LEU fuel will not require additional safety or security controls or conditions beyond those already in place. The NRC staff also finds that this increase in the fuel possession limit is within the normal possession limit for research reactors.

The increased possession limit does not allow operation with the fuel other than that already authorized by the license and TSs. This change does not authorize conversion to the new LEU fuel planned for conversion, *i.e.*, 30 weight percent (Wt%) vice the currently authorized 9 Wt%. (The authorization for conversion will be the subject of an ongoing separate evaluation). Therefore, the radioactive fission product inventory will not be increased by the increased fuel possession limit and the routine effluent or potential accident release levels will not increase beyond those already analyzed and accepted under the current license and TSs.

Further, in accordance with the existing TSs, reactor fuel will be stored in a geometrical array where the effective multiplication is less than 0.8 for all conditions of moderation. Therefore, the potential for accidental criticality is not increased with the increased fuel possession limit.

The increase in the special nuclear material possession limit does not impact the security requirements for the facility. In accordance with 10 CFR 73.2, the increase possession would be consistent with special nuclear material of moderate strategic significance (Category II). The licensee's current security plan meets or exceeds the requirements for this level of material under 10 CFR 73.67(d).

The license changes are to allow for conversion in a manner that is timely to support the non-proliferation goals of the nation and allow continued research and development in accordance with the license and regulations. They do not change the security plan requirements which are consistent the provisions of 10 CFR 73.67(d) for special nuclear material of moderate strategic significance (Category II) in accordance with 10 CFR 73.2, because the addition of the LEU fuel is within the possession limit for that category of material.

The inspection program has found that the licensee has routinely used such material safely and securely.

The licensee submitted a proposed license condition in its June 13, 2006, letter. The NRC staff noted several changes from the proposed license condition were needed to allow for possession of the current material and allow for receipt, but not use, of the new LEU fuel. Specifically, the licensee's authority to receive additional HEU fuel is removed from License Condition 2.B.(2), and the amount of material possessed under that license condition was reduced from 17.0 to 12.0 kg. Further, License Condition 2.B.(8) is added to allow for the receipt and possession, but not use, of the LEU fuel for conversion. A telephone conversation between the project manager and the Associate Director of the NSC TRIGA Research Reactor facility on July 6, 2006, confirmed that these differences were understood and could be implemented consistent with protecting the public health and safety.

Because the requested increased possession limit may be possessed safely and securely under the terms of the existing TSs and security plan, the increase in special nuclear material possession limit as specified above is acceptable to the NRC staff. Further, the NRC staff has determined that the public health and safety and the common defense and security require the licensee to receive and possess the LEU fuel so that the LEU fuel may be configured into fuel bundles to convert from HEU fuel in accordance with the schedule planned by the DOE to support U.S. non-proliferation policies.

3.0 Environmental Consideration

In accordance with 10 CFR 51.10(d), an Order is not subject to Section 102 of the National Environmental Policy Act. The NRC staff notes, however, that even if these changes were not being imposed by an Order, the changes would not require an environmental impact statement or environmental assessment. The license changes involve use of a facility component located within the restricted area as defined in 10 CFR part 20 or changes in inspection and surveillance requirements. The NRC staff has determined that the changes involve no significant increase in the amounts or types of any effluents that may be released off site and no significant increase in individual or cumulative occupational radiation exposure. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment is required.

4.0 Conclusion

The NRC staff has concluded, on the basis of the considerations discussed above, that (1) The proposal by the licensee for possession of LEU fuel is consistent with and in furtherance of the requirements of 10 CFR 50.64, (2) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed activities; and (3) such activities will be conducted in compliance with the Commission's regulations and will not be inimical to the common defense and security or the health and safety of the public. Accordingly, it is concluded that an enforcement order as described above should be issued pursuant to 10 CFR 50.64(c)(3).

Dated: July 21, 2006.

M. Mendonca.

Principal Contributor:

[FR Doc. E6–12105 Filed 7–27–06; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 52–007]

Exelon Generating Company, LLC; Notice of Availability of the Final Environmental Impact Statement for an Early Site Permit (ESP) at the Exelon ESP Site

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC, the Commission) has published NUREG–1815, ''Environmental Impact Statement for an Early Site Permit (ESP) at the Exelon ESP Site: Final Report.'' The site is located near the town of Clinton in DeWitt County, Illinois. The application for the ESP was submitted by letter dated September 25, 2003, pursuant to Title 10 of the Code of Federal Regulations part 52 (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 October 24, 2003 (68 FR 61020). A notice of acceptance for docketing of the application for the ESP was published in the **Federal Register** on October 30, 2003 (68 FR 61835). A notice of intent to prepare an environmental impact statement and to conduct the scoping process was published in the **Federal Register** on November 25, 2003 (68 FR 66130). A notice of availability of the draft EIS was published in the **Federal Register** on March 10, 2005 (70 FR 12022).

