

conditions, and has concluded that the radiological consequences of design-basis accidents will meet applicable acceptance criteria. The NRC staff's evaluation results will be presented in the safety evaluation that will be issued concurrently with the proposed EPU amendment, if approved by the NRC staff. However, for the purpose of this EA, the NRC staff concludes that, based

on the information provided by the licensee, the proposed EPU would not significantly increase the radiological consequences of postulated accidents.

*Radiological Impacts Summary*

As discussed above, the proposed EPU would not result in any significant radiological impacts. Because of existing regulatory requirements regarding limits

to exposure, the NRC staff also anticipates that there would be no significant radiological cumulative impacts related to the proposed EPU, as the licensee is required to continue to comply with such regulatory requirements. Table 2 summarizes the radiological environmental impacts of the proposed EPU at MNGP.

TABLE 2—SUMMARY OF RADIOLOGICAL ENVIRONMENTAL IMPACTS

|                                |  |
|--------------------------------|--|
| Radioactive Gaseous Effluents. | Doses from increased gaseous effluents would remain within NRC limits and dose design objectives.  |
| Offsite Radiation Doses .....  | Radiation doses to members of the public would remain small, well below NRC and EPA Federal radiation protection standards.  |
| Radioactive Liquid Effluents   | EPU would not change routine liquid radioactive effluent releases from MNGP; the doses from discharges, if any, would remain within NRC limits and dose design objectives. |
| Radioactive Solid Wastes ....  | Amount of solid waste generated would increase by approximately 15 percent ( <i>i.e.</i> , approximately 1 additional truck shipment per year).                            |
| Occupational Doses .....       | Occupational doses would continue to be maintained within regulatory limits.   |
| Postulated Accident Doses ..   | Calculated doses for postulated design-basis accidents would remain within NRC limits.   |

*Alternatives to the 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 for MNGP, other agencies and electric power organizations may be required to pursue other means, such as fossil fuel power generation, of providing electric generation capacity to offset future demand. Construction and operation of such a fossil-fueled plant may create impacts in air quality, land use, and waste management significantly greater than those identified for the proposed EPU at MNGP. Conservation programs such as demand-side management could possibly replace the proposed EPU's additional power output. However, the regional forecasted future energy demand calculated by the licensee may exceed conservation savings and still require additional generating capacity. Alternative energy sources such as wind energy have been incorporated into NSPM's regional energy forecast.

Furthermore, the proposed EPU does not involve environmental impacts that are significantly different from those originally identified in the MNGP FES.

*Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the FES.

*Agencies and Persons Consulted*

In accordance with its stated policy, on August 7, 2009, the NRC staff consulted with the State of Minnesota official regarding the environmental

impact of the proposed action. The Minnesota State official had no comments.

**Finding of No Significant Impact**

On the basis of the EA, 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 application dated November 5, 2008, and its supplement dated January 29, 2009 (on environmental issues).

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 20852. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (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.Resource@nrc.gov](mailto:pdr.Resource@nrc.gov).

Dated at Rockville, Maryland, this 11th day of January 2010.

For the Nuclear Regulatory Commission.

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

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-61318; File No. SR-DTC-2009-18]

**Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Its Settlement Progress Payment and Principal and Income Withdrawal Cutoff Times**

January 8, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> notice is hereby given that on December 23, 2009, The Depository Trust Company (“DTC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by DTC. DTC filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>2</sup> and Rule 19b-4(f)(4)<sup>3</sup> thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit

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

<sup>2</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>3</sup> 17 CFR 240.19b-4(f)(4).

comments on the rule change from interested parties.

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

The proposed rule change would amend DTC's rules to modify its Settlement Progress Payment ("SPP") and Principal and Income ("P&I") withdrawal cutoff times.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.<sup>4</sup>

#### *(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

A SPP is a payment sent intraday by Fedwire to DTC when a DTC participant ("Participant") has insufficient collateral<sup>5</sup> or at DTC or is at its net debit cap. The SPP creates a credit to the Participant's settlement account, thereby reducing its net debit and allowing the Participant to continue to receive deliveries into its Participant account. Currently, Participants are able to request that DTC return an SPP that was submitted to DTC earlier in the day ("Return Request") until 3 p.m. eastern time. When DTC receives a Return Request, DTC returns the full amount or a portion of the SPP as long as the return does not result in a negative collateral monitor<sup>6</sup> or cause the

<sup>4</sup> The Commission has modified the text of the summaries prepared by OCC.

<sup>5</sup> The term "collateral" of a Participant on any business day means the sum of (i) The actual participants fund deposit of the Participant, (ii) the actual preferred stock investment of a Participant, (iii) all net additions of the Participant and (iv) any SPPs wired by the Participant to DTC's account at the Federal Reserve Bank of New York in the manner specified in DTC's Procedures.

<sup>6</sup> DTC tracks collateral in a Participant's account through the Collateral Monitor ("CM"). The CM reflects the amount by which the collateral in the account exceeds the net debit in the account. When processing a transaction, DTC verifies that the Participant's CM would not become negative when the transaction completes. If the transaction would cause the Participant to have a negative CM, the transaction will recycle until the Participant has sufficient collateral for the transaction to complete.

