

Alternatives to 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, other agencies and electric power organizations may be required to pursue other means of providing electric generation capacity to offset future demand. Fossil fuel plants routinely emit atmospheric pollutants, causing impacts in air quality that are larger than if BFN were to provide the same amount of electric generation. Construction and operation of a fossil fuel plant also create impacts in land use and waste management. Other alternatives, such as purchased electrical power, wind power, and hydropower, were considered during the NRC’s review for the BFN license renewal. The proposed EPU, like license renewal, would incur fewer environmental costs than the alternatives considered. While the EPU would produce additional spent fuel, the additional amount of spent fuel would be stored in a new dry cask storage facility, which would be constructed even if the EPU were not approved. Therefore, the proposed EPU would not have significant environmental impacts.

Alternative Use of Resources

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

Agencies and Persons Consulted

In accordance with its stated policy, on August 7, 2006, the NRC staff consulted with the Alabama State official, Mr. Kirk Whatley, of the Office of Radiation Control, regarding the environmental impacts of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the EA, the Commission concludes that the proposed action would not have a significant effect on the quality of the human environment. Accordingly, the Commission 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 applications dated June 25 and June 28, 2004, as supplemented by letters dated August 23, 2004, February 23, April 25, June 6, and December 19, 2005, February 1 and 28, March 7, 9, 23, and 31, April 13, May 5 and 11, June 12, 15,

23 and 27, July 21, 26, and 31, August 4, 16, 18, and 31, September 1, 15, and 22, and October 3, 5, and 13, 2006. 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. 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@nrc.gov.

Dated at Rockville, Maryland, this 6th day of February 2007.

For the Nuclear Regulatory Commission.

Timothy J. McGinty,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

Final Regulatory Guides: Impending Issuance, Availability, and Applicability to New Reactor Licensing

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Issuance, Availability, and Applicability of Final Regulatory Guides for New Reactor Licensing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is currently reviewing and revising numerous guides in the agency’s Regulatory Guide (RG) Series. This series has been developed to describe, and make available to the public, methods that are acceptable to the NRC staff for implementing specific parts of the NRC’s regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

Availability And Dates

The NRC will make each new or revised RG publicly available through the following electronic distribution channels:

- The NRC’s Electronic Reading Room on the agency’s public Web site, in the Regulatory Guides document

collection, at <http://www.nrc.gov/reading-rm/doc-collections/reg-guides/>.

- The NRC’s Agencywide Document Access and Management System (ADAMS), at <http://www.nrc.gov/reading-rm/adams.html> (using the ADAMS accession number specified in the footer on the first page of each regulatory guide).

Please note that the NRC does not intend to distribute printed copies of these revised RGs unless specifically requested on an individual basis with adequate justification. Requests for single copies should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Reproduction and Distribution Services Section; by e-mail to DISTRIBUTION@nrc.gov; or by fax to (301) 415-2289. Telephone requests cannot be accommodated. In addition, the NRC does not intend to issue separate notices of issuance and availability. Consequently, interested parties should regularly peruse the previously specified electronic distribution channels to identify newly revised RGs.

RGs are not copyrighted, and Commission approval is not required to reproduce them. Copies of each RG and other related publicly available documents, including public comments received, can be viewed electronically on computers in the NRC’s Public Document Room (PDR), which is located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland, Room O-1 F21, and is open to the public on Federal workdays from 7:45 a.m. until 4:15 p.m. The PDR reproduction contractor will make copies of documents for a fee. Selected documents, including public comments on the DGs, can also be viewed and downloaded electronically via ADAMS at <http://www.nrc.gov/NRC/reading-rm/adams.html>. If you do not have access to ADAMS or if you encounter problems in accessing the documents stored in ADAMS, contact the PDR Reference Staff at (800) 397-4209 or (301) 415-4737, or by e-mail to PDR@nrc.gov.

SUPPLEMENTARY INFORMATION: The revised versions of the RGs will not be used as a backfit to any previously issued staff position for existing nuclear power reactors. The purpose of the ongoing revision of the NRC’s RGs is to ensure that prospective applicants have complete, accurate, and current guidance for use in preparing early site permit (ESP), design certification (DC), and combined license (COL) applications for proposed new reactors. In particular, the NRC staff ensures that the agency’s regulatory guidance is

consistent with the rulemaking, "Licenses, Certifications, and Approvals for Nuclear Power Plants" (Title 10, Part 52, of the *Code of Federal Regulations* (10 CFR part 52)). The proposed rule was published in the **Federal Register** on March 13, 2006 (71 FR 12781).

Over the past several months, the NRC has issued drafts of the revised RGs for a 45-day public comment period. The NRC staff is currently addressing the stakeholder comments received on these RGs.

