

significant effect on the quality of the human environment.

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

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the request from Westinghouse. This no-action alternative is not practical because it perpetuates NRC attention to a site where remediation activities for residual contamination have been completed. The NRC's analysis of Westinghouse's final status survey data confirmed that the requirements of 10 CFR 20.1402 for unrestricted release have been met. Additionally, denying the request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

#### **Conclusion**

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

#### **Agencies and Persons Consulted**

NRC provided a draft of this Environmental Assessment to the Pennsylvania Department of Environmental Protection, Bureau of Radiation Protection for review on August 14, 2006. On August 17, 2006, the Pennsylvania Department of Environmental Protection, Bureau of Radiation Protection responded by email. The State agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under section 106 of the National Historic Preservation Act.

#### **III. Finding of No Significant Impact**

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

#### **IV. Further Information**

Documents related to this action are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

1. February 15, 2006, Letter from Westinghouse to M. Roberts, NRC Region I, "Submittal of Report Documenting the Radiological Status of the Westinghouse Specialty Metals Plant Site and Demonstrating Compliance with the Provisions of 10 CFR 20.1402 to Release the Site for Unrestricted Use" and accompanying reports (document package ML003741979);

2. July 24, 2006, Region I Technical Assistance Request regarding the Blairsville site, Memorandum from George Pangburn, Region I to Dominic Orlando, NMSS. (ML062050308);

3. August 17, 2006, e-mail from Robert Maiers, Pennsylvania Department of Environmental Protection, Bureau of Radiation Protection to Mark Roberts, DNMS, USNRC Region I (ML062480365);

4. Terminated License file for License SNM-37;

5. Terminated License File for License SUC-509;

6. NUREG-1757, "Consolidated NMSS Decommissioning Guidance;"

7. Title 10 Code of Federal Regulations, part 20, subpart E, "Radiological Criteria for License Termination;"

8. Title 10, Code of Federal Regulations, part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;"

9. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities."

If you do not have access to ADAMS, or if there are problems in accessing the

documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). These documents may also be viewed electronically on the public computers located at the NRC's PDR, O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at King of Prussia, Pennsylvania this 15th day of September, 2006.

For the Nuclear Regulatory Commission.

**Marie T. Miller,**

*Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region I.*

[FR Doc. 06-8015 Filed 9-21-06; 8:45 am]

BILLING CODE 7590-01-P

#### **NUCLEAR REGULATORY COMMISSION**

#### **Draft Regulatory Guides: Impending Issuance, Availability, and Applicability to New Reactor Licensing**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Issuance, Availability, and Applicability of Draft 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.

The proposed revisions do not constitute 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 is focused on ensuring that the agency's regulatory guidance is consistent with the rulemaking to update Title 10, part 52, of the *Code of Federal Regulations* (10 CFR part 52), "Licenses, Certifications, and Approvals for Nuclear Power Plants." The proposed rule was

published in the **Federal Register** on March 13, 2006 (71 FR 12781).<sup>1</sup>

The NRC plans to issue for public comment drafts of the proposed revised RGs guides as they are developed over the next several months. The NRC staff will then address any stakeholder comments received during the 45-day comment period, and any changes from the proposed Part 52 rule that are adopted in the final rule, before issuing the final guides for use by applicants by March 2007.

In addition, the NRC intends to apply its established regulatory guidance (as set forth in established, new, and revised RGs) using a consistent approach. In so doing, the staff will ensure that all new reactor applications received in a given time are subjected to the same appropriate level of scrutiny, based on the same regulatory guidance, to implement regulatory requirements that protect the health and safety of the public and the environment.

*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 minor 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 ongoing review and revision:

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

Of the select group of RGs that the NRC has identified as needing review, to date, the staff is currently reviewing and revising the following RGs and draft RGs (DG) 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:

RG	DG	Title
1.7	DG-1117	Control of Combustible Gas Concentrations in Containment Following a Loss-of-Coolant Accident.
1.9	DG-1172	Selection, Design, Qualification and Testing of Emergency Diesel Generator Units.
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	Onsite Meteorological Programs.
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 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	Instrumentation for Light-Water-Cooled Nuclear Power Plants To Assess Plant and Environs Conditions During and Following an Accident.
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 Large Lead Storage Batteries for Nuclear Power Plants.
1.129	DG-1155	Maintenance, Testing, and Replacement of Large Lead Storage Batteries for Nuclear Power Plants.
1.130	DG-1169	Service Limits and Loading Combinations for Class 1 Plate-and-Shell-Type Component Supports.

<sup>1</sup> This proposed rule superseded the Commission's previous proposed rule, which was

published in the **Federal Register** on July 3, 2003 (68 FR 40026).

