

to the operator during heatup and cooldown of the plant, especially when considering requirements in the closure head flange and the vessel flange regions. Implementing the P-T curves that use  $K_{Ic}$  material fracture toughness without exempting the flange requirement of 10 CFR Part 50, Appendix G, would place a restricted operating window in the temperature range associated with the closure head flange and reactor vessel flange, without a commensurate increase in plant safety.

#### *Environmental Impacts of the Proposed Action*

The NRC has completed its evaluation of the proposed action and concludes that the more conservative minimum temperature requirements related to footnote (2) to Table 1 of 10 CFR Part 50, Appendix G are not necessary to meet the underlying intent of 10 CFR Part 50 Appendix G, to protect the Byron and Braidwood RPVs from brittle fracture during normal operation under both core critical and core non-critical conditions and RPV hydrostatic and leak test conditions.

The details of the NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. 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 non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed

action and the alternative action are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for the Byron and Braidwood stations, NUREG-0848 dated April 1982, and NUREG-1026 dated June 1984, respectively.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on June 19, 2006, the NRC staff consulted with the Illinois State official, Mr. Frank Niziolek of the Illinois Emergency Management Agency, 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 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 letter dated October 3, 2005. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at 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 by telephone 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 22nd day of September 2006.

For the Nuclear Regulatory Commission.

**Robert F. Kuntz,**

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

[FR Doc. E6-16015 Filed 9-28-06; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Draft Report for Comment: Office of Nuclear Reactor Regulation Standard Review Plan, Section 13.3, "Emergency Planning"**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** The U.S. Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) and Office of Nuclear Security and Incident Response (NSIR) has issued Section 13.3, Second Draft Revision 3, "Emergency Planning," of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, LWR Edition," for public comment.

**DATES:** Comments on this document should be submitted by November 13, 2006. To ensure efficient and complete comment resolution, comments should include references to the section, page, and line numbers of the document to which the comment applies.

**ADDRESSES:** NUREG-0800, including Section 13.3, Second Draft Revision 3, is available for inspection and copying for a fee at the Commission's Public Document Room, NRC's Headquarters Building, 11555 Rockville Pike (First Floor), Rockville, Maryland. The Public Document Room is open from 7:45 a.m. to 4:15 p.m., Monday through Friday, except on Federal holidays. NUREG-0800, including Section 13.3, Second Draft Revision 3, is also available electronically on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>, and from the ADAMS Electronic Reading Room on the NRC Web site at: <http://www.nrc.gov/reading-rm/adams.html> (ADAMS Accession No. ML062550293).

Members of the public are invited and encouraged to submit written comments. Comments may be accompanied by additional relevant information or supporting data. A number of methods may be used to submit comments. Written comments should be mailed to Chief, Rulemaking, Directives, and Editing Branch, U.S. Nuclear Regulatory Commission, Mail Stop T6-D59, Washington, DC 20555-0001. Hand-deliver comments to: 11555 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments may be submitted electronically to: [nrcprep@nrc.gov](mailto:nrcprep@nrc.gov). Comments also may be submitted electronically through the comment form available on the NRC Web site at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>.

Please specify the report number NUREG-0800, Section 13.3, Second Draft Revision 3, in your comments, and send your comments by November 13, 2006.

**FOR FURTHER INFORMATION, CONTACT:**

Bruce Musico, Mail Stop O-6H2, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-2310; internet: [bjm2@nrc.gov](mailto:bjm2@nrc.gov).

**SUPPLEMENTARY INFORMATION:** This Standard Review Plan, NUREG-0800, has been prepared to establish criteria that the NRR and NSIR staff responsible for the review of applications to construct and operate nuclear power plants intends to use in evaluating whether an applicant/licensee meets the NRC's regulations. The Standard Review Plan is not a substitute for the NRC's regulations, and compliance with it is not required. However, applicants are required to identify differences in design features, analytical techniques, and procedural measures proposed for a facility and corresponding SRP acceptance criteria, and evaluate how the proposed alternatives to the SRP acceptance criteria provide an acceptable method of complying with the NRC's regulations.

The standard review plan sections are keyed to Regulatory Guide 1.70, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants (LWR Edition)." Not all sections of the standard format have a corresponding review plan section. For combined license applications submitted under 10 CFR part 52, the applicability of standard review plan sections will be based on the Regulatory Guide DG-1145, "Combined License Applications for Nuclear Power Plants (LWR Edition)," as superseded by the final guide.

