

and cause any significant increase in occupational or public radiation exposure. Therefore, the staff concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. In addition to the lead and cadmium discussed above, asbestos is present at the UM FNR facility. Asbestos will be removed by a licensed asbestos abatement contractor. Decommissioning activities will not affect non-radiological facility effluents and have no other environmental impact. The licensee states that there are no significant plant communities and no wetlands within the site.

There are three species listed as threatened or endangered under the Federal ESA within Washtenaw County. These are Indiana bat (*Myotis sodalis*), the Mitchell's satyr butterfly (*Neonympha mitchellii mitchellii*), and the Eastern prairie fringed orchid (*Platanthera leucophaea*). There are no records of any of these three species on the UM FNR site. Therefore, the staff concludes that 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.

#### *Alternatives to the Proposed Action*

The licensee has proposed to use the DECON alternative for the UM FNR facility. The DECON alternative is where the equipment, structures, and portions of the facility containing radioactive contaminants are removed or decontaminated to a level that permits the property to be released for unrestricted use. As a first alternative to the proposed DECON method, SAFSTOR will be used. In SAFSTOR, the nuclear facility is placed and maintained in a condition that allows the nuclear facility to be safely stored and subsequently decontaminated (deferred decontamination) to levels that permit release for unrestricted use. As a second alternative, the ENTOMB alternative is where radioactive contaminants are encased in a structurally long-lived material, such as concrete; the entombed structure is appropriately maintained; and continued surveillance is carried out until the radioactivity decays to a level permitting release of the property for unrestricted use.

The SAFSTOR, ENTOMB, and no-action alternatives would entail continued surveillance and physical

security measures to be in place and continued monitoring by licensee personnel. The SAFSTOR and no-action alternatives would also require continued maintenance of the facility. The radiological impacts of SAFSTOR would be less than the DECON option because of radioactive decay prior to the start of decommissioning activities. However, this option involves the continued use of resources during the SAFSTOR period. The ENTOMB option would also result in lower radiological exposure than the DECON option but would involve the continued use of resources. UM FNR has determined that the proposed action (DECON) is the most efficient use of the existing facility, since it proposes to use the space that will become available for other academic purposes. These alternatives would have no significant environmental impact. In addition, the regulations in 10 CFR 50.82(b)(4)(i) only allow an alternative if it provides for completion of decommissioning without significant delay.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Environmental Report submitted on June 18, 2004, for the UM FNR facility.

#### *Agencies and Persons Contacted*

In accordance with the NRC staff's stated policy, on November 22, 2005, the NRC staff consulted with the Michigan State official, Chris Antieau, Department of Environmental Quality, Land and Water Management Division, regarding the environmental impact of the proposed action on the Coastal Zone Management Act. The state official stated that he concurred with the environmental assessment and had no comments. In addition, the staff contacted U.S. Fish and Wildlife Service (FWS) regarding the environmental impact of the proposed action to threatened or endangered species. The FWS provided the NRC staff with a list of threatened and endangered species to assist the NRC staff to determine if the UM FNR proposed action would cause any environmental impact in reference to the Endangered Species Act. On December 2, 2005, the NRC staff also consulted with the Michigan State Official, Robert D. Skowronek, Department of Environmental Quality, Waste and Hazardous Materials Division. Mr. Skowronek had no comments.

#### *Finding of No Significant Impact*

On the basis of the environmental assessment, the Commission 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 18, 2004, which is available for public inspection, and can be copied for a fee, at the U.S. Nuclear Regulatory Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the internet at <http://www.nrc.gov>. Persons who do not have access to ADAMS or who have problems in accessing the documents located in ADAMS may contact the PDR reference staff at 1-800-397-4209, 301-415-4737 or by e-mail at [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 25th day of January 2006.

For the Nuclear Regulatory Commission.

**Brian E. Thomas,**

*Branch Chief, Research and Test Reactors Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

[FR Doc. E6-1571 Filed 2-3-06; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Steam Generator Tube Integrity and Associated Technical Specifications**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued Generic Letter (GL) 2006-01 to all holders of operating licenses for pressurized water reactors, except those who have permanently ceased operation and have certified that fuel has been removed from the reactor vessel. A response to this GL is not needed for the following units since they have revised their technical specifications (TS) to be conceptually similar to the TS discussed in this GL: Arkansas Nuclear One Unit 1, Callaway, Catawba Units 1 and 2, Farley Units 1 and 2, Salem Unit 1, and South Texas Project Units 1 and 2. The NRC is issuing this generic letter to:

1. Request that addressees either submit a description of their program for ensuring steam generator (SG) tube

integrity for the interval between inspections or adopt alternative TS requirements for ensuring SG tube integrity, and

2. Require addressees to provide a written response to the NRC in accordance with Title 10 of the Code of Federal Regulations, Section 50.54(f).

