

*NRC Response*

During St. Lucie's license renewal review, the NRC assessed the environmental impacts of entrainment, impingement, and heat shock from St. Lucie's once-through cooling system in Sections 4.1.1, 4.1.2, and 4.1.3 of the SEIS-11 (ADAMS Accession No. ML031410445). The NRC does not expect that implementation of the EPU would increase the impacts of entrainment, impingement, and heat shock at St. Lucie beyond the small levels it found for current operation. Therefore, the NRC made no change to the final EA based on this comment.

*Comment:* SL-B-8-AR

The commenter is concerned that smaller fish and organisms that are entrained by the cooling system may be scalded before being discharged into the waterway, or that those that are pulverized in the system will be released into the water, forming a sediment cloud that will block light from the ocean floor and cause a loss of oxygen.

*NRC Response*

The proposed EPU will not result in an increase in the amount or rate of water withdrawn from or discharged to the Atlantic Ocean, so the impacts of entrainment will remain consistent with current operating levels. Also, the NRC staff always assumes a 100 percent mortality rate for any organisms that are entrained by the cooling system, and determined that implementation of the EPU would not increase the level of entrainment mortality rate or level of impact. The NRC concluded that scouring caused by discharged cooling water would have a small level of impact at St. Lucie, as discussed in Sections 4.1 and 4.1.3 of SEIS-11. The NRC also concluded that low dissolved oxygen in the discharged water would have a small level of impact, as discussed in Section 4.1 of SEIS-11. Therefore, the NRC made no change to the final EA based on this comment.

**Nuclear Safety (NS)**

*Comments:* SL-B-1-NS; SL-B-5-NS

The commenter is concerned about safety issues at the plant. Most notably, his comments are related to the age of the reactors and safety concerns over permitting a 12 percent power increase on reactors of that age. The commenter is concerned that an increase in heat generated would potentially put stress on the internal components of the plant due to the age of the components and increase risk of failure.

*NRC Response*

The St. Lucie Units 1 and 2 were granted, consistent with NRC regulations, a 40-year operating licenses in 1976 and 1983, respectively. The NRC requires licensees to test, monitor, and inspect the condition of safety equipment and to maintain that equipment in reliable operating condition over the operating life of the plant. The NRC also requires licensees to continually correct deficiencies that could affect plant safety (e.g., leaking valves, degraded or failed components due to aging or operational events). Over the years, FPL has also upgraded equipment or installed new equipment to replace or supplement original systems. The testing, monitoring, inspection, maintenance, and replacement of plant equipment provide reasonable assurance that this equipment will perform its intended safety functions during the 40-year license period. This conclusion applies both to operations under the current license and operations under EPU conditions.

In 2003, the NRC approved renewal of the operating licenses for St. Lucie, Units 1 and 2 for a period of 20 additional years, extending the operating licenses to 2036 and 2043, respectively. The safety evaluation report documenting the staff's technical review can be found in NUREG-1779, "Safety Evaluation Report Related to the License Renewal of the St. Lucie, Units 1 and 2" (ADAMS Accession No. ML031890043). The NRC staff's review concluded that the licensee's management of the effects of aging on the functionality of structures and components met the NRC's established requirements (described in Title 10 of the *Code of Federal Regulations* Part 54).

The NRC's safety regulations are based on the Atomic Energy Act of 1954, as amended, and require a finding of reasonable assurance that the activities authorized by an operating license (or an amendment thereto) can be conducted without endangering the health and safety of the public, and that such activities will be conducted in compliance with the NRC's regulations. With respect to the proposed EPU, the NRC will likewise decide—based on the NRC staff's safety evaluation—whether there is reasonable assurance that the health and safety of the public will not be endangered by operation under the proposed EPU conditions and whether the authorized activities will be conducted in compliance with the NRC's regulations. The NRC will document its review of the effect of the

EPU on aging management programs at St. Lucie in the relevant subsections of its safety evaluation.

Therefore, no change was made to the final EA based on these comments.

