

20. Thus, the exemption is authorized by law and will not result in an undue hazard to life or property.

#### *Nonradiological Impacts*

The NRC determined that there are no non-radiological impacts associated with the proposed action.

#### *Cumulative Impacts*

The NRC determined that there are no cumulative impacts associated with the proposed action.

#### *Alternatives to the Proposed Action*

The NRC considered one alternative to the proposed action, which was to deny the amendment request. This alternative was rejected because the impacts of the proposed action on the health and safety of the workers, the public, and the environment were determined to be insignificant. In addition, the licensee will be able to save time and resources using the updated ICRP 68 models. The new models will maintain doses within the regulatory limit, while allowing the licensee to remove unwarranted protective measures required by the old models.

#### *Agencies and Persons Contacted*

The NRC contacted the Virginia Department of Environmental Quality (VDEQ) concerning this request. There were no comments, concerns or objections from VDEQ.

Because the proposed action is entirely within existing facilities, and does not involve new or increased effluents or accident scenarios, the NRC has concluded that there is no potential to affect endangered species or historic resources, and therefore consultation with the State Historic Preservation Society and the U.S. Fish and Wildlife Service was not performed.

### **III. Finding of No Significant Impact**

Based on the EA, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the staff has determined that preparation of an EIS is not warranted.

### **IV. Further Information**

The following documents are related to the proposed action:

1. C.F. Holman, Framatome ANP, Inc., letter to the U.S. Nuclear Regulatory Commission, "Amendment Request to Use of ICRP 68 for ALI and DAC Values," September 1, 2005 (ML052550120).
2. The NRC administrative review, documented in a letter to Framatome ANP, Inc. dated September 23, 2005 (ML052640365).

3. The U.S. Nuclear Regulatory Commission, Special Nuclear Material License SNM-1168 Amendment 7, October 3, 2005 (ML052840071).

4. International Commission on Radiological Protection, "Dose Coefficients for Intake of Radionuclides by Worker," Publication 68, Elsevier Science, 1995.

5. The U.S. Nuclear Regulatory Commission, "SRM-SECY-99-0077—To Request Commission Approval to Grant Exemptions from Portions of 10 CFR Part 20," April 21, 1999 (ML042750086).

6. The U.S. Nuclear Regulatory Commission, "Environmental Assessment for the Renewal Framatome ANP, Inc., Lynchburg, Virginia," April 2, 2003 (ML030940720).

7. U.S. Code of Federal Regulations, "Standards for Protection Against Radiation," Part 20, Chapter 1, Title 10, Energy.

8. International Commission on Radiological Protection, "Recommendations of the International Commission on Radiological Protection," Publication 26, Elsevier Science, 1977.

9. International Commission on Radiological Protection, "Limits for the Intake of Radionuclides by Workers," Publication 30, Elsevier Science, 1978.

10. International Commission on Radiological Protection, "1990 Recommendations of the International Commission on Radiological Protection," Publication 60, Elsevier Science, 1991.

The NRC 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. The accession numbers for documents contained in ADAMS are provided with the reference. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or via e-mail to [pdrc@nrc.gov](mailto:pdrc@nrc.gov).

The documents in ADAMS may also be viewed electronically on the public computers located at the NRC's PDR, O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, MD this 13th day of January, 2006.

For the Nuclear Regulatory Commission.

**William C. Gleaves,**

*Project Manager, Fuel Cycle Facilities Branch,  
Division of Fuel Cycle Safety and Safeguards,  
Office of Nuclear Materials Safety and  
Safeguards.*

[FR Doc. E6-613 Filed 1-19-06; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Nuclear Information and Resource Service All Nuclear Power Plants That Use Hemyc/MT Fire Barriers Notice of Issuance of Director's Decision Under 10 CFR 2.206**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision with regard to a petition dated May 12, 2005, filed by Paul Gunter on behalf of the Nuclear Information and Resource Service, Citizens Awareness Network, Indian Point Safe Coalition, North Carolina Waste Awareness and Reduction Network, Alliance for Affordable Energy, and Blue Ridge Environmental Defense League, hereinafter referred to as the "petitioners." The petition was supplemented on June 1, 2005. The petition concerns the operation of all nuclear power plants that use Hemyc/MT fire barriers.

The petition requested that the U.S. Nuclear Regulatory Commission (NRC) engage in enforcement actions to modify and/or suspend operating licenses for Shearon Harris Nuclear Power Station Unit 1, H. B. Robinson Unit 2, McGuire Units 1 and 2, Catawba Units 1 and 2, Ginna, James A. Fitzpatrick, Indian Point Units 2 and 3, Vermont Yankee, Waterford Unit 3, and Arkansas Nuclear One Units 1 and 2.

