

Luminant Holdco, and change in name of TXU Power no later than 5 business days prior to such actions. Should the indirect transfer of control of TXU Power not be completed by July 10, 2008, this Order shall become null and void, provided, however, upon written application and good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the application dated April 18, 2007, and supplemental letter dated July 20, 2007, and the safety evaluation dated 2007, which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland and 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, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland this 10th day of September, 2007.

For the Nuclear Regulatory Commission.

**Catherine Haney,**

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

[FR Doc. E7-18142 Filed 9-13-07; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-456 and STN 50-457]

### Exelon Generation Company, LLC, Braidwood Station, Units 1 and 2; 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) Part 50, section 46, and Appendix K to section 50, for Facility Operating License Nos. NPF-72 and NPF-77, issued to Exelon Generation Company, LLC (the licensee), for operation of the Braidwood Station (Braidwood), Units 1 and 2 located in Will County, Illinois. 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 allow the use of AREVA NP Inc. (AREVA) modified Advanced Mark-BW fuel assemblies.

The proposed action is in accordance with the licensee's application dated September 26, 2006, as supplemented by letter dated August 8, 2007.

#### The Need for the Proposed Action

The proposed action would allow up to eight AREVA modified Advanced Mark-BW fuel assemblies to be placed in nonlimiting Braidwood, Unit 1 core locations. Pursuant to 10 CFR 50.12, "Specific Exemptions," the licensee has requested an exemption to 10 CFR 50.46, "acceptance criteria for emergency core cooling systems for light-water nuclear power reactors," that requires, among other items, that "each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding, must be provided with an emergency core cooling system (ECCS) that must be designed so that its calculated cooling performance following postulated loss-of-coolant accidents conforms to the criteria set forth in paragraph (b) of this section." Appendix K to 10 CFR Part 50, "ECCS Evaluation Models," requires, among other items, that the rate of energy release, hydrogen generation, and cladding oxidation from the metal/water reaction shall be calculated using the Baker-Just equation. The regulation at 10 CFR 50.46 and 10 CFR Part 50, Appendix K, make no provisions for use of fuel rods clad in a material other than zircaloy or ZIRLO. The licensee will irradiate eight assemblies using fuel rods clad with AREVA's M5 alloy in Braidwood, Unit 1. Since the material specifications of the M5 alloy differ from the specification for zircaloy or ZIRLO, a plant-specific exemption is required to support the use of the eight assemblies.

#### Environmental Impacts of the Proposed Action

The NRC has completed its safety evaluation of the proposed action and concludes that application of 10 CFR 50.46, and Appendix K to 10 CFR 50, is not necessary for the licensee to achieve its underlying purposes.

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 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 Braidwood NUREG-1026, dated June 1984.

#### Agencies and Persons Consulted

In accordance with its stated policy, on August 29, 2007, 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 September 26, 2006, as supplemented by letter dated August 8, 2007. 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 O1F21, 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 10th day of September, 2007.

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.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-011]

### **Southern Nuclear Operating Company; Notice of Availability of the Draft Environmental Impact Statement for an Early Site Permit (ESP) at the Vogtle ESP Site and Associated Public Meeting**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC, the Commission) has published NUREG-1872, "Draft Environmental Impact Statement (DEIS) for an Early Site Permit (ESP) at the Vogtle ESP Site." The site is located on the southwest side of the Savannah River in eastern Burke County, Georgia. The application for the ESP was submitted by letter dated August 15, 2006, pursuant to 10 CFR Part 52. The application included a site redress plan in accordance with 10 CFR 52.17(c) and 52.25. If the site redress plan is incorporated in an approved ESP, then the applicant may carry out certain site preparation work and preliminary construction activities. A notice of receipt and availability of the application, which included the environmental report (ER), was published in the **Federal Register** on August 29, 2006, (71 FR 51222). A notice of acceptance for docketing of the application for the ESP was published in the **Federal Register** on September 26, 2006, (71 FR 56187). A notice of

intent to prepare an environmental impact statement and to conduct the scoping process was published in the **Federal Register** on October 5, 2006, (71 FR 58882).

The purpose of this notice is to inform the public that NUREG-1872, "Draft Environmental Impact Statement (DEIS) for an Early Site Permit (ESP) at the Vogtle ESP Site," is available for public inspection in the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852, or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS), and will also be placed directly on the NRC Web site at <http://www.nrc.gov>. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). The ADAMS accession number for Volume I of the DEIS is ML072410045 and Volume II of the DEIS is ML072410049. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). In addition, the Burke County Library, 130 Highway 24 South, Waynesboro, Georgia, has agreed to make the DEIS available for public inspection.

The NRC staff will hold a public meeting to present an overview of the DEIS and to accept public comments on the document. The public meeting will be held at the Augusta Technical College, Waynesboro Campus Auditorium, 216 Hwy 24 South, Waynesboro, Georgia, on Thursday, October 4, 2007. The meeting will convene at 7 p.m. and will continue until 10 p.m., as necessary. The meeting will be transcribed and will include: (1) A presentation of the contents of the DEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions two hours before the start of the meeting at the Augusta Technical College, Waynesboro Campus Auditorium. No formal comments on the DEIS will be accepted by the NRC staff during the informal discussions. However, the staff will make available a court reporter from 5 p.m. until 7 p.m. in the Waynesboro Campus Auditorium to accept oral comments on the DEIS for inclusion into the official meeting minutes.

Otherwise, to be considered, comments must be provided either at

the transcribed public meeting or in writing. Persons may register to attend or present oral comments at the meeting by contacting Ms. Cristina Guerrero, by telephone at 1-800-368-5642, extension 2981, or by Internet to the NRC at [VOGTLE\\_EIS@nrc.gov](mailto:VOGTLE_EIS@nrc.gov), no later than September 28, 2007. Members of the public may also register to speak at the meeting within 15 minutes of the start of the meeting. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Ms. Guerrero will need to be contacted no later than September 28, 2007, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the DEIS for the Vogtle ESP to the Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration, Mailstop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** Notice. Comments may also be delivered to Room T-6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m., during Federal workdays. To be considered written comments should be postmarked by November 28, 2007. Electronic comments may be sent by the Internet to the NRC at [VOGTLE\\_EIS@nrc.gov](mailto:VOGTLE_EIS@nrc.gov). Electronic submissions should be sent no later than November 28, 2007. Comments will be available electronically and accessible through the NRC's PERR link at <http://www.nrc.gov/reading-rm/adams.html>.

#### **FOR FURTHER INFORMATION CONTACT:**

Cristina Guerrero, Division of Site and Environmental Reviews, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001. Ms. Guerrero may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 4th day of September, 2007.

For the Nuclear Regulatory Commission.

**James E. Lyons,**

*Director, Division of Site and Environmental Reviews Office of New Reactors.*

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