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. IC-30124]

**Notice of Applications for  
Deregistration Under Section 8(f) of the  
Investment Company Act of 1940**

June 29, 2012.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of June 2012. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 24, 2012, and should be accompanied by proof of service on the 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 Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

**FOR FURTHER INFORMATION CONTACT:**  
Diane L. Titus at (202) 551-6810, SEC, Division of Investment Management, Office of Investment Company Regulation, 100 F Street NE., Washington, DC 20549-8010.

**Old Mutual Funds II [File No. 811-4391]**

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Heitman REIT Fund, a series of FundVantage Trust, and, on June 4, 2012, made a final distribution to shareholders based on net asset value. Expenses of \$104,000 incurred in connection with the

reorganization were paid by Old Mutual Capital, applicant's investment adviser.

*Filing Date:* The application was filed on June 5, 2012.

*Applicant's Address:* 4643 South Ulster Street, Suite 800, Denver, CO 80237.

#### **Milestone Funds [File No. 811-8620]**

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Milestone Obligations Fund, a series of AdviserOne Funds and, on January 20, 2012, made a final distribution to shareholders based on net asset value. Expenses of approximately \$189,132 incurred in connection with the reorganization were paid by CLS Investments, LLC, applicant's investment advisers and Gemini Fund Services, LLC, investment adviser to the acquiring fund.

*Filing Dates:* The application was filed on May 11, 2012, and amended on June 7, 2012.

*Applicant's Address:* 4020 S. 147th St., Omaha, NE 68137.

#### **WT Mutual Fund [File No. 811-8648]**

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to corresponding series of Wilmington Funds and, on March 12, 2012, made a final distribution to shareholders based on net asset value. Expenses of \$576,617 incurred in connection with the reorganization were paid by the investment adviser on behalf of each fund.

*Filing Date:* The application was filed on May 15, 2012.

*Applicant's Address:* 1100 North Market Street, Wilmington, DE 19890.

#### **Value Line New York Tax Exempt Trust [File No. 811-5052]**

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to The Value Line Tax Exempt Fund, Inc. and, on May 18, 2012, made a final distribution to shareholders based on net asset value. Expenses of \$154,821 incurred in connection with the reorganization were paid by applicant and the acquiring fund.

*Filing Date:* The application was filed on June 8, 2012.

*Applicant's Address:* 7 Times Square, 21st Floor, New York, NY 10036.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Kevin M. O'Neill,**

*Deputy Secretary.*

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#### **SECURITIES AND EXCHANGE COMMISSION**

[File No. 500-1]

#### **Order of Suspension of Trading; In the Matter of A-Power Energy Generation Systems, Ltd.**

July 3, 2012.

It appears to the Securities and Exchange Commission ("Commission") that there is a lack of current and accurate information concerning the securities of A-Power Energy Generation Systems, Ltd. ("A-Power") because, among other things, it: (1) Has not filed any periodic reports since the period ended December 31, 2009; and (2) failed to disclose that its independent auditor resigned after A-Power's management informed the auditor that it did not intend to regain current filing status with the Commission.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, *it is ordered*, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of A-Power is suspended for the period from 9:30 a.m. EDT on July 3, 2012, through 11:59 p.m. EDT on July 17, 2012.

By the Commission.

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 2012-16654 Filed 7-3-12; 11:15 am]

BILLING CODE 8011-01-P

#### **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-67305; File No. SR-NYSEMKT-2012-12]

#### **Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Commentary .02 to Rule 960NY in Order To Extend the Penny Pilot in Options Classes in Certain Issues Through December 31, 2012**

June 28, 2012.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on June 15, 2012, NYSE MKT LLC (the "Exchange" or "NYSE MKT") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II 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 Commentary .02 to Rule 960NY in order to extend the Penny Pilot in options classes in certain issues ("Pilot Program") previously approved by the Securities and Exchange Commission ("Commission") through December 31, 2012. The text of the proposed rule change is available on the Exchange's Web site at [www.nyse.com](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.

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

<sup>2</sup> 15 U.S.C. 78a.

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