Participant's net settlement debit to exceed its net debit cap.

P&I allocations are credited to a Participant's settlement accounts throughout each processing day as P&I payments are received. The current early P&I withdrawal process allows Participants to withdraw intraday P&I payments for non-Money Market Instrument issues that DTC has allocated to the Participant's settlement account until 3 p.m. eastern time. P&I withdrawals can be made in any dollar amount subject to DTC's Risk Management Controls.<sup>7</sup> The total amount of funds that a Participant may withdraw cannot exceed the sum of all of the Participant's P&I allocations for that day.

In an effort to maximize the early return of available liquidity to Participants, DTC is proposing to extend the cutoff times for when Participants may request the return of SPP and the withdrawal of P&I to 3:20 p.m. eastern time. These changes will necessitate revisions to the existing DTC Settlement Guide.

The proposed rule change is consistent with Section 17A of the Act,<sup>8</sup> as amended, and the rules and regulations thereunder applicable to DTC. The proposed rule change will maximize the early return of available liquidity to Participants and will be implemented consistently with the safe guarding of securities and funds in DTC's custody or control or for which it is responsible because all of DTC's risk management controls will continue to be in effect.

#### *(B) Self-Regulatory Organization's Statement on Burden on Competition*

DTC does not believe that the proposed rule change will have any impact or impose any burden on competition.

#### *(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments relating to the proposed rule change were not and are not intended to be solicited or received. DTC will notify the Commission of any written comments received by DTC.

<sup>7</sup> Withdrawals that are blocked as a result of insufficient collateral or net debit cap will recycle until enough collateral or settlement credits are generated to satisfy the collateral or net debit cap deficiency or until the end of the recycle period when transactions that have not successfully completed are dropped by the system.

<sup>8</sup> 15 U.S.C. 78q-1.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>9</sup> and Rule 19b-4(f)(4)<sup>10</sup> thereunder because the proposed rule change effects a change in an existing service of DTC that: (i) Does not adversely affect the safeguarding of securities or funds in the custody or control of DTC or for which it is responsible and (ii) does not significantly affect the respective rights or obligations of DTC or persons using the service. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-DTC-2009-18 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Elizabeth M. Murphy, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-DTC-2009-18. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>10</sup> 17 CFR 240.19b-4(f)(4).

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filings also will be available for inspection and copying at the principal office of DTC and on DTC's Web site at [http://www.dtcc.com/downloads/legal/rule\\_filings/2009/dtc/2009-18.pdf](http://www.dtcc.com/downloads/legal/rule_filings/2009/dtc/2009-18.pdf). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-DTC-2009-18 and should be submitted on or before February 5, 2010.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Florence E. Harmon,**  
Deputy Secretary.

[FR Doc. 2010-633 Filed 1-14-10; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61324; File No. SR-NYSEAmex-2010-01]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NYSE Amex, LLC Amending Its Options Fee Schedule

January 11, 2010.

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 is hereby given that, on January 4, 2010, NYSE Amex LLC ("NYSE Amex" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. 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 proposes to amend its Schedule of Fees and Charges to implement new royalty fees associated with Nasdaq 100 Index Options ("NDX") and Mini-NDX Options ("MNX"). Moreover, the exchange proposes to remove obsolete language pertaining to expiring pilot programs and products that are no longer traded on the Exchange. The text of the proposed rule change is attached as Exhibit 5 to the 19b-4 form. A copy of this filing is available on the Exchange's Web site at <http://www.nyse.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 self-regulatory organization 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 those 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 parts of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend its Schedule of Fees and Charges ("Fee Schedule") to implement new royalty fees associated with Nasdaq 100 Index Options ("NDX") and Mini-NDX Options ("MNX"). On January 4, 2010, the current royalty fee of \$0.16 for MNX and NDX contracts will increase to \$0.22. These fees reflect the pass-through charges associated with the licensing of these products. The Exchange notes that royalty fees do not apply to public customer orders in these products.

Moreover, the Exchange proposes to delete obsolete references in its Fee Schedule pertaining to the Linkage Pilot Program. The Linkage Pilot Program is set to expire on December 31, 2010. Accordingly, the Exchange proposes to remove the "Linkage Fees" portion of its fee schedule as well as endnotes 9, 11, 12, and obsolete and redundant portions of endnote 13. Furthermore, the Exchange proposes to renumber subsequent endnotes accordingly.

Lastly, the Exchange proposes to amend the Royalty Fee section of the Fee Schedule to remove references to ISE FX products because they are not traded on the Exchange.

###### 2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,<sup>3</sup> in general, and Section 6(b)(4),<sup>4</sup> in particular, in that it provides for the equitable allocation of dues, fees and other charges among its members. Under this proposal, all similarly situated Exchange participants will be charged the same reasonable dues, fees and other charges.

##### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

##### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)<sup>5</sup> of the Act and subparagraph (f)(2) of Rule 19b-4<sup>6</sup> thereunder, because it establishes a due, fee, or other charge imposed by NYSE Amex.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

<sup>3</sup> 15 U.S.C. 78f(b).

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

<sup>5</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>6</sup> 17 CFR 240.19b-4(f)(2).

<sup>11</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.