Discussion

The NRC regulates the siting, construction, and operation of commercially owned nuclear power facilities in the United States through a combination of regulatory requirements, licensing, and oversight (including inspection). These activities enable the agency to fulfill its mission to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment.

In late 2000, the NRC became aware that some electric companies were

exploring the option of building new nuclear power plants in the United States. As a result, in February 2001, the Commission issued a staff requirements memorandum (SRM COMJSM-00-0003) directing the staff to (1) assess its technical, licensing, and inspection capabilities, as well as its readiness to review new license applications and inspect new nuclear power plants; (2) examine the regulatory infrastructure for 10 CFR Parts 50 and 52, as well as other applicable regulations; and (3) identify any enhancements needed to ensure that the agency is prepared to review ESP, DC, and COL applications for new nuclear power plants.

In response to the Commission's SRM, the staff issued SECY-01-0188, "Future Licensing and Inspection Readiness Assessment" (FLIRA), in October 2001. In addition, although the FLIRA stated that the staff considers the agency's current regulatory infrastructure adequate to support new reactor licensing, the staff has undertaken major infrastructure changes to make new licensing reviews more effective and efficient, and to reduce unnecessary regulatory burden on future applicants.

The staff's ongoing review and revision of the NRC's RGs is one significant aspect of these infrastructure changes.

Through the years, the NRC has established 10 broad divisions of RGs, of which the following are the subject of the staff's particular efforts to support new reactor licensing.

- Division 1, Power Reactors
- Division 4, Environmental and Siting
- Division 8, Occupational Health

Of these Divisions, the NRC identified a select group of RGs that required revision and are currently being updated to (1) ensure consistency with the rulemaking to update 10 CFR Part 52; (2) ensure coherence with NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants" (SRP), which is also undergoing staff review and revision; and (3) provide prospective applicants with complete, accurate, and current guidance for use in preparing ESP, DC, and COL applications for proposed new reactors. Following is a list of RGs along with the Draft Guide (DG) numbers used during the public comment period.

RG	DG title
1.7 DG-1117	Control of Combustible Gas Concentrations in Containment Following a Loss-of-Coolant Accident.
1.9 DG-1172	Application and Testing of Safety-Related Diesel Generators in Nuclear Power Plants.
1.13 DG-1162	Spent Fuel Storage Facility Design Basis.
1.20 DG-1163	Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Initial Startup Testing.
1.23 DG-1164	Meteorological Monitoring Programs for Nuclear Power Plants.
1.26 DG-1152	Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants.
1.29 DG-1156	Seismic Design Classification.
1.37 DG-1165	Quality Assurance Requirements for Cleaning of Fluid Systems and Associated Components of Water-Cooled Nuclear Power Plants.
1.57 DG-1158	Design Limits and Loading Combinations for Metal Primary Reactor Containment System Components.
1.61 DG-1157	Damping Values for Seismic Design of Nuclear Power Plants.
1.68 DG-1166	Initial Test Programs for Water-Cooled Nuclear Power Plants.
1.71 DG-1167	Welder Qualification for Areas of Limited Accessibility.
1.76 DG-1143	Design Basis Tornado and Tornado Missiles for Nuclear Power Plants.
1.92 DG-1127	Combining Modal Responses and Spatial Components in Seismic Response Analysis.
1.93 DG-1153	Availability of Electric Power Sources.
1.97 DG-1128	Criteria for Accident Monitoring Instrumentation for Nuclear Power Plants.
1.112 DG-1160	Calculation of Releases of Radioactive Materials in Gaseous and Liquid Effluents from Light-Water-Cooled Power Reactors.
1.124 DG-1168	Service Limits and Loading Combinations for Class 1 Linear-Type Component Supports.
1.128 DG-1154	Installation Design and Installation of Vented Lead-Acid Storage Batteries for Nuclear Power Plants.
1.129 DG-1155	Maintenance, Testing, and Replacement of Vented Lead-Acid Storage Batteries for Nuclear Power Plants.
1.130 DG-1169	Service Limits and Loading Combinations for Class 1 Plate-and-Shell-Type Component Supports.
1.136 DG-1159	Design Limits, Loading Combinations, Materials, Construction, and Testing of Concrete Containments.
1.189 DG-1170	Fire Protection for Nuclear Power Plants.
1.196 DG-1171	Control Room Habitability at Light-Water Nuclear Power Reactors.
1.200 DG-1161	An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities.
1.205 DG-1139	Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants.
4.15 DG-4010	Quality Assurance for Radiological Monitoring Programs (Inception through Normal Operations to License Termination)—Effluent Streams and the Environment.

