

The staff found that the proposed exemption is consistent with the analyses presented in the Safety Analysis Report for the NAC-UMS Cask System and does not reduce the ability of the system to perform its safety function. The staff has determined that changing the surveillance frequencies for verification of vacuum drying pressure and helium backfill pressure does not pose any increased risk to public health and safety.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and 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 nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Therefore, the staff has determined that there is no reduction in the ability of the system to perform its safety function, nor significant environmental impacts as a result of revising the surveillance frequencies for SR 3.1.2.1 and SR 3.1.3.1 from "Once within 10 hours . . . after completion of CANISTER draining" to "Prior to TRANSPORT OPERATIONS." Therefore, the proposed action now under consideration would not change the potential environmental effects assessed in the initial rulemaking (65 FR 62581).

*Alternative to the Proposed Action:* Since there is no significant environmental impact associated with the proposed action, alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption. Denial of the exemption request will have the same environmental impact.

*Agencies and Persons Consulted:* On August 20, 2001, Mr. Dale Randall of the State of Maine, Department of Human Services, Division of Health Engineering was contacted about the Environmental Assessment for the proposed action. On August 23, 2001, Ms. Paula Craighead, State Nuclear Safety Advisor for the State of Maine was also contacted.

Ms. Craighead responded by letter dated August 24, 2001, (ADAMS Accession#ML012480279) with two comments on the proposed exemption

request. The first comment was a request to place in the record of exemption the location of the definition of TRANSPORT OPERATIONS within Certificate of Compliance No. 1015, and to also indicate where the document could be found in the public record. This first comment has been incorporated into this notice, and will also be indicated in the exemption response. The second comment concerned ensuring written communication occurs between NRC and DOE on all matters concerning handling of spent fuel and Greater Than Class C material. On August 28, 2001, this second comment was discussed with Ms. Craighead. Ms. Craighead clarified that the State's concern was not that every related document be provided to DOE, but that communications relevant to DOE's activities occur. It was mutually agreed that the NRC will continue to involve DOE in relevant discussions and correspondence on spent fuel and Greater Than Class C material.

#### **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 Commission finds that the proposed action of granting an exemption from 10 CFR 72.212(a)(2), 72.212(b)(2)(i), 72.212(b)(7), and 72.214 so that MYAPC may load NAC-UMS Cask Systems with revised surveillance frequencies (as specified above) for verifying canister vacuum drying pressure and helium backfill pressure at the Maine Yankee ISFSI will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

The request for exemption was docketed under 10 CFR part 72, Docket 72-30. For further details with respect to this action, see the exemption request dated August 9, 2001. 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/NRC/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 6th day of September 2001.

For the Nuclear Regulatory Commission.

**Charles L. Miller,**

*Deputy Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 01-23151 Filed 9-14-01; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Sunshine Federal Register Notice**

*Agency Holding the Meeting:* Nuclear Regulatory Commission.

*Date:* Weeks of September 17, 24, October 1, 8, 15, 22, 2001.

*Place:* Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

*Status:* Public and closed.

*Matters to be Considered:*

#### **Week of September 17, 2001**

There are no meetings scheduled for the Week of September 17, 2001.

#### **Week of September 24, 2001-Tentative**

Friday, September 28, 2001

9:25 a.m. Affirmation Session (Public Meeting) (if needed).

9:30 a.m. Briefing on Decommissioning Activities and Status (Public Meeting) (Contact: John Buckley, 301-415-6607).

1:30 a.m. Briefing on Threat Environment Assessment (Closed-Ex. 1).

#### **Week of October 1, 2001-Tentative**

Thursday, October 4, 2001

9:25 a.m. Affirmation Session (Public Meeting) (if needed).

#### **Week of October 8, 2001-Tentative**

There are no meetings scheduled for the Week of October 8, 2001.

#### **Week of October 15, 2001-Tentative**

Thursday, October 18, 2001

9:00 a.m. Meeting with NRC Stakeholders—Progress of Regulatory Reform (Public Meeting) (Location—Two White Flint North Auditorium)

#### **Week of October 22, 2001-Tentative**

There are no meetings scheduled for the Week of October 22, 2001.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: David Louis Gamberoni (301) 415-1651.

**Additional Information:**

By a vote of 4–0 on September 5, the Commission determined pursuant to U.S.C. 552b(e) and 9.107(a) of the Commission's rules that "Affirmation of Final Rule: 10 CFR part 63, Disposal of High-level Radioactive Wastes in a Proposed Geologic Repository at Yucca Mountain Nevada" be held on September 7, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: September 13, 2001.

**David Louis Gamberoni,**

*Technical Coordinator, Office of the Secretary.*

[FR Doc. 01–23205 Filed 9–13–01; 8:45 am]

**BILLING CODE 7590–01–M**

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44776; File No. SR–CBOE–2001–35]

### Self Regulatory Organizations; Order Granting Approval of Proposed Rule Change and Amendment No. 1 thereto by the Chicago Board Options Exchange, Inc. Relating to Marketing and Administrative Fees

September 7, 2001.

On June 18, 2001, 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> the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission ("Commission") a proposed rule change to impose a one-time supplemental administrative charge against the interest payments that the CBOE's Designated Primary Market Makers received in their marketing fee accounts for fiscal year 2000. The CBOE submitted Amendment No. 1 to the proposed rule change on July 20, 2001.<sup>3</sup>

The proposed rule change was published for comment in the **Federal Register** on August 7, 2001.<sup>4</sup> The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, particularly section 6 of the Act<sup>5</sup> and the rules and regulations thereunder.<sup>6</sup> Moreover, the Commission finds that the proposed rule change is consistent with section 6(b)(4) of the Act<sup>7</sup> because it has been designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,<sup>8</sup> that the proposed rule change (File No. SR–CBOE–2001–35) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01–23153 Filed 9–14–01; 8:45 am]

**BILLING CODE 8010–01–M**

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44777; File No. SR–CHX–2001–19]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated relating to Governance Structure

September 7, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice hereby is given that on September 4, 2001, the Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III

Director, Division of Market Regulation, Commission, dated July 19, 2001.

<sup>4</sup> See Securities Exchange Act Release No. 44628 (July 31, 2001), 66 FR 41281 (August 7, 2001).

<sup>5</sup> 15 U.S.C. 78f.

<sup>6</sup> In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>7</sup> 15 U.S.C. 78f(b)(4).

<sup>8</sup> 15 U.S.C. 78s(b)(2).

<sup>9</sup> 17 CFR 200.30–3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

below, which Items have been prepared by the self-regulatory organization. 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 is proposing amendments to its Certificate of Incorporation, Constitution and Rules, which would modify the Exchange's executive governance structure. Among other changes, the proposed amendments would permit the creation of a combined Chairman and Chief Executive Officer ("CEO") position and permit the CEO to name a President, who could also serve on the CHX Board of Governors.

The text of the proposed rule change is available from the Office of the Secretary of the CHX or at the Commission.

### 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 regarding the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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 proposed amendments, which have the support of the Exchange's Governance Committee and current Chairman, are intended, among other things, to permit the creation of a combined Chairman and CEO position. By giving the Board the flexibility to appoint a person to fulfill this combined role, these changes will give the Exchange another tool to meet the challenges facing self-regulatory organizations in the always-changing securities industry. Although the proposed changes can be seen in many of the Exchange's rules and constitutional provisions, they primarily would have the following impact on the Exchange's governance.

First the CEO would replace the President as the principal executive of

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See letter from Christopher R. Hill, Legal Department, CBOE, to Nancy Sanow, Assistant