

uranium enrichments up to 5 weight percent Uranium-235 and burnups less than 60,000 megawatt (thermal) days per metric ton of Uranium-235 (MWd/MTU). Entergy has concluded that the fuel enrichment at VYNPS will increase to approximately 4.6 weight percent Uranium-235 as a result of the EPU. Entergy states that the expected core average exposure for the EPU is 35,000 MWd/MTU and the maximum bundle exposure is 58,000 MWd/MTU. The fuel

enrichment for the EPU will not exceed 5 weight percent Uranium-235, and the rod average discharge burnup will not exceed 60,000 MWd/MTU. Therefore, the environmental impacts of the EPU will remain bounded by the impacts in Tables S-3 and S-4 and are not significant.

#### Summary

The proposed EPU would not result in a significant increase in occupational

or public radiation exposure, would not significantly increase the potential doses from postulated accidents, and would not result in significant additional fuel cycle environmental impacts. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action. Table 3 summarizes the radiological environmental impacts of the proposed EPU at VYNPS.

TABLE 3.—SUMMARY OF RADIOLOGICAL ENVIRONMENTAL IMPACTS

Gaseous Effluents and Doses .....	Up to 20% increase in dose due to gaseous effluents; doses to individuals offsite will remain within NRC limits.
Liquid Effluents and Doses .....	Volume of liquid effluent generated expected to increase by 1.2%; slight increase in the amount of radioactive material in liquid effluent; no discharge of liquid effluent expected, no increase in dose to public.
Solid Radioactive Waste .....	Volume of solid waste expected to increase by 17.8% due to demineralizer resins; within FES estimate; increase in amount of spent fuel assemblies to be stored onsite.
In-plant Dose .....	Occupational dose could increase by 20% overall; will remain within acceptable limits under the VYNPS ALARA program.
Direct Radiation Dose .....	Up to 26% increase in dose rate offsite due to skyshine; expected annual dose continues to meet NRC/EPA limits.
Postulated Accidents .....	Licensee using Alternative Source Term; doses are within NRC limits.
Fuel Cycle and Transportation .....	Increase in bundle average enrichment and burnup; impacts stated in Tables S-3 and S-4 in 10 CFR Part 51 are bounding.

#### Alternatives to Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed EPU (i.e., the “no-action” alternative). Denial of the application would result in no change in the current environmental impacts. However, if the EPU were not approved, other agencies and electric power organizations may be required to pursue other means of providing electric generation capacity to offset future demand. Such alternatives could include construction of fossil fuel or other generating capacity, or purchase of power from generating facilities outside the service area; such alternatives, however, would likely result in environmental impacts comparable to or greater than those involved in the EPU. For example, fossil fuel plants routinely emit atmospheric pollutants, causing impacts in air quality that are larger than if VYNPS were to provide the same amount of electric generation. Construction and operation of a fossil fuel plant also creates impacts in land use and waste management.

#### Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the 1972 FES for operation of the VYNPS.

#### Agencies and Persons Consulted

In accordance with its stated policy, on September 2, 2005, the NRC staff

consulted with the Vermont State official, William K. Sherman, of the Department of Public Service, regarding the environmental impact of the proposed action. The State official 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 Commission 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 application dated September 10, 2003, as supplemented on October 1, and October 28 (2 letters), 2003; January 31 (2 letters), March 4, May 19, July 2, July 27, July 30, August 12, August 25, September 14, September 15, September 23, September 30 (2 letters), October 5, October 7 (2 letters), December 8, and December 9, 2004; February 24, March 10, March 24, March 31, April 5, April 22, June 2, August 1, August 4, September 10, September 14, September 18, September 28, October 17, October 21 (2 letters), October 26, and October 29, November 2, November 22, and December 2, 2005; and January 10, 2006. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the NRC Web site, <http://www.nrc.gov/reading-rm/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 at 1-800-397-4209, or 301-415-4737, or send an e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 20th day of January 2006.

For the Nuclear Regulatory Commission.

