

*Consistent With Common Defense and Security*

The proposed exemption, as set forth above, would only affect the radiological dose analysis models and the way containment leak-tightness is measured. Thus, this exemption bears no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

*Special Circumstances*

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances "would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule." The underlying purpose of Appendix J is to assure that containment leak-tight integrity is maintained as tight as reasonably achievable, and sufficiently tight so as to limit effluent release to values bounded by the analyses of radiological consequences of design-basis accidents. The NRC staff has determined that the intent of the rule is not compromised by the licensee's proposed action because containment leak rates will continue to be limited by MNGP's Technical Specifications. Therefore, since the underlying purpose of Appendix J is achieved, the special circumstances required by 10 CFR 50.12(a)(2) for the granting of an exemption from Appendix J exist.

**4.0 Conclusion**

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants MNGP an exemption (1) From the requirements of 10 CFR Part 50, Appendix J, Option B, Paragraph III.A, to allow exclusion of the main steam pathway leakage from the overall integrated leakage rate measured when performing a Type A test; and (2) from the requirements of 10 CFR Part 50, Appendix J, Option B, Paragraph III.B, to allow exclusion of the main steam pathway leakage from the combined leakage rate of all penetrations and valves subject to Type B and C tests.

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 70996).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 7th day of December, 2006.

For the Nuclear Regulatory Commission.

**Cathy Haney,**

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

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**NUCLEAR REGULATORY COMMISSION****Licensing Support System Advisory Review Panel**

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

**ACTION:** Notice of renewal of the charter of the Licensing Support Network Advisory Review Panel (LSNARP).

**SUMMARY:** The Licensing Support System Advisory Review Panel was established by the U.S. Nuclear Regulatory Commission as a Federal Advisory Committee in 1989. Its purpose was to provide advice on the fundamental issues of design and development of an electronic information management system to be used to store and retrieve documents relating to the licensing of a geologic repository for the disposal of high-level radioactive waste, and on the operation and maintenance of the system. This electronic information management system was known as the Licensing Support System (LSS). In November, 1998 the Commission approved amendments to 10 CFR Part 2 that renamed the Licensing Support System Advisory Review Panel as the Licensing Support Network Advisory Review Panel.

Membership on the Panel continues to be drawn from those interests that will be affected by the use of the LSN, including the Department of Energy, the NRC, the State of Nevada, the National Congress of American Indians, affected units of local governments in Nevada, the Nevada Nuclear Waste Task Force, and a coalition of nuclear industry groups. Federal agencies with expertise and experience in electronic information management systems may also participate on the Panel.

The Nuclear Regulatory Commission has determined that renewal of the charter for the LSNARP until December 6, 2008 is in the public interest in connection with duties imposed on the Commission by law. This action is being taken in accordance with the Federal Advisory Committee Act after consultation with the Committee Management Secretariat, General Services Administration.

**FOR FURTHER INFORMATION CONTACT:** Andrew L. Bates, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Telephone 301-504-1963.

Dated: December 6, 2006.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

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**NUCLEAR REGULATORY COMMISSION****Notice of Availability of Interim Staff Guidance Documents for Spent Fuel Storage and Transportation Casks**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**FOR FURTHER INFORMATION CONTACT:** Robert Einziger, Sr., Materials Engineer, Structural, Mechanics, and Materials Branch, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20005-0001. Telephone: (301) 415-2597; fax number: (301) 415-8555; e-mail: [REE1@nrc.gov](mailto:REE1@nrc.gov).

**SUPPLEMENTARY INFORMATION:****I. Introduction**

The Nuclear Regulatory Commission (NRC) prepares draft Interim Staff Guidance (ISG) documents for spent fuel storage or transportation casks or radioactive materials transportation package designs. These ISG documents provide clarifying guidance to the NRC staff when reviewing licensee integrated safety analyses, license applications or amendment requests or other related licensing. The NRC is soliciting public comments on Draft ISG-1 Rev 2, "Damaged Fuel" which will be considered in the final version or subsequent revisions.

**II. Summary**

The purpose of this notice is to provide the public an opportunity to review and comment on the Draft Interim Staff Guidance-1 Revision 2 concerning the definition of damaged fuel. Draft Interim Staff Guidance-1, Revision 2, provides guidance to NRC staff on what documents should be reviewed and evaluated to ensure that damaged fuel is sufficiently defined to determine if it meets all regulatory functions. Additionally, the ISG provides a technical discussion on gross breaches, a methodology for defining damaged fuel in terms of its function,