

**NUCLEAR REGULATORY COMMISSION****[Docket No. 50-259]****Tennessee Valley Authority; Browns Ferry Nuclear Plant, Unit 1; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.54(o) and 10 CFR Part 50, Appendix J, for Facility Operating License No. DPR-33, issued to the Tennessee Valley Authority (TVA, the licensee) for operation of the Browns Ferry Nuclear Plant (BFN) Unit 1, located in Limestone County, Alabama. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

**Environmental Assessment***Identification of the Proposed Action*

The proposed action would exempt the licensee from requirements to include main steam isolation valve (MSIV) leakage in (a) the overall integrated leakage rate test measurement required by Section III.A of Appendix J, Option B, and (b) the sum of local leak rate test measurements required by Section III.B of Appendix J, Option B.

The proposed action is in accordance with the licensee's application dated July 9, 2004.

*The Need for the Proposed Action*

The proposed action would reduce the frequency of MSIV rebuilds during outages that are required to achieve the leakage rates specified in the current Technical Specifications (TSs). Section 50.54(o) of 10 CFR part 50 requires that primary reactor containments for water-cooled power reactors be subject to the requirements of Appendix J to 10 CFR part 50. Appendix J specifies the leakage test requirements, schedules, and acceptance criteria for tests of the leak tight integrity of the primary reactor containment and systems and components that penetrate the containment. Option B, Section III.A requires that the overall integrated leak rate must not exceed the allowable leakage (La) with margin, as specified in the TSs. The overall integrated leak rate, as specified in the 10 CFR part 50, Appendix J definitions, includes the contribution from MSIV leakage. By letter dated July 9, 2004, the licensee requested an exemption from Option B, Section III.A, requirements to permit exclusion of MSIV leakage from the

overall integrated leak rate test measurement. Option B, Section III.B of 10 CFR part 50, Appendix J requires that the sum of the leakage rates of Type B and Type C local leak rate tests be less than the performance criterion (La) with margin, as specified in the TSs. The licensee's July 9, 2004, letter also requested an exemption from this requirement, to permit exclusion of the MSIV contribution to the sum of the Type B and Type C tests.

The above-cited requirements of Appendix J require that MSIV leakage measurements be grouped with the leakage measurements of other containment penetrations when containment leakage tests are performed. These requirements are inconsistent with the design of the Browns Ferry facility and the analytical models used to calculate the radiological consequences of design-basis accidents. At BFN, and similar facilities, the leakage from primary containment penetrations, under accident conditions, is collected and treated by the secondary containment system, or would bypass the secondary containment. However, the leakage from MSIVs is collected and treated via an Alternative Leakage Treatment (ALT) path having different mitigation characteristics. In performing accident analyses, it is appropriate to group various leakage effluents according to the treatment they receive before being released to the environment (*i.e.*, bypass leakage is grouped, leakage into secondary containment is grouped, and ALT leakage is grouped, with specific limits for each group defined in the TSs).

The proposed exemption would permit ALT path leakage to be independently grouped with its unique leakage limits.

*Environmental Impacts of the Proposed Action*

The NRC staff has completed its safety evaluation of the proposed action and finds that the proposed exemption involves a slight increase in the total amount of radioactive effluent that may be released off site in the event of a design-basis accident. However, the calculated doses remain within the acceptance criteria of 10 CFR part 100 and Standard Review Plan Section 15, and there is no significant increase in occupational or public radiation exposure. The proposed action will not significantly increase the probability or consequences of accidents. The NRC staff, thus, concludes that granting the proposed exemption would result in no significant radiological environmental impact.

The proposed action does not affect nonradiological plant effluents or historical sites, and has no other environmental impact. Therefore, there are no significant nonradiological impacts associated with the proposed exemption.

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

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

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 nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological 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 Browns Ferry Nuclear Plant dated September 1, 1972 for BFN Unit 1.

*Agencies and Persons Consulted*

In accordance with its stated policy, on May 4, 2006, the NRC staff consulted with the Alabama State official, Kirk Whatley of the Office of Radiological Control, 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 July 9, 2004. 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 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 NRC 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 30th day of May 2006.

