or is not necessary to achieve the underlying purpose of the rule.'' The NRC staff examined the licensee's rationale to support the exemption request and concluded that it would meet the underlying purpose of Appendix J, Option B, Sections III.A and III.B. The underlying purpose of Appendix J is to assure that containment leak tight integrity is maintained (a) as tight as reasonably achievable, and (b) sufficiently tight so as to limit effluent release to values bounded by the analyses of radiological consequences of DBAs. Including the MSIV leakage in the test acceptance criteria is not necessary to achieve the underlying purpose of the rule because MSIV leakage is not directed into the secondary containment. Also, TS SR 3.6.1.3.10 specifies a specific leak rate limit to assure operation of BFN–1 remains within the bounds of the DBA analysis. Therefore, the underlying purpose of the rule continues to be met.

In addition, § 50.12(a)(2)(iii) of 10 CFR states that special circumstances are present when ''Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.'' The licensee's exemption request and proposed changes to the TSs together would implement the recommendation of Topical Report NEDC–31858. The special circumstances associated with MSIV leakage testing are fully described in the topical report. These circumstances include the monetary costs and personnel radiation exposure involved with maintaining MSIV leakage limits more restrictive than necessary to meet offsite dose criteria and control room habitability criteria. The exemption from Appendix J requirements for MSIV leakage rates is required so that BFN–1 can operate with the proposed TS increased allowable MSIV leakage rates. This results in reduced radiological exposure to plant personnel, greater MSIV reliability, and significant monetary benefit to TVA as a result of reduced plant outage durations.

Therefore, since the underlying purpose of 10 CFR part 50, Appendix J, is achieved and the circumstances described in NEDC–31858 are met, the special circumstances required by 10 CFR 50.12(a)(2)(ii) and 50.12(a)(2)(iii) for the granting of an exemption from 10 CFR part 50, Appendix J exist.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants TVA an exemption from the requirements of 10 CFR Part 50, Appendix J, Option B, Sections III.A and III.B with respect to MSIV leakage, for BFN–1.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (71 FR 33777).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of September 2006.

For the Nuclear Regulatory Commission.

Catherine Haney,

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

[FR Doc. E6–16270 Filed 10–2–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

Nuclear Management Company, LLC; Palisades Plant; 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 50.46, and Appendix K to 10 CFR Part 50 for Facility Operating License No. DPR–20, issued to Nuclear Management Company, LLC (the licensee), for operation of the Palisades Nuclear Plant (Palisades), located in VanBuren County, Michigan. 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 provide an exemption from the requirements of: (1) 10 CFR 50.46, ''Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors,'' which requires that the calculated emergency core cooling system (ECCS) performance for reactors with zircaloy or ZIRLO fuel cladding meet certain criteria, and (2) 10 CFR Part 50, Appendix K, ''ECCS Evaluation Models,'' which presumes the use of zircaloy or ZIRLO fuel cladding when doing calculations for energy release, cladding oxidation, and hydrogen generation after a postulated loss-of-coolant accident.

The proposed action would allow the licensee to use the M5 advanced alloy in lieu of zircaloy or ZIRLO for fuel rod cladding in fuel assemblies at Palisades.

The proposed action is in accordance with the licensee's application dated October 4, 2005, as supplemented by letter dated June 14, 2006.

The Need for the Proposed Action

The Commission's regulations in 10 CFR 50.46 and 10 CFR Part 50, Appendix K, require the demonstration of adequate ECCS performance for light-water reactors that contain fuel consisting of uranium oxide pellets enclosed in zircaloy or ZIRLO tubes. Each of these regulations, either implicitly or explicitly, assumes that either zircaloy or ZIRLO is used as the fuel rod cladding material.

In order to accommodate the high fuel-rod burnups that are necessary for modern fuel management and core designs, Framatome ANP developed the M5 advanced fuel rod cladding material. M5 is an alloy comprised primarily of zirconium (~99 percent) and niobium (~1 percent) that has demonstrated superior corrosion resistance and reduced irradiation-induced growth relative to both standard and low-tin zircaloy. However, since the chemical composition of the M5 advanced alloy differs from the specifications of either zircaloy or ZIRLO, use of the M5 advanced alloy falls outside of the strict interpretation of NRC regulations. Therefore, approval of this exemption request is needed to permit the use of the M5 advanced alloy as a fuel rod cladding material at Palisades.

Environmental Impacts of the Proposed Action

The NRC staff has completed its evaluation of the proposed action and concludes that use of M5 clad fuel would not result in changes in the operations or configuration of the facility. There would be no change in the level of controls or methodology used for processing radioactive effluents or handling solid radioactive waste.

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 Addendum to the Final Environmental Statement Related to Operation of the Palisades Nuclear Plant, dated February 1978.

Agencies and Persons Consulted

In accordance with its stated policy, on September 11, 2006, the staff consulted with the Michigan State official, Mary Ann Elzerman of the Department of Environmental Quality, 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 4, 2005, as supplemented by letter dated June 14, 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, 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*.

Dated at Rockville, Maryland, this 26th day of September 2006.

For the Nuclear Regulatory Commission.

L. Mark Padovan,

Project Manager, Plant Licensing Branch III–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E6–16260 Filed 10–2–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of Meeting.

SUMMARY: NRC will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on October 24, 2006. A sample of agenda items to be discussed during the public sessions includes: (1) NARM Legislation Update; (2) Status of Specialty Board applications for NRC recognition; (3) Staff Actions for Authorized Medical Physicist and Radiation Safety Officer; (4) Interim Inventory and National Sealed Source Tracking; (5) Status of Medical Events; (6) NARM Guidance. To review the agenda, see *http://www.nrc.gov/reading-rm/doc-collections/acmui/agenda/* or contact Mohammad Saba, by telephone at: (301) 415–7608, or via e-mail at: *mss@nrc.gov*.

Purpose: Discuss issues related to 10 CFR Part 35, Medical Use of Byproduct Material.

Date and Time for Closed Session Meeting: October 24, 2006, from 8 a.m. to 10:15 a.m. This session will be closed so that NRC staff can brief the ACMUI on information relating solely to internal personnel rules.

Dates and Times for Public Meetings: October 24, 2006, from 10:30 a.m. to 5 p.m.

Address for Public Meeting: U.S. Nuclear Regulatory Commission, Two White Flint North Building, Room T2B3, 11545 Rockville Pike, Rockville, MD 20852–2738.

FOR FURTHER INFORMATION CONTACT: Mohammad S. Saba by telephone at: (301) 415–7608 or via e-mail at: *mss@nrc.gov* of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Conduct of the Meeting

Leon S. Malmud, M.D., will chair the meeting. Dr. Malmud will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit a reproducible copy to Mohammad S. Saba, U.S. Nuclear Regulatory Commission, Mail Stop T8F03, Washington DC 20555. Alternatively, an e-mail can be submitted to *mss@nrc.gov.* Submittals must be postmarked or e-mailed by October 17, 2006, and must pertain to the topics on the agenda for the meeting.

2. Questions from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The transcript and written comments will be available for inspection on NRC's Web site (*http://www.nrc.gov*) and at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852–2738, telephone (800) 397–4209, on or about January 25, 2007. This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, U.S. Code of Federal Regulations, Part 7.

4. Attendees are requested to notify Mohammad S. Saba, at his previously stated contact information, of their planned attendance if special services, such as for the hearing impaired, are necessary.

Dated at Rockville, Maryland, this 27th day of September, 2006.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. E6–16267 Filed 10–2–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of October 2, 9, 16, 23, 30, November 6, 2006.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.