**Richard B. Ennis,**

*Senior Project Manager, Plant Licensing Branch 1-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E6-1035 Filed 1-26-06; 8:45 am]

BILLING CODE 7590-01-P

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8905]

#### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Rio Algom Mining LLC, Ambrosia Lake, NM

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**FOR FURTHER INFORMATION CONTACT:**

Michael G. Raddatz, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-6334; fax number: (301) 415-5955; e-mail: [mgr@nrc.gov](mailto:mgr@nrc.gov).

**SUPPLEMENTARY INFORMATION:****I. Introduction**

The Nuclear Regulatory Commission (NRC) is issuing a license amendment to Source Materials License No. SUA-1473 issued to Rio Algom Mining LLC (the licensee), to authorize Alternate Concentration Limits (ACLs) at its uranium mill tailings site in Ambrosia Lake, New Mexico. NRC has prepared an Environmental Assessment (EA) in support of this amendment in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

**II. EA Summary**

The purpose of the proposed amendment is to authorize ACLs at the licensee's Ambrosia Lake facility.

Specifically, ACLs have been approved for hazardous constituents gross alpha, lead-210, molybdenum, nickel, radium-226 & -228, selenium, thorium-230, and natural uranium and nonhazardous constituents chloride, nitrate, sulfate, and Total Dissolved Solids (TDS). On February 15, 2000, May 30, 2001, and July 7, 2005, Rio Algom Mining LLC requested that NRC approve the proposed amendment. The licensee's request for the proposed change was previously noticed in the **Federal Register** on June 29, 2000, (65 FR 40144) with a notice of an opportunity to request a hearing and an opportunity to provide comments on the amendment and its environmental impacts.

The staff has prepared the EA in support of the proposed license amendment. The staff considered impacts to ground water, surface water, socioeconomic conditions, threatened and endangered species, transportation, land use, public and occupational health, and historic and cultural resources. The EA supports a FONSI because this licensing action does not involve any land disturbance; therefore, impacts to socioeconomic conditions, threatened and endangered species, transportation, land use, public and occupational health, and historic and cultural resources would not occur. In

addition, reviews of ground water flow, fate and transport, and exposure models indicate that the ACLs are protective of human health and the environment at the point of exposure because hydrogeologic conditions, natural attenuation processes, and aquifer class of use near the facility would preclude human exposures and environmental impacts.

**III. Finding of No Significant Impact**

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined not to prepare an environmental impact statement.

**IV. Further Information**

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are as follows:

Document	ADAMS accession No.	Date
Quivira Mining Company, Corrective Action Program and Alternate Concentration Limits Petition for Uppermost Bedrock Units, Ambrosia Lake Uranium Mill Facility Near Grants, New Mexico, Grants, New Mexico .....	ML003687843	2/15/2000
Rio Algom Mining, LLC, Ground Water Modeling and Feasibility Analysis for the Application of Alternate Concentration Limits .....	ML003737960	7/21/2000
Quivira Mining Company, Application for Alternate Concentration Limits in the Alluvial Materials at Quivira Mill Facility, Ambrosia Lake, New Mexico, Grants, New Mexico .....	ML011690068	5/20/2001
U.S. Nuclear Regulatory Commission, Rio Algom Mining LLC, Ground Water Alternate Concentration Limits, Request for Additional Information .....	ML030170464	1/16/2003
Rio Algom Mining LLC, Response to Request for Additional Information for the Rio Algom Mining LLC's January 16, 2003, Application for Alternate Concentration Limits .....	ML031080523	4/11/2003
Rio Algom Mining LLC, 2004a, Response to Agreements Reached During August 12, 2003, Meeting With the Nuclear Regulatory Commission, Oklahoma City, Oklahoma .....	ML040430419	2/9/2004
U.S. Fish and Wildlife Service, letter to J. Caverly .....	ML042780480	9/20/2004
New Mexico Environment Department, letter to Gary S. Janosko transmitting comments on the draft environmental assessment .....	ML050800062	2/21/2005
Rio Algom Mining LLC, Response to U.S. Nuclear Regulatory Commission's February 10, 2005, Request for Additional Information To Incorporate Nonhazardous Constituents as Part of the Site Alternate Concentration Limit Petition .....	ML051990088	7/7/2005
U.S. Nuclear Regulatory Commission, Rio Algom Mining LLC, Nonhazardous Constituent Alternate Concentration Limits, Request for Additional Information .....	ML052770173	10/31/2005
Rio Algom Mining LLC, 2005b, Response to October 31, 2005, Request for Additional Information .....	ML053480214	12/7/2005
Environmental Assessment for Amendment of Source Materials License SUA-1473 for Ground Water Alternate Concentration Limits, Rio Algom Mining, LLC, Ambrosia Lake, New Mexico .....	ML060130097	1/20/2006

