rule. Therefore, the special circumstances of 10 CFR 50.12(a)(2)(ii) are satisfied.

Only temporary relief from the regulation is provided by the requested exemption since WBN will resume their normal biennial exercise schedule in 2007. The licensee has made a good faith effort to comply with the regulation. The exemption is being sought by the licensee in response to a request by TEMA to postpone the exercise. TEMA was unable to support the original schedule for the exercise due to a series of severe weather events. FEMA stated, ''Based on the impact that the response to Hurricane Katrina had on the State of Tennessee, we are agreeing to the postponement of the Watts Bar Nuclear Plant exercise until June 2006.''

The NRC staff, having considered the schedule and resource issues with those agencies that participate in and evaluate the offsite portion of the exercises, concludes that the licensee made a good faith effort to meet the requirements of the regulation. The NRC staff, therefore, concludes that the exemption request meets the special circumstances of 10 CFR 50.12(a)(2)(v) and should be granted.

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 E, Sections IV.F.2.b and c for WBN, Unit 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 (70 FR 76470).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of December, 2005.

For the Nuclear Regulatory Commission.

Catherine Haney,

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

[FR Doc. E6–3924 Filed 3–16–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–04794]

Notice of Environmental Assessment Related to the Issuance of a License Amendment to Byproduct Material License No. 21–01443–06, for Unrestricted Release of a Former Facility for Warner-Lambert, LLC., Ann Arbor, MI

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT: William Snell, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829–9871; fax number: (630) 515–1259; or by e-mail at *wgs@nrc.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to NRC Byproduct Materials License No. 21–01443–06, which is held by Warner-Lambert, LLC (licensee), which is a wholly-owned subsidiary of Pfizer, Inc. The amendment would authorize the unrestricted release of the licensee's former facility located at Building V, Domino Farms, 24 Frank Lloyd Wright Drive, Ann Arbor, Michigan. The NRC has prepared an Environmental Assessment in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the Environmental Assessment, the NRC has determined that a Finding of No Significant Impact is appropriate. The amendment to Warner-Lambert's license will be issued following the publication of this Environmental Assessment and Finding of No Significant Impact.

I. Environmental Assessment

Identification of Proposed Action

The proposed action would approve Warner-Lambert's request to amend its license and release the licensee's former facility for unrestricted use in accordance with 10 CFR Part 20, Subpart E. The proposed action is in accordance with Pfizer's request to the U.S. Nuclear Regulatory Commission (NRC) to amend the Warner-Lambert NRC Byproduct Material License by letters dated January 19, 2006 (ADAMS Accession No. ML060240154), and February 14, 2006 (ADAMS Accession No. ML060480083). Warner-Lambert was first licensed to use byproduct materials at its Domino Farms facility on May 29, 1991. The licensee is authorized to use byproduct materials for activities involving in-vitro biochemical research. The majority of the licensee's operations involved the use of phosphorous-32 and iodine-125 in maximum quantities of 30 and 25 millicuries, respectively. Over the last several years hydrogen-3 and carbon-14 were used more frequently, in maximum concentrations of 100 millicuries. On January 31, 2006, Warner-Lambert completed removal of licensed radioactive material from the Building V, Domino Farms facility located at 24 Frank Lloyd Wright Drive, Ann Arbor.

The licensee conducted surveys of the facility and provided this information to the NRC to demonstrate that the radiological condition of the Building V, Domino Farms facility is consistent with radiological criteria for unrestricted use in 10 CFR Part 20, Subpart E. No radiological remediation activities are required to complete the proposed action.

Need for the Proposed Action

The licensee is requesting this license amendment because it has moved out of the Building V facility located at 24 Frank Lloyd Wright Drive, and is conducting licensed activities at another location. The NRC is fulfilling its responsibilities under the Atomic Energy Act to make a decision on the proposed action for decommissioning that ensures that residual radioactivity is reduced to a level that is protective of the public health and safety and the environment, and allows the facility to be released for unrestricted use.

Environmental Impacts of the Proposed Action

The NRC staff reviewed the information provided and surveys performed by the licensee to demonstrate that the release of the Building V, Domino Farms facility is consistent with the radiological criteria for unrestricted use specified in 10 CFR 20.1402. Based on its review, the staff determined that there were no radiological impacts associated with the proposed action because no radiological remediation activities were required to complete the proposed action, and that the radiological criteria for unrestricted use in § 20.1402 have been met.