The proposed revision is a rewrite of the July 1981 SRP Section 13.3, Revision 2, and provides staff guidance for the review of emergency planning information submitted in license applications under 10 CFR parts 50 and 52. In addition to updating the July 1981 SRP section, the proposed revision includes some of the proposed changes in the April 1996 draft Revision 3 to SRP section 13.3. The proposed revision consists mostly of changes that identify specific regulations and guidance, and provides SRP acceptance criteria for the various applications submitted under both 10 CFR parts 50 and 52. The most significant changes reflect the new application processes allowed by 10 CFR part 52. This also includes the

incorporation of Commission policy on the use of emergency planning inspections, tests, analyses, and acceptance criteria (EP-ITAAC), which is addressed in the February 22, 2006, SRM SECY-05-0197, "Review of Operational Programs in a Combined License Application and Generic Emergency Planning Inspections, Tests, Analyses, and Acceptance Criteria" (ML052770225). In addition, the proposed revision incorporates experience gained from the first three early site permit (ESP) application reviews, and the standard design certification applications. The license application review processes in both 10 CFR part 50 and part 52 utilize the same existing emergency planning requirements contained primarily in 10 CFR 50.47 and Appendix E to part 50.

While the proposed SRP Section 13.3 revision is a complete rewrite of Section 13.3, it does not contain new or unreviewed staff positions. It does, however, identify a new NUREG/CR report on evacuation time estimates (ETEs). Guidance on the development of ETEs was provided in November 1980 in NUREG-0654/FEMA-REP-1, Revision 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," and that guidance is still used today. The staff will continue to use the established guidance and criteria in Appendix 4, "Evacuation Time Estimates Within the Plume Exposure Pathway Emergency Planning Zone," of NUREG-0654/FEMA-REP-1, as the basis for compliance with applicable regulations.

The new (January 2005) ETE report, NUREG/CR-6863, "Development of Evacuation Time Estimate Studies for Nuclear Power Plants," is identified in the proposed SRP Section 13.3 revision as providing information relating to performing an ETE analysis. In March 1992, NUREG/CR-4831, "State of the Art in Evacuation Time Estimate Studies for Nuclear Power Plants," was written to provide updated information, assumptions, and methods to be used in performing ETE studies. NUREG/CR-6863 updates NUREG/CR-4831 and integrates new technologies in traffic management, computer modeling, and communication systems to identify additional tools useful in the development of new, or updates to existing, ETEs.

Of note, the proposed revision does introduce the option to use EP-ITAAC in an ESP application, which is consistent with the ongoing 10 CFR part 52 rulemaking (see proposed 10 CFR 52.17(b)(3)). Prior to the current 10 CFR part 52 rulemaking, the rules only

addressed the use of EP-ITAAC with a combined license (COL) application but not at the ESP stage. The staff's position, which is supported by public comments, is that the extension of EP-ITAAC to ESP applications is not precluded in the existing rules, and is necessary in order to accommodate an applicant's submission of a "complete and integrated emergency plan" at the ESP stage, as well as provide an additional level of flexibility for an ESP applicant. Without allowing the use of EP-ITAAC (or other such placeholders) at the ESP stage, the staff would be unable to reach a reasonable assurance finding at the time of application. The use of EP-ITAAC would allow the staff to make its findings based on proposed, and not yet implemented, emergency plans. Table 13.3-1 provides a proposed set of allowable EP-ITAAC (for use at either the ESP or COL application stage). The asterisk/bolded text in the table represents the earlier set of COL EP-ITAAC that was approved by the Commission in SRM SECY-05-0197. Table 13.3-1 reflects a process of review allowed by 10 CFR part 52, and does not contain new or unreviewed staff positions relating to emergency planning requirements.

Dated at Rockville, Maryland, this 25th day of September, 2006.

For the Nuclear Regulatory Commission.

**Robert Tregoning,**

*Branch Chief, New Reactor Infrastructure Guidance, Development Branch, Division of New Reactor Licensing.*

[FR Doc. E6-16013 Filed 9-28-06; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[HLWRS-ISG-01]**

### **Review Methodology for Seismically Initiated Event Sequences; Availability of Final Interim Staff Guidance Document**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is announcing the availability of final interim staff guidance (ISG) document, "HLWRS-ISG-01, Review Methodology for Seismically Initiated Event Sequences," and NRC responses to the public comments received on that document. The ISG clarifies or refines the guidance provided in the Yucca Mountain Review Plan (YMRP) (NUREG-1804, Revision 2, July 2003). The YMRP provides