

the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 50.5, and 10 CFR 150.20, *it is hereby ordered, effective immediately, that:*

1. Mr. Nicholas A. Chaimov is prohibited for three years from the date of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Mr. Nicholas A. Chaimov is currently involved with another licensee in NRC-licensed activities, he must immediately cease those activities, and inform the NRC of the name, address, and telephone number of that licensee, and provide a copy of this Order to that licensee.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Nicholas A. Chaimov of good cause.

#### V

In accordance with 10 CFR 2.202, Mr. Nicholas A. Chaimov must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Nicholas A. Chaimov or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, *Attn:* Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and Mr. Nicholas A. Chaimov, if the answer or hearing request is by a person other than Mr.

Nicholas A. Chaimov. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to *hearingdocket@nrc.gov* and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to *OGCMailCenter@nrc.gov*. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d).

If a hearing is requested by Mr. Nicholas A. Chaimov or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Nicholas A. Chaimov may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the Presiding Officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

Dated this 12th day of September 2006.

For the Nuclear Regulatory Commission.

**Martin J. Virgilio,**

*Deputy Executive Director for Materials, Research, State, and Compliance Programs, Office of the Executive Director for Operations.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-284]

### Notice of Renewal of Facility Operating License No. R-110; Idaho State University AGN-201M Research Reactor

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. R-110 for the Idaho State University (the licensee), which renews the license for operation of the Idaho State University AGN-201M Research Reactor Facility located at the Idaho State University in Pocatello, Idaho.

The facility is a research reactor that has been operating at a power level not in excess of 5 watts (thermal). The renewed Facility Operating License No. R-110 will expire twenty years from its date of issuance.

The amended license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I. Those findings are set forth in the license amendment. Opportunity for hearing was afforded in the notice of the proposed issuance of this renewal in the **Federal Register** on January 8, 1996 (61 FR 563). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

Continued operation of the reactor will not require alteration of buildings or structures, will not lead to significant changes in effluents released from the facility to the environment, will not increase the probability or consequences of accidents, and will not involve any unresolved issues concerning alternative uses of available resources. Based on the foregoing and on the Environmental Assessment, the Commission concludes that renewal of the license will not result in any significant environmental impacts.

The Commission has prepared a "Safety Evaluation Report Related to the Renewal of the Operating License for the Research Reactor at Idaho State University" for the renewal of Facility Operating License No. R-110 and has, based on that evaluation, concluded that the facility can continue to be operated by the licensee without endangering the health and safety of the public.

The Commission also prepared an Environmental Assessment which was published in the **Federal Register** on April 9, 2004, (69 FR 18988) for the

renewal of Facility Operating License No. R-110 and has concluded that this action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see: (1) The application for amendment dated November 21, 1995, as supplemented on January 31, 2003 and July 10, 2003, (2) Amendment No. 6 to Facility Operating License No. R-110; (3) the related Safety Evaluation Report and (4) the Environmental Assessment dated March 30, 2004. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. Documents related to this license renewal dated on or after November 24, 1999, may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov>. 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).

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

For the U.S. Nuclear Regulatory Commission.

**Brian E. Thomas,**

*Chief, Research and Test Reactors Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Draft Regulatory Guide and Associated Standard Review Plan: Issuance, Availability

The U.S. Nuclear Regulatory Commission (NRC) has issued for public comment a draft proposed revision of 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 agency'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.

This draft Revision 1 of Regulatory Guide 1.200, "An Approach for Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities," is temporarily identified as Draft Regulatory Guide DG-1161, which should be mentioned in all related correspondence. Like its predecessors, this proposed revision describes one acceptable approach for determining whether the quality of a probabilistic risk assessment (PRA), in total or the parts that are used to support an application, is sufficient to provide confidence in the results, such that the PRA can be used in regulatory decision-making for light-water reactors. Specifically, Draft Regulatory Guide DG-1161 provides guidance in four areas:

- (1) A minimal set of functional requirements of a technically acceptable PRA.
- (2) The NRC's position on PRA consensus standards and industry PRA program documents.
- (3) Demonstration that the PRA (in total or specific parts) used in regulatory applications is of sufficient technical adequacy.
- (4) Documentation to support a regulatory submittal.

This guidance is intended to be consistent with the NRC's PRA Policy Statement, entitled "Use of Probabilistic Risk Assessment Methods in Nuclear Activities: Final Policy Statement," which the NRC published in the **Federal Register** on August 16, 1995 (60 FR 42622) to encourage use of PRA in all regulatory matters. That Policy Statement states that " \* \* \* the use of PRA technology should be increased to the extent supported by the state-of-the-art in PRA methods and data and in a manner that complements the NRC's deterministic approach." Since that time, many uses have been implemented or undertaken, including modification of the NRC's reactor safety inspection program and initiation of work to modify reactor safety regulations. Consequently, confidence in the information derived from a PRA is an important issue, in that the accuracy of the technical content must be sufficient to justify the specific results and insights that are used to support the decision under consideration.

Draft Regulatory Guide DG-1161 is also intended to be consistent with the more detailed, guidance in Regulatory Guide 1.174, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis," which the NRC issued in November 2002. In

addition, Draft Regulatory Guide DG-1161 is intended to reflect and endorse (with certain objections) the following guidance provided by the American Society of Mechanical Engineers (ASME) and the Nuclear Energy Institute (NEI):

- ASME RA-S-2002, "Standard for Probabilistic Risk Assessment for Nuclear Power Plant Applications," dated April 5, 2002.
- ASME RA-Sa-2003, "Standard for Probabilistic Risk Assessment for Nuclear Power Plant Applications," Addendum A to ASME RA-S-2002, dated December 5, 2003.
- ASME RA-Sb-2005, "Standard for Probabilistic Risk Assessment for Nuclear Power Plant Applications," Addendum B to ASME RA-S-2002, dated December 30, 2005.
- NEI-00-02, "Probabilistic Risk Assessment Peer Review Process Guidance," Revision A3, dated March 20, 2000, with its supplemental guidance on industry self-assessment, dated August 16, 2002, and Revision 1, dated May 19, 2006.
- NEI-05-04, "Process for Performing Follow-on PRA Peer Reviews Using the ASME PRA Standard," dated January 2005.

When used in support of an application, this regulatory guide will obviate the need for an in-depth review of the base PRA by NRC reviewers, allowing them to focus their review on key assumptions and areas identified by peer reviewers as being of concern and relevant to the application. Consequently, this guide will provide for a more focused and consistent review process. In this regulatory guide, as in RG 1.174, the quality of a PRA analysis used to support an application is measured in terms of its appropriateness with respect to scope, level of detail, and technical acceptability.

This regulatory guide was issued for trial use in February of 2004, and five trial applications were conducted. This revision incorporates lessons learned from those pilot applications. In addition, the appendices to this regulatory guide have been revised to address the changes made in the professional society PRA standards and industry PRA guidance documents.

To accompany Draft Regulatory Guide DG-1161, the NRC is issuing proposed Revision 2 of Section 19.1, "Determining the Technical Adequacy of Probabilistic Risk Assessment Results for Risk-Informed Activities," of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants" (SRP). This SRP complements Draft