RG	DG title
The staff is also currently developing the following new RGs to provide prospective applicants with complete, accurate, and current guidance for use in preparing ESP, DC, and COL applications for proposed new reactors:	
1.206 DG-1145	Combined License Applications for Nuclear Power Plants (LWR Edition).
1.207 DG-1144	Guidelines for Evaluating Fatigue Analyses Incorporating the Life Reduction of Metal Components Due to the Effects of the Light Reactor Water Environment for New Reactors.
1.208 DG-1146	A Performance-Based Approach to Define the Site-Specific Earthquake Ground Motion.
1.209 DG-1142	Guidelines for Environmental Qualification of Safety Related Computer-Based Instrumentation and Control Systems in Nuclear Power Plants.

The NRC finalized and published Revision 2 of RG 1.92 (July 2006), Revision 4 of RG 1.97 (July 2006), Revision 1 to RG 1.196 and Revision 1 of RG 1.200 (January 2007), and RG 1.205 (June 2006). The NRC plans to issue the remaining revised RGs as they are finalized between February and March of 2007. The staff has determined that the RGs listed previously may be uniformly applied (consistent with the staff guidance provided in the SRP) to the ESP, DC, and COL applications submitted for proposed new reactors.

Comment Procedures

The NRC staff encourages and welcomes comments and suggestions in connection with improvements to published RGs, as well as items for inclusion in RGs that are currently being developed. You may submit comments by any of the following methods:

- Mail comments to Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (MS T-6 D59).
- Hand-deliver comments to Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.
- Fax comments to Rulemaking, Directives and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, at (301) 415-5144.
- E-mail comments to NRCREP@nrc.gov.

Contact Information: Contact information for use in obtaining printed or electronic copies of the revised RGs is provided in the section on Availability And Dates. Contact information for use in submitting comments is provided in the section on Comment Procedures. Comments or questions about the NRC's revision of RGs to support new reactor licensing should be addressed to Jimi T. Yerokun at (301) 415-0585 or by e-mail to JTY@nrc.gov.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 2nd day of February, 2007.

For the U.S. Nuclear Regulatory Commission,

Farouk Eltaawila,

Director, Division of Risk Assessment and Special Projects, Office of Nuclear Regulatory Research.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Andean Trade Preference Act (ATPA), as Amended: Request for Public Comments Regarding Beneficiary Countries

AGENCY: Office of the United States Trade Representatives

ACTION: Notice; request for comments.

SUMMARY: In compliance with section 203(f) of the ATPA, as amended, 19 U.S.C. 3202(f)(2), the Office of the United States Trade Representative (USTR) is requesting the views of interested parties on whether the designated beneficiary countries are meeting the eligibility criteria under the ATPA., (See 19 U.S.C. 3203(b)(6)(B).) This information will be used in the preparation of a report to the Congress on the operation of the program.

DATES: Public comments are due at USTR no later than 5 p.m., March 5, 2007.

ADDRESSES: Submit comments by electronic mail (e-mail) to: FR0518@USTR.EOP.GOV. For assistance or if unable to submit comments by e-mail, fax your comments to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395-6143.

FOR FURTHER INFORMATION CONTACT: Michelle Carrillo, Office of the Americas, Office of the United States Trade Representative, 600 17th Street, NW., Room 523, Washington, DC 20508. The telephone number is (202) 395-9479.

SUPPLEMENTARY INFORMATION: The ATPA, as amended by the Andean

Trade Promotion and Drug Eradication Act of 2002 (ATPDEA) in the Trade Act of 2002, 19 U.S.C. 3201 *et seq.*, provides trade benefits for eligible Andean countries. In Proclamation 7616 of October 31, 2002, the President designated Bolivia, Colombia, Ecuador, and Peru as ATPDEA beneficiary countries. Section 203(f) of the ATPA (19 U.S.C. 3202(f)) requires the USTR, not later than April 30, 2007, to submit to Congress a report on the operation of the ATPA. Before submitting such report, USTR is required to request comments on whether beneficiary countries are meeting the criteria set forth in 19 U.S.C. 3203(b)(6)(B) (which incorporates by reference the criteria set forth in sections 3202(c) and (d)). USTR refers interested parties to the **Federal Register** notice published on August 15, 2002 (67 FR 53379), for a full list of the eligibility criteria.

Required for Submissions. In order to facilitate prompt processing of submissions, USTR strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event that an e-mail submission is impossible, submissions should be made by facsimile.

Persons making submissions by e-mail should use the following subject line: "ATPA Beneficiary Countries." Documents should be submitted as either WordPerfect, MSWord, Adobe PDF, or text (.TXT) files. Spreadsheets submitted as supporting documentation are acceptable as Quattro Pro or Excel. If any document submitted electronically contains business confidential information, the file name of the business confidential version should begin with the characters "BC-", and the file name of the public version should begin with the characters "P-". The "P-" or "BC-" should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. To the extent possible, any attachments to the submission should be included in the