RG	DG	Title
1.136 .....	DG-1159 .....	Materials, Construction, and Testing of Concrete Containments (Articles CC-1000, -2000, and -4000 through -6000 of the "Code for Concrete Reactor Vessels and Containments").
1.189 .....	DG-1170 .....	Fire Protection for Operating 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 (Normal Operations)—Effluent Streams and the Environment.

The staff is also currently developing the following new DGs to provide prospective applicants with complete, accurate, and current guidance for use in preparing ESP, DC, and COL applications for proposed new reactors:

DG	Title
DG-1142 .....	Guidelines for Environmental Qualification of Safety Related Computer-Based Instrumentation and Control Systems in Nuclear Power Plants .
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.
DG-1145 .....	Combined License Applications for Nuclear Power Plants (LWR Edition).
DG-1146 .....	Seismic Sources and Safe Shutdown Earthquake Ground Control Motion.

The NRC has recently finalized and published Revision 2 of RG 1.92 (July 2006), Revision 4 of RG 1.97 (July 2006), and RG 1.205 (June 2006). In addition, the NRC has already issued drafts of RG 1.7 (DG-1117, August 2002), RG 1.76 (DG-1143, February 2006), RG 1.200 (DG-1161, September 2006), DG-1144 (July 2006), and DG-1145 (September 2006) for public review and comment. The NRC plans to issue drafts of the remaining proposed revised regulatory guides as they are developed between September 2006 and December 2006. The NRC staff will then address any stakeholder comments received during the 45-day comment period, and any changes from the proposed Part 52 rule that are adopted in the final rule, before issuing the final guides for use by applicants by March 2007.

In addition, the NRC intends to apply its established regulatory guidance (as set forth in established, new, and revised regulatory guides) using a consistent approach. The staff will ensure that all new reactor applications received in a given time are subjected to the same appropriate level of scrutiny, based on the same regulatory guidance to implement regulatory requirements that protect the public health and safety and the environment. The staff has determined that existing and revised regulatory guides listed previously will be finalized by March 2007, and uniformly applied (consistent with the staff guidance provided in the SRP) to the ESP, DC, and COL applications that are submitted.

*Availability and Dates:* The NRC will solicit comments on each new or

revised RG for a period of 45 days after each guide is made publicly available through the following electronic distribution channels:

- The NRC's Electronic Reading Room on the agency's public Web site, under Draft Regulatory Guides in the Regulatory Guides document collection, at <http://www.nrc.gov/reading-rm/doc-collections/>.
- The NRC's Agencywide Document Access and Management System (ADAMS), at <http://www.nrc.gov/NRC/reading-rm/adams.html> (using the ADAMS accession number specified in the footer on the first page of each regulatory guide)
- The NRC's rulemaking Web site at <http://ruleforum.llnl.gov>

The footer on the first page of each draft regulatory guide will specify the applicable comment date. Comments received after the specified date will be considered if it is practical to do so, but the Commission is able to ensure consideration only of comments received on or before the specified date. Please note that the NRC does not intend to distribute printed copies of these Draft Regulatory Guides unless specifically requested on an individual basis. Such 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](mailto: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 electronic distribution channels listed previously to identify newly released guides that are available for public comment.

Copies of each DG 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 and the NRC's rulemaking Web site at <http://www.nrc.gov/NRC/reading-rm/adams.html> and <http://ruleform.llnl.gov>, respectively. 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](mailto:PDR@nrc.gov).

*Comment Procedures:* The NRC staff will solicit comments on each proposed DG. Comments may be accompanied by relevant information or supporting data. Please mention the DG number (DG-xxxx) in the subject line of your comments. Comments submitted in writing or in electronic form will be made available to the public in their entirety through ADAMS. Personal information will not be removed from

your comments. You may submit comments by any of the following methods:

- Mail comments to Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (MS T-6 D59).

- Hand-deliver comments to Rules and Directives 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 Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, at (301) 415-5144.

- E-mail comments to [NRCREP@nrc.gov](mailto:NRCREP@nrc.gov).

- Submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>.

*Contact Information:* The header on the first page of each DG will specify the name and telephone number of the cognizant NRC staff member. Comments and questions about our rulemaking Web site should be addressed to Carol A. Gallagher at (301) 415-5905 or by e-mail to [CAG@nrc.gov](mailto:CAG@nrc.gov). Contact information for use in obtaining printed or electronic copies of the proposed DGs 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 regulatory guides to support new reactor licensing should be addressed to Jimi T. Yerokun at (301) 415-0585 or by e-mail to [JTY@nrc.gov](mailto:JTY@nrc.gov).