This **Federal Register** notice is available through the NRC's Agencywide Documents Access and Management System (ADAMS) under accession number ML060240020.

**DATES:** The GL was issued on January 20, 2006.

**ADDRESSES:** Not applicable.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Karwoski at 301-415-2752 or by e-mail [kjk1@nrc.gov](mailto:kjk1@nrc.gov) or David Beaulieu at 301-415-3243 or e-mail [dph@nrc.gov](mailto:dph@nrc.gov).

**SUPPLEMENTARY INFORMATION:** NRC GL 2006-01 may be examined, and/or copied for a fee, at the NRC's Public Document Room at One White Flint North, 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/NRC/ADAMS/index.html>. The ADAMS number for the generic letter is ML060200385.

If you do not have access to ADAMS or if you have problems in accessing the documents in ADAMS, contact the NRC Public Document Room (PDR) reference staff 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 27th day of January, 2006.

For The Nuclear Regulatory Commission.

**Christopher I. Grimes,**

*Director, Division of Policy and Rulemaking,  
Office of Nuclear Reactor Regulation.*

[FR Doc. E6-1569 Filed 2-3-06; 8:45 am]

**BILLING CODE 7590-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 27220; 812-12818]

### American Capital Strategies, Ltd.; Notice of Application

January 31, 2006.

**AGENCY:** Securities and Exchange Commission (the "Commission").

**ACTION:** Notice of an application for an order under section 61(a)(3)(B) of the Investment Company Act of 1940 (the "Act").

**Summary of Application:** Applicant, American Capital Strategies, Ltd., requests an order approving its 2000 Disinterested Director Stock Option Plan (the "Plan") and the grant of certain stock options under the Plan.

**Filing Dates:** The application was filed on April 24, 2002 and amended on January 24, 2006.

**Hearing or Notification of Hearing:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 27, 2006, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, U.S. Securities and Commission, 100 F Street, NE., Washington, DC 20549-1090; Applicant, 2 Bethesda Metro Center, 14th Floor, Bethesda, Maryland 20814.

**FOR FURTHER INFORMATION CONTACT:** Laura J. Riegel, Senior Counsel, at (202) 551-6873, or Nadya B. Roytblat, Assistant Director, at (202) 551-6821 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application is available for a fee at the Public Reference Desk, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-0102 (tel. 202-551-5850).

### Applicant's Representations

1. Applicant, a Delaware corporation, is a business development company ("BDC") within the meaning of section 2(a)(48) of the Act.<sup>1</sup> Applicant's primary business objectives are to increase its net operating income and net asset value by investing its assets in senior debt, subordinated debt with detachable warrants and equity of small to medium sized businesses with attractive current

yields and potential for equity appreciation. Applicant's investment decisions are either made by its board of directors (the "Board"), based on recommendations of an investment committee comprised of senior officers of applicant, or, for investments that meet certain objective criteria established by the Board, by the investment committee, under authority delegated by the Board. Applicant does not have an external investment adviser within the meaning of section 2(a)(20) of the Act.

2. Applicant requests an order under section 61(a)(3)(B) of the Act approving the Plan, which provides for the grant of options to purchase shares of applicant's common stock to directors who are neither officers nor employees of applicant ("Non-employee Directors").<sup>2</sup> Applicant has a nine member Board. Six of the seven current members of the Board are not "interested persons" (as defined in section 2(a)(19) of the Act) of the applicant ("Disinterested Directors").<sup>3</sup> The Board initially approved the Plan at a meeting held on March 30, 2000 and amended the Plan on October 30, 2003 and July 28, 2005. Applicant's stockholders approved the Plan at the annual meeting of stockholders held on May 3, 2000. The Plan would become effective on the date that the Commission issues an order on the application (the "Order Date").

3. The Plan provides that on the Order Date, options for 25,000 shares of applicant's common stock will be granted to each of the six Non-employee Directors serving on the Board as of October 20, 2003 (the "Initial Grants"). Two-thirds of the options granted under the Initial Grants will vest on the Order Date and the remaining one-third of such options will vest on the third anniversary of October 20, 2003. In the event that any of the six Non-employee Directors are not directors on the Order Date or leave the Board before their options vest fully, persons who join the Board as Non-employee Directors will be eligible to receive options for 15,000 shares of applicant's common stock (the "Other Grants"). The options granted under the Other Grants will vest in three equal installments of 5,000 shares on each of the three anniversaries of the date of the grant. The Plan provides that

<sup>2</sup> The Non-employee Directors receive a \$50,000 per year retainer payment and \$1,500 for each Board or committee meeting attended, and reimbursement of related expenses. Prior to July 1, 2005, the retainer payment was set at a rate of \$25,000 per year.

<sup>3</sup> The Board presently has two vacancies. All of the Non-employee Directors are Disinterested Directors.

<sup>1</sup> Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.