Based on its review, the staff determined that the radiological environmental impacts from the proposed action for the Building V, Domino Farms facility are bounded by

the ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities'' (NUREG–1496). Additionally, no non-radiological or cumulative impacts were identified. Therefore, the NRC has determined that the proposed action will not have a significant effect on the quality of the human environment.

Alternatives to the Proposed Action

The only alternative to the proposed action of releasing the licensee's former Building V, Domino Farms facility located at 24 Frank Lloyd Wright Drive for unrestricted use is to take no action. Under the no-action alternative, the licensee's facility would remain under an NRC license and would not be released for unrestricted use. Denial of the license amendment request would result in no change to current conditions at the Building V, Domino Farms facility. The no-action alternative is not acceptable because it is inconsistent with 10 CFR 30.36, which requires licensees who have ceased licensed activities to begin decommissioning activities or submit a decommissioning plan, which upon approval, will be used to conduct decommissioning activities. This alternative would impose an unnecessary regulatory burden in controlling access to the former Building V, Domino Farms facility, and limit potential benefits from the future use of the facility.

Conclusion

The NRC staff concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

Agencies and Persons Consulted

The NRC staff has determined that the proposed action will not affect listed species or critical habitats. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. Likewise, the NRC staff has determined that the proposed action is not a type of activity that has potential to cause effect on historic properties. Therefore, consultation under Section 106 of the National Historic Preservation Act is not required.

The NRC consulted with the Michigan Department of Environmental Quality (DEQ). The Michigan DEQ, Waste and Hazardous Materials Division, Radiological Protection and Medical Waste Section was provided the draft EA for comment on February 23, 2006. Mr. Bob Skowronek, Chief, Radioactive Material and Medical Waste Unit, with the Michigan DEQ, responded to the NRC by telephone on February 24, 2006, indicating that the State had no comments regarding the NRC Environmental Assessment for the release of the Warner-Lambert, Building V, Domino Farms facility.

II. Finding of No Significant Impact

On the basis of the EA in support of the proposed license amendment to release the site for unrestricted use, the NRC has determined that the proposed action will not have a significant effect on the quality of the human environment. Thus, the NRC has not prepared an environmental impact statement for the proposed action.

III. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. 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.* The documents and ADAMS accession numbers related to this notice are:

1. Carol Lentz, Pfizer, Inc., letter to Patricia Pelke, U.S. Nuclear Regulatory Commission, January 19, 2006 (ADAMS Accession No. ML060240154).

2. Carol Lentz, Pfizer, Inc., letter to Patricia Pelke, U.S. Nuclear Regulatory Commission, February 14, 2006 (ADAMS Accession No. ML060480083).

3. U.S. Nuclear Regulatory Commission, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs,'' NUREG–1748, August 2003.

4. U.S. Nuclear Regulatory Commission, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities,'' NUREG–1496, August 1994.

5. NRC, NUREG–1757, ''Consolidated NMSS Decommissioning Guidance,'' Volumes 1–3, September 2003.

Documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Lisle, Illinois, this 9th day of March 2006.

For the Nuclear Regulatory Commission.

Jamnes L. Cameron,

Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region III.

[FR Doc. E6–3921 Filed 3–16–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Issuance of Final Design Approval and Final Safety Evaluation Report, Supplement 1, for AP1000 Standard Plant Design; Westinghouse Electric Company, LLC

The U.S. Nuclear Regulatory Commission (NRC) has issued a revised final design approval (FDA) to Westinghouse for the AP1000 design under 10 CFR Part 52, Appendix O. This FDA allows the AP1000 design to be referenced in an application for a construction permit or an operating license under 10 CFR Part 50 or in an application for a combined license under 10 CFR Part 52. The FDA was revised to make it coterminous with the design certification rule that was issued on January 27, 2006, (Appendix D to 10 CFR Part 52). This FDA supersedes the FDA dated September 13, 2004.

The U.S. Nuclear Regulatory Commission has also issued Supplement 1 to the final safety evaluation report (FSER) related to the certification of the AP1000 standard plant design. The FSER (NUREG–1793) and Supplement 1 thereto supports issuance of the revised FDA.

A copy of the AP1000 FDA and Supplement 1 to the FSER have been placed in the NRC's Public Document Room for review and copying by interested persons.

Dated at Rockville, Maryland, this 10th day of March 2006.

For the Nuclear Regulatory Commission.

Laura A. Dudes,

Branch Chief, New Reactor Licensing Branch, Division of New Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E6–3926 Filed 3–16–06; 8:45 am]

BILLING CODE 7590–01–P