For the Nuclear Regulatory Commission.

**Margaret H. Chernoff,**

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

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## **PENSION BENEFIT GUARANTY CORPORATION**

### **Submission of Information Collection for OMB Review; Comment Request; Qualified Domestic Relations Orders Submitted to the PBGC**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for extension of OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") is requesting that the Office of Management and Budget ("OMB") approve a revision of a collection of information under the Paperwork Reduction Act. The information collection relates to qualified domestic relations orders submitted to the PBGC. This notice informs the public of the PBGC's request and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by July 12, 2006.

**ADDRESSES:** Comments may be mailed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attn: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. Copies of the request for extension (including the collection of information) may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at 1200 K Street, NW., 11th Floor, Washington, DC 20005-4026, or by visiting or calling (202-326-4040) the Disclosure Division during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.)

**FOR FURTHER INFORMATION CONTACT:** Jo Amato Burns, Attorney, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4024. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

**SUPPLEMENTARY INFORMATION:** The PBGC is requesting that OMB extend its approval (with modifications) of the guidance and model language and forms contained in the PBGC booklet, *Divorce Orders & PBGC*.

A defined benefit pension plan that does not have enough money to pay benefits may be terminated if the employer responsible for the plan faces severe financial difficulty, such as bankruptcy, and is unable to maintain the plan. In such an event, the PBGC becomes trustee of the plan and pays benefits, subject to legal limits, to plan participants and beneficiaries.

The benefits of a pension plan participant generally may not be assigned or alienated. However, Title I of ERISA provides an exception for domestic relations orders that relate to child support, alimony payments, or the marital property rights of an alternate payee (a spouse, former spouse, child, or other dependent of a plan participant). The exception applies only if the domestic relations order meets specific legal requirements that make it qualified, *i.e.*, a qualified domestic relations order, or "QDRO." ERISA provides that pension plans are required to comply with only those domestic relations orders which are QDROs, and that the decision as to whether a domestic relations order is a QDRO is made by the plan administrator. Thus, as statutory trustee of terminated plans, PBGC must first determine whether any domestic relations order submitted to

PBGC is qualified—*i.e.*, is a QDRO—before any obligation to comply is triggered.

When PBGC is trustee of a plan, it reviews submitted domestic relations orders to determine whether the order is qualified before paying benefits to an alternate payee. The requirements for submitting a QDRO are established by statute. The models and guidance provided in the PBGC booklet, *Divorce Orders & PBGC* (the booklet's title will be changed to *Qualified Domestic Relations Orders & PBGC*, to better reflect its scope), assists parties by making it easier to comply with ERISA's QDRO requirements when drafting orders for plans trustees by PBGC. The booklet does not create any additional requirements.

The PBGC is revising the QDRO booklet by: Defining a participant's "earliest PBGC retirement date," which affects when a participant and alternate payee may start receiving benefit payments; describing new annuity benefit forms that are available to alternate payees; providing information on how to make a Freedom of Information Act (FOIA) request to obtain information necessary for the preparation of a domestic relations order; and providing additional model forms and language to address a greater variety of situations. The revised booklet will be available on the PBGC's Web site at <http://www.pbpc.gov>.

The collection of information has been approved through December 31, 2006, by OMB under control number 1212-0054. The PBGC is requesting that OMB approve the revised collection of information for three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC estimates that it will receive an average of 875 domestic relations orders annually, and estimates 855 of these will be prepared by attorneys or other professionals. The average hour burden for the alternate payee or participant is .75 hours if the order is prepared by a professional. In the case where the alternate payee or participant prepares the order, the average hour burden is estimated to be 10 hours. The total annual hour burden for alternate payees and participants is thus 841.25 hours ( $(855 \times .75 \text{ hour} = 641.25) + (20 \times 10 = 200) = 841.25 \text{ hours}$ ). If the alternate payee or participant hires an attorney, PBGC estimates costs of \$450 to \$880 in professional fees for each order. PBGC estimates the total annual burden will be 841.25 hours of the alternate payee's