

"Informal Hearing Procedures for NRC Adjudications."

The Commission published a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination" related to this action in the **Federal Register** on January 11, 2006 (71 FR 1744). This Notice provided 30 days for public comment. The Commission received comments on the proposed no significant hazards consideration as discussed below.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. Public comments received on the proposed no significant hazards consideration determination were considered in making the final determination. The basis for this determination is contained in the Safety Evaluation related to this action. Accordingly, as described above, the amendment has been issued and made immediately effective and any hearing will be held after issuance.

The Commission published an Environmental Assessment related to the action in the **Federal Register** on January 27, 2006 (71 FR 4614). Based on the Environmental Assessment, the Commission concluded that the action will not have a significant effect on the quality of the human environment. Accordingly, the Commission determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this action, see the application for amendment dated September 10, 2003, as supplemented by letters dated October 1, and October 28 (2 letters), 2003; January 31 (2 letters), March 4, May 19, July 2, July 27, July 30, August 12, August 25, September 14, September 15, September 23, September 30 (2 letters), October 5, October 7 (2 letters), December 8, and December 9, 2004; February 24, March 10, March 24, March 31, April 5, April 22, June 2, August 1, August 4, September 10, September 14, September 18, September 28, October 17, October 21 (2 letters), October 26, October 29, November 2, November 22, and December 2, 2005; January 10, and February 22, 2006,

which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. 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 by telephone 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 2nd day of March, 2006.

For the Nuclear Regulatory Commission.

**Richard B. Ennis,**

*Senior Project Manager, Plant Licensing Branch I-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E6-3291 Filed 3-7-06; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated January 25, 2006, as supplemented by the letter dated February 2, 2006, David Lochbaum, acting on behalf of the Union of Concerned Scientists and numerous other organizations and individuals, has requested that the Nuclear Regulatory Commission (NRC) take action with regard to nuclear power reactors and research and test reactors licensed by the NRC that are either operating or undergoing decommissioning. The petitioners request that the NRC issue a Demand for Information (DFI) to each licensee for the subject facilities that would require them to provide information related to systems, programs, and monitoring activities related to the potential release of water contaminated with radioactive materials.

As the basis for this request, the petitioners describe several cases of contamination at nuclear facilities and the uncontrolled release of radioactively contaminated water from NRC-licensed facilities. The petitioners cite NRC regulations requiring licensees to have controls to limit the release of radioactive materials and to limit the radiation dose individuals receive from the operation of NRC-licensed facilities.

The petitioners request the issuance of a DFI to the subject licensees to verify compliance with NRC regulations and to support assessments of the potential public health threat from such releases of radioactively contaminated water.

The request is being treated pursuant to § 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time.

A copy of the petition and the supplemental letter are available in the NRC's Agencywide Documents Access and Management System (ADAMS) for inspection under Accession Nos. ML060330228 and ML060400179 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. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the NRC Web site (<http://www.nrc.gov/reading-rm/adams.html>). 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 by telephone 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 1st day of March 2006.

For the Nuclear Regulatory Commission.

**Christopher I. Grimes,**

*Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.*

[FR Doc. E6-3293 Filed 3-7-06; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Notice of Availability of Interim Staff Guidance Documents for Fuel Cycle Facilities

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

#### FOR FURTHER INFORMATION CONTACT:

James Smith, Project Manager, Technical Support Group, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20005-0001. Telephone: (301) 415-6459; fax number: (301) 415-5370; e-mail: [jas4@nrc.gov](mailto:jas4@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

## I. Introduction

The Nuclear Regulatory Commission (NRC) is preparing and issuing Interim Staff Guidance (ISG) documents for fuel cycle facilities. 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 activities for fuel cycle facilities under Subpart H of 10 CFR Part 70. The NRC is making available in final one ISG document (FCSS-ISG-05), which was previously issued for comment in September 2004. Additions and changes have been made in response to comments from the public and members of the NRC staff.

## II. Summary

The purpose of this notice is to provide the public with the final version of an interim staff guidance (ISG) document for fuel cycle facilities. FCSS-ISG-05, Rev. 0 discusses the effective dates for the additional reporting requirements of 10 CFR 70.74 and Appendix A to 10 CFR Part 70, and the applicability of NRC Bulletin 91-01, "Reporting Loss of Criticality Safety Controls."

## III. Further Information

Documents related to this action 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 ADAMS accession number for the document related to this notice is provided in the following table. If you do not have access to ADAMS or if there are problems in accessing the document 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 [pdrr@nrc.gov](mailto:pdrr@nrc.gov).

| Interim staff guidance                  | ADAMS accession No. |
|-----------------------------------------|---------------------|
| FCSS Interim Staff Guidance-05, Rev. 0. | ML053630228.        |

This document 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. Questions on the ISG can be directed to James Smith, Project Manager, Technical Support Group, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear

Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20005-0001.

Comments can also be submitted by telephone, fax, or e-mail which are as follows: Telephone: (301) 415-6459; fax number: (301) 415-5370; e-mail: [jas4@nrc.gov](mailto:jas4@nrc.gov).

Dated at Rockville, Maryland this 27th day of February, 2006.

For the Nuclear Regulatory Commission.

**Melanie A. Galloway,**

*Chief, Technical Support Group, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

### **Division of Fuel Cycle Safety and Safeguards; FCSS Interim Staff Guidance-05, Revision 0; Additional Reporting Requirements of 10 CFR 70.74**

#### *Issue*

Effective dates for the additional reporting requirements of 10 CFR 