For the U.S. Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 14th day of September, 2006.

**Farouk Eltawila,**

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

[FR Doc. 06-8016 Filed 9-21-06; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Guidance for Receiving Enforcement Discretion When Concentrating Uranium at Community Water Systems

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of guidance for receiving enforcement discretion when

concentrating uranium at community water systems.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is issuing a regulatory information summary (RIS) to provide guidance for receiving enforcement discretion when concentrating uranium at drinking water facilities.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Williamson, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Mail Stop: T8K3, telephone: (301) 415-6234, e-mail: [mkw1@nrc.gov](mailto:mkw1@nrc.gov), or Gary Comfort, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Mail Stop: T8K3, telephone: (301) 415-8106, e-mail: [gcc1@nrc.gov](mailto:gcc1@nrc.gov).

**SUPPLEMENTARY INFORMATION:** NRC Regulatory Issue Summary 2006-20—Guidance for Receiving Enforcement Discretion When Concentrating Uranium at Community Water Systems.

**ADDRESSES:** All community water systems (CWSs), in U.S. Nuclear Regulatory Commission (NRC) non-Agreement States, that during the treatment of drinking water, may accumulate and concentrate naturally-occurring uranium in media, effluents, and other residuals, above 0.05 percent by weight. CWSs operating in Agreement States<sup>1</sup> should contact their State regulatory agency to determine what requirements apply to their operations.

#### Intent

The NRC is issuing this regulatory issue summary (RIS), to inform addressees and other stakeholders of NRC's implementation of a policy of enforcement discretion for CWSs. Under this policy, CWSs, in non-Agreement States, that concentrate naturally-occurring uranium above 0.05 percent by weight in media, effluents, and other residuals during the treatment of drinking water will not be required to apply for a NRC specific license while they remain eligible for enforcement discretion.

#### Background

In 1991, the U.S. Environmental Protection Agency (EPA) proposed

<sup>1</sup> An Agreement State is a State that has entered into an agreement with the U.S. Nuclear Regulatory Commission pursuant to Section 274b of the Atomic Energy Act, as amended, under which the NRC discontinues its Federal authority and the State assumes authority under State law for the regulation of certain radioactive materials. Therefore, this agreement allows the State to regulate the use of radioactive material within that State.

changes to the current radionuclide standard for uranium in drinking water. On December 7, 2000 (65 FR 76707), the EPA issued new standards for the uranium content in drinking water. In the final rulemaking, EPA set a maximum contaminant level (MCL) of 30 micrograms per liter (30 µg/L), equivalent to 30 parts per billion, for uranium in drinking water. EPA's detailed technical and legal basis supporting this level can be found on pages 76712-76716 of the December 7, 2000, final rule.

The Atomic Energy Act of 1954, as amended,<sup>2</sup> provides the NRC with regulatory authority over source material (which includes uranium and thorium) after its removal from its place of deposit in nature. NRC has issued regulations for source material in Title 10, Code of Federal Regulations (10 CFR) Part 40, "Domestic Licensing of Source Material." Part 40 defines "source material," in part, as meaning uranium "in any physical or chemical form." In accordance with 10 CFR 40.13(a), the NRC regards uranium in any solution (e.g., water) in which the uranium is by weight less than one-twentieth of 1 percent (0.05 percent or 335 picocuries per gram [pCi/g] for natural uranium) of the solution as an "unimportant quantity" of source material. Any CWS possessing such unimportant quantities of uranium would not need an NRC license under the 10 CFR 40.13(a) exemption. If a CWS possesses more than an unimportant quantity of uranium, but less than 15 pounds of uranium at any one time and less than 150 pounds of uranium in any one calendar year, the CWS may operate under the existing general license in 10 CFR 40.22, "Small quantities of source material." A CWS operating under the general license in 10 CFR 40.22 is not required to formally notify NRC that it is operating under the conditions of that general license.

Although some CWSs may be able to treat for uranium and remain within the conditions of 10 CFR 40.13(a) or 10 CFR 40.22, NRC expects many CWSs will possess uranium in quantities exceeding those limits. Without enforcement discretion, such CWSs located in non-Agreement States would be required to apply for specific NRC source material licenses to possess, process, and transfer

<sup>2</sup> The Energy Policy Act of 2005 expanded NRC's regulatory authority to include discrete sources of radium-226, but not diffuse sources of radium-226. Diffuse sources are considered to include radium-226 as it occurs in nature or as a result of other processes where radium-226 may be unintentionally concentrated (such as in residuals from the treatment of water to meet drinking water standards). Therefore, NRC does not regulate radium-226 at drinking water facilities.