-important-to-safety would not provide a commensurate increase in public safety associated with the costs. Therefore, allowing the licensee to develop these modules separately from its SAT program does not impact public safety. Also, NRC has determined that not requiring the licensee to submit an annual report specifying principal radionuclides released to the environment in liquid and in gaseous effluents does not impact public safety because the NAC-MPC System is a sealed and leak-tight spent fuel storage system. Thus, there should be no releases to the environment of either liquid or gaseous effluents from normal operation of the NAC-MPC System.

The proposed action would not increase the probability or consequences of accidents, no changes would be made to the types of effluents that may be released offsite, and there would be no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. Additionally the proposed action would have no significant non-radiological impacts.

*Alternative to the Proposed Action:* The alternative to the proposed action would be to deny approval of these exemptions. Denial of these exemption requests would have the same environmental impact as the proposed action.

*Agencies and Persons Consulted:* The NRC prepared this EA. No other sources were used. Further, The NRC has determined that a consultation under section 7 of the Endangered Species Act is not required because the proposed action will not affect listed species or critical habitats. The NRC has also determined that the proposed action is not a type of activity having the potential to cause effects on historic properties. Therefore, no consultation is required under section 106 of the

National Historic Preservation Act. Also, a draft copy of this EA was provided to the Massachusetts Radiation Control Program for review. The Massachusetts Radiation Control Program had no comments.

*Conclusions:* The NRC has concluded that the proposed action of granting these exemptions and not requiring the licensee to develop certain training or submit an annual report will not significantly impact the quality of the human environment and does not warrant the preparation of an environmental impact statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

### III. Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the NRC finds that the proposed action of granting exemptions from the specific provisions of 10 CFR 72.212(a), 72.212(b)(2)(i), 72.212(b)(7), and 72.214 and not requiring the licensee to: (1) Develop training modules under its SAT program that include comprehensive instructions for the operation and maintenance of the ISFSI, except for the NAC-MPC System; and (2) submit an annual report "pursuant to 10 CFR 72.44(d)(3) or 10 CFR 50.36(a)," will not significantly impact the quality of the human environment. Accordingly, the NRC has determined that an environmental impact statement for these proposed exemptions is not warranted.

**FOR FURTHER INFORMATION CONTACT:** In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," final NRC records and documents regarding this proposed action, including the request for exemptions dated January 9, 2006, are publically available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). These documents may be inspected at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. 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 24th day of May, 2006.

For the Nuclear Regulatory Commission.

**Stewart W. Brown,**

*Sr. Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E6-8650 Filed 6-2-06; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### In the Matter of Universal Medical Systems, Inc.; Order of Suspension of Trading

June 1, 2006.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Universal Medical Systems, Inc. (n/k/a Moray Way Holdings, Inc.) because it has not filed any periodic reports since it filed a Form 10-SB registration statement on April 24, 1997.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period from 9:30 a.m. EDT on June 1, 2006, through 11:59 p.m. EDT on June 14, 2006.

By the Commission.

**Nancy M. Morris,**

*Secretary.*

[FR Doc. 06-5128 Filed 6-1-06; 11:37 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53880; File No. SR-Amex-2006-51]

### Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt an Options Licensing Fee for Options on Market Vectors-Gold Miners Exchange-Traded Fund

May 26, 2006.

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 May 19, 2006, 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, II, and III below, which Items have been prepared by the Exchange. Amex has designated this proposal as one establishing or changing a due, fee, or other charge imposed by a self-regulatory organization pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) 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

Amex proposes to modify its Options Fee Schedule by adopting a per-contract license fee for the orders of specialists, registered options traders, firms, non-member market makers, and broker-dealers (collectively, “Market Participants”) in connection with options transactions on the shares of the Market Vectors-Gold Miners exchange-traded fund (symbol: GDX).

The text of the proposed rule change is available on the Exchange's Internet Web site <http://www.amex.com>, at the Exchange's principal office, and at the Commission's Public Reference Room.

#### 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

The purpose of the proposal is to adopt a per-contract options licensing

fee in connection with options on GDX. Amex represents that it plans to assess the proposed options licensing fee on members commencing May 22, 2006.

The Exchange has entered into numerous agreements with various index providers for the purpose of trading options on certain exchange-traded funds (“ETFs”) such as GDX. As a result, the Exchange is required to pay index license fees to third parties as a condition to the listing and trading of these ETF options. In many cases, the Exchange is required to pay a significant licensing fee to the index provider that may not be reimbursed. In an effort to recoup the costs associated with certain index licenses, the Exchange has recently established per-contract licensing fees for orders of Market Participants that are collected on each option transaction in certain designated products in which such Market Participant is a party.<sup>5</sup>

The purpose of the proposal, therefore, is to charge an options licensing fee in connection with options on the GDX. Specifically, Amex seeks to charge an options licensing fee of \$0.05 per contract side for GDX options for Market Participant orders executed on the Exchange. In all cases, the fee would be charged only to the Exchange member through whom such order is placed.

Amex represents that the proposed options licensing fees would allow the Exchange to recoup its costs in connection with the index license fees for the trading of GDX options. The fees would be collected on every Market Participant order executed on the Exchange. The Exchange believes that requiring the payment of a per-contract licensing fee in connection with GDX options by those Market Participants that benefit from the index license agreements is justified and consistent with the rules of the Exchange.

The Exchange notes that, in recent years, it has revised a number of its fees to better align Amex fees with the actual cost of delivering services and reduce Amex's subsidization of such services. The Exchange believes that the implementation of this proposal is consistent with the reduction and/or elimination of these subsidies. Amex believes that these fees will help to allocate to those Market Participants engaging in transactions in GDX options a fair share of the related costs of offering such options for trading.

The Exchange asserts that the proposal provides for an equitable

<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)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> See Securities Exchange Act Release No. 52493 (September 22, 2005), 70 FR 56941 (September 29, 2005).