The purpose of this notice is to inform the public that NUREG–1815, ''Environmental Impact Statement for an Early Site Permit (ESP) at the Exelon ESP Site: Final Report,'' Volumes 1 and 2, 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). 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.* In addition, the Vespasian Warner Public Library, located at 310 North Quincy Street, Clinton, Illinois 61727, has agreed to make the FEIS available for public inspection.

For Further Information Contact: Thomas J. Kenyon, New Reactors Environmental Projects Branch, Division of New Reactor Licensing, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Mr. Kenyon may be contacted by telephone at (301) 415–1120 or by e-mail at *http://www.ClintonEIS.gov.*

Dated at Rockville, Maryland, this 20th day of July 2006.

For the Nuclear Regulatory Commission.

David B. Matthews,

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

[FR Doc. E6–12075 Filed 7–27–06; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Final Regulatory Guide; Issuance, Availability

The U.S. Nuclear Regulatory Commission (NRC) has issued a revision to an existing guide in the agency's Regulatory Guide Series. This series has been developed to describe and make available to the public such information as 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.

Revision 2 of Regulatory Guide 1.92, entitled ''Combining Modal Responses and Spatial Components in Seismic Response Analysis,'' provides licensees and applicants with improved guidance concerning methods that the NRC staff considers acceptable for combining modal responses and spatial components in seismic response analysis of nuclear power plant (NPP) structures, systems, and components (SSCs) that are important to safety. As defined in Appendix A, ''General Design Criteria for Nuclear Power Plants,'' to Title 10, part 50, of the Code of Federal Regulations (10 CFR part 50), Criterion 2, ''Design Bases for Protection Against Natural Phenomena,'' requires, in part, that SSCs that are important to safety must be designed to withstand the effects of natural phenomena (such as earthquakes) without losing their capability to perform their respective safety functions. Such SSCs must also be designed to accommodate the effects of, and be compatible with, the environmental conditions associated with normal operation and postulated accidents. Appendix S, ''Earthquake Engineering Criteria for Nuclear Power Plants,'' to 10 CFR part 50 specifies, in part, requirements for implementing General Design Criterion 2 with respect to earthquakes.[1]

For several decades, the nuclear industry fulfilled Criterion 2 using the response spectrum method and the time history method for seismic analysis and design of NPP SSCs. Then, in 1976, the NRC issued Revision 1 of Regulatory Guide 1.92, which described then up-to-date guidance for using the response spectrum and time history methods. Since that time, research in the United States has resulted in improved methods that yield more accurate estimates of SSC seismic response, while reducing unnecessary conservatism. In view of those improvements, Revision 2 of Regulatory Guide 1.92 describes methods that the NRC staff finds acceptable for combining modal responses and spatial components in seismic response analysis.

The NRC staff initially published Revision 2 of Regulatory Guide 1.92 as DG–1108, dated August 2001. The staff subsequently considered stakeholders' feedback on DG–1108, incorporated the necessary changes, and again solicited public comment on the revised guide by publishing a **Federal Register** notice (70 FR 7777) concerning Draft Regulatory Guide DG–1127 on February 15, 2005. Following the closure of the public comment period on April 15, 2005, the staff considered all stakeholder comments in the course of preparing Revision 2 of Regulatory Guide 1.92. The staff's responses to all comments received are available in the NRC's Agencywide Documents Access and Management System (ADAMS) at *http://www.nrc.gov/reading-rm/adams.html*, under Accession #ML061630344.

The NRC staff encourages and welcomes comments and suggestions in connection with improvements to published regulatory guides, as well as items for inclusion in regulatory guides that are currently being developed. 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.

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.

Requests for technical information about Revision 2 of Regulatory Guide 1.92 may be directed to Dr. T.Y. Chang, at (301) 415–6450 or via e-mail to *TYC@nrc.gov*.

Regulatory guides are available for inspection or downloading through the NRC's public Web site in the Regulatory Guides document collection of the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/doc-collections/*. Electronic copies of Revision 2 of Regulatory Guide 1.92 are also available in the NRC's Agencywide Documents Access and Management System (ADAMS) at *http://www.nrc.gov/reading-rm/adams.html*, under Accession #ML053250475.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland; the PDR's mailing address is USNRC PDR, Washington, DC 20555–0001. The PDR can also be reached by telephone at (301) 415–4737 or (800) 397–4205, by fax at (301) 415–3548, and by e-mail to *PDR@nrc.gov*. Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S.

[1] Appendix S to 10 CFR part 50 applies to applicants for a design certification or combined license pursuant to 10 CFR part 52, ''Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Plants,'' or a construction permit or operating license pursuant to 10 CFR part 50 after January 10, 1997. However, the earthquake engineering criteria in Section VI of Appendix A to 10 CFR part 100 continue to apply for either an operating license applicant or an operating license holder whose construction permit was issued before January 10, 1997.