

For the Nuclear Regulatory Commission.  
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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.  
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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

10b-5. The law judge imposed a cease-and-desist order on Vindman and barred him from participating in an offering of penny stock. She also imposed a third-tier civil money penalty in the amount of \$20,000. In imposing the penalty, the law judge found that the \$120,000 penalty requested by the Division, the maximum third-tier penalty allowed by statute for each act or omission found, was consistent with Commission precedent, but she reduced the penalty to \$20,000, which she found took into account both the need for deterrence and record evidence bearing on Vindman's ability to pay. Vindman appeals from the law judge's findings of violation and the sanctions she imposed. The sole issue pressed in the Division's appeal is the amount of the civil penalty imposed.

Among the issues likely to be argued are:

1. Whether Vindman violated antifraud provisions by manipulating the market in Marx stock.
2. If violations are found, what, if any, sanctions are warranted.
3. If a civil penalty is warranted, whether and what amount Vindman is able to pay.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551-5400.

Dated: January 24, 2006.

**Nancy M. Morris,**  
Secretary.

[FR Doc. 06-835 Filed 1-25-06; 11:34 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-53166; File No. SR-Phlx-2006-05]

### Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change and Amendment No. 1 Thereto Relating to the Phlx XL Risk Monitor Mechanism

January 23, 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 January

13, 2006, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. On January 19, 2006, the Exchange filed Amendment No. 1 to the proposed rule change.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons. In addition, the Commission is granting accelerated approval of the proposed rule change, as amended.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt Phlx Rule 1093, Phlx XL Risk Monitor Mechanism, to provide Exchange specialists, Streaming Quote Traders ("SQTs"),<sup>4</sup> Remote Streaming Quote Traders ("RSQTs"),<sup>5</sup> and non-SQT ROTs<sup>6</sup> who are required to submit continuous two-sided electronic quotations pursuant to Phlx Rule 1014(b)(ii)(E)<sup>7</sup> (collectively, "Phlx XL participants") protection from the unreasonable risk associated with the execution of an excessive number of contracts resulting from near simultaneous executions in a single option issue. Such protection would be provided by way of the implementation of a Risk Monitor Mechanism. The Exchange also proposes conforming changes to Phlx Rule 1017, Openings in Options, and to Phlx Rule 1082, Firm Quotations, to describe the Exchange's

<sup>3</sup> Amendment No. 1 corrected certain technical errors in the text of the proposed rule change.

<sup>4</sup> An SQT is an Exchange Registered Options Trader ("ROT") who has received permission from the Exchange to generate and submit option quotations electronically through the Exchange's Automated Options Market ("AUTOM") in eligible options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the floor of the Exchange. See Phlx Rule 1014(b)(ii)(A).

<sup>5</sup> An RSQT is an ROT that is a member or member organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically through AUTOM in eligible options to which such RSQT has been assigned. An RSQT may only submit such quotations electronically from off the floor of the Exchange. See Phlx Rule 1014(b)(ii)(B).

<sup>6</sup> A non-SQT ROT is an ROT who is neither an SQT nor an RSQT. See Phlx Rule 1014(b)(ii)(C).

<sup>7</sup> Phlx Rule 1014(b)(ii)(E) requires non-SQT ROTs who transact more than 20% of their contract volume in an option electronically versus in open outcry during a particular calendar quarter to submit proprietary electronic quotations in such an option during the subsequent calendar quarter for a certain number of series in such option, depending on the percent of total volume transacted electronically versus in open outcry on the Exchange in such option.

disseminated quotation when the disseminated size is exhausted and the specialist has not yet revised its quotation. The text of the proposed rule change, as amended, is below. Proposed new language is in *italics*; proposed deletions are in [brackets].

#### Phlx XL Risk Monitor Mechanism

*Rule 1093. (a) The Phlx XL system (the "system") will maintain a counting program ("counting program") for each specialist, SQT, RSQT, and non-SQT ROT who is required to submit continuous two-sided electronic quotations pursuant to Rule 1014(b)(ii)(E) (collectively, "Phlx XL participants") assigned in a particular option. The counting program will count the number of contracts traded in such an option by each Phlx XL participant within a specified time period, not to exceed 15 seconds, established by each Phlx XL participant (the "specified time period"). The specified time period will commence for an option when a transaction occurs in any series in such option.*

*(b)(i) Risk Monitor Mechanism. The system will engage the Risk Monitor Mechanism in a particular option when the counting program has determined that a Phlx XL participant has traded a Specified Engagement Size (as defined below) established by such Phlx XL participant during the specified time period. When such Phlx XL participant has traded the Specified Engagement Size during the specified time period, the Risk Monitor Mechanism will automatically remove such Phlx XL participant's quotations from the Exchange's disseminated quotation in all series of the particular option.*

*(ii) Specified Engagement Size. The Specified Engagement Size is determined by the following: (A) For each series in an option, the counting program will determine the percentage that the number of contracts executed in that series represents relative to the disseminated size in that series ("series percentage"); (B) The counting program will determine the sum of the series percentages in the option issue ("issue percentage"); (C) Once the counting program determines that the issue percentage equals or exceeds a percentage established by the Phlx XL participant, not less than 100% ("Specified Percentage"), the number of executed contracts in the option issue equals the Specified Engagement Size. For example, if a Phlx XL participant is quoting in four series of a particular option issue, and sets its Specified Percentage at 100%, the Specified Engagement Size would be determined as follows:*

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

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