As the basis for the requests, the petitioners cited a meeting on April 29, 2005, held by NRC with all stakeholders to discuss the performance of 1-hour (Hemyc) and 3-hour (MT) fire barriers for Electrical Raceways during full scale fire testing. In that meeting the NRC staff informed all stakeholders that the Hemyc/MT electrical raceway fire barrier system (ERFBS) failed to protect electrical cables for 1 hour/3 hours in fire tests that were performed to the American Society of Testing and Materials (ASTM) Standard E119. The petitioners' request was also based on the following conclusions made by the petitioners: (1) The same Hemyc/MT fire barrier wrap systems as installed in the above nuclear plants fail to assure the protection of the control room operations for achieving safe shutdown

of the reactor in the event of a significant fire, (2) NRC has not quantified the full extent of the amount of Hemyc/MT fire barrier material in terms of linear and/or square footage deployed per fire protection regulation, and NRC has not determined the safety significance of this deployment for safe shutdown systems that are not currently protected by these fire barriers, and (3) the petitioners believe that the above listed nuclear power stations are operating in violation of NRC fire protection requirements and in an unanalyzed condition resulting in a degradation of defense-in-depth fire protection and safe shut down in the event of a significant fire.

The petitioners requested that the NRC take the following actions:

(1) Collect information through generic communications with nuclear industry and specifically with the named reactor sites to determine the extent of condition of the inoperable fire barriers; including the requirement that the licensees conduct a full inventory of the type Hemyc/MT to include the amount in linear and square footage, its specific applications, and the identification of safe shutdown systems, which are currently unprotected by the noncompliance and an assessment of the safety significance of each application;

(2) The communication should require, at minimum that the above-named sites provide justification for operation in noncompliance with all applicable fire protection regulations; and

(3) With the determination that any and/or all of the above-mentioned sites are operating in unanalyzed condition and/or that assurance of public health and safety is degraded, promptly order a suspension of the license or a power reduction of the affected reactors until such time as it can be demonstrated that the licensees are operating in conformance with all other applicable fire protection regulations.

In a letter dated June 27, 2005, the NRC informed the petitioners that the issues in the petition were accepted for review under Section 2.206 of the Code of Federal Regulations (10 CFR) and had been referred to the Office of Nuclear Reactor Regulation for appropriate action. A copy of the acknowledgment letter is publicly available in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML051740562. A copy of the petition is publicly available in ADAMS under Accession No. ML051440209.

The petitioners' representatives held a teleconference with the Petition Review

Board to discuss the petition on June 1, 2005. The teleconference transcript was treated as a supplement to the petition and is publicly available in ADAMS under Accession No. ML051640452.

The NRC sent a copy of the proposed Director's Decision to the petitioners for comment on October 20, 2005 (Accession No. ML052630411). The NRC staff did not receive any comments on the proposed Director's Decision.

The Director of the Office of Nuclear Reactor Regulation has determined that, with regard to Request Nos. 1 and 2, the NRC staff has granted the petitioners' request through the generic communication process. Specifically, the NRC staff is planning to issue a Generic Letter (GL) to all licensees asking them to provide detailed information about the use of Hemyc/MT in their nuclear power plants. In response to Request No. 3, the NRC staff is planning to review all affected plants in detail and will take appropriate actions to resolve the issues with the use of Hemyc/MT material commensurate with the safety significance of the protected systems. The GL will be issued after the NRC's internal review process to consider comments received on the proposed GL is completed.

The reasons for these decisions are explained in the Director's Decision pursuant to 10 CFR 2.206 (DD-06-01), the complete text of which is available in ADAMS, and is available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC Web site, <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 NRC PDR reference staff at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

A copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided for by this regulation, the Director's Decision will constitute the final action of the Commission 25 days after the date of the decision, unless the Commission, on its own motion, institutes a review of the Director's Decision in that time.

Dated at Rockville, Maryland, this 9th day of January 2006.

For the Nuclear Regulatory Commission.

**J.E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E6-625 Filed 1-19-06; 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 1.152, entitled "Criteria for Use of Computers in Safety Systems of Nuclear Power Plants," describes a method that the staff of the U.S. Nuclear Regulatory Commission (NRC) deems acceptable for complying with the Commission's regulations for promoting high functional reliability, design quality, and cyber-security for the use of digital computers in safety systems of nuclear power plants. In this context, the term "computer" identifies a system that includes computer hardware, software, firmware, and interfaces.

The guidance provided in Revision 2 of Regulatory Guide 1.152 is consistent with General Design Criterion (GDC) 21, "Protection System Reliability and Testability," of Appendix A, "General Design Criteria for Nuclear Power Plants," to title 10, part 50, "Domestic Licensing of Production and Utilization Facilities," of the *Code of Federal Regulations* (10 CFR part 50). Among other things, GDC 21 requires that protection systems (or safety systems) must be designed for high functional reliability, commensurate with the safety functions to be performed. In addition, Criterion III, "Design Control," of Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to 10 CFR part 50 requires, among other things, that quality standards must be specified, and design control measures must be provided, for verifying or checking the adequacy of design.

Revision 2 of Regulatory Guide 1.152 also contains the staff's regulatory