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR

reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland this 23rd day of January, 2006.

For the Nuclear Regulatory Commission.

**Michael G. Raddatz,**

*Project Manager, Fuel Cycle Facilities Branch,  
Division of Fuel Cycle Safety and Safeguards,  
Office of Nuclear Material Safety and  
Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-0299]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Umetco Minerals Corporation, East Gas Hills, WY

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Notice of availability.

**FOR FURTHER INFORMATION CONTACT:** Paul  
Michalak, Project Manager, Fuel Cycle  
Facilities Branch, Division of Fuel Cycle  
Safety and Safeguards, Office of Nuclear  
Material Safety and Safeguards, U.S.  
Nuclear Regulatory Commission,  
Washington, DC 20555. Telephone:  
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5955; e-mail: [pxm2@nrc.gov](mailto:pxm2@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

## I. Introduction

The Nuclear Regulatory Commission (NRC) proposes to issue a license amendment for License Condition 35 (alternate concentration limit (ACL) for ground water compliance monitoring), to Materials License SUA-648, for the Umetco Minerals Corporation (Umetco), East Gas Hills, Wyoming uranium mill site. The purpose of this amendment is to increase the Lead-210 (Pb-210) ACL from 46.7 pCi/L to 189 pCi/L in the Southwestern Flow Regime (SWFR). NRC has prepared an Environmental Assessment (EA) in support of this amendment in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

## II. EA Summary

The staff has prepared the EA in support of the proposed license amendment. Much of the information relied upon in preparation of the EA was obtained from the licensee's ACL application and from two previous EAs for Umetco site activities related to their revised soil decommissioning plan and a recent application for several ACLs. Since this action relates to ground water, the primary focus of the evaluation of potential environmental impacts relates to ground water. In

particular, current and future ground water use, and predicted concentrations of Pb-210 at the designated point of exposure were considered in the analysis. Staff has concluded that there would be no effect to the following resources: Visual resources, vegetation and soils, ambient air quality, and transportation. Staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on cultural or historic resources.

## III. Finding of No Significant Impact

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined not to prepare an environmental impact statement.

## IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are as follows:

Document	ADAMS accession No.	Date
NRC's EA for Umetco's Revised Soil Decommissioning Plan .....	ML010460319	2/23/2001
NRC's EA for Umetco's ACLs Application .....	ML020840234	3/24/2002
Umetco's ACL Amendment Request .....	ML051780369	6/17/2005
NRC's EA for ACL Amendment Request .....	ML060200288	1/20/2006

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland this 23rd day of January, 2006.

For the Nuclear Regulatory Commission.

**Paul Michalak,**

*Project Manager, Fuel Cycle Facilities Branch,  
Division of Fuel Cycle Safety and Safeguards,  
Office of Nuclear Material Safety and  
Safeguards.*

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## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of January 30, 2006:

An open meeting will be held on Monday, January 30, 2006 at 10 a.m. in Room L-002, the Auditorium.

Commissioner Atkins as duty officer determined that no earlier notice thereof was possible.

The subject matter of the open meeting scheduled for Monday, January 30, 2006 will be:

The Commission will hear oral argument on an appeal by Vladlen "Larry" Vindman and the Division of Enforcement from the decision of an administrativelaw judge. The law judge found that Vindman engaged in a scheme to inflate artificially the demand for and price of the stock of Marx Toys & Entertainment Corp. ("Marx"), a penny stock, in violation of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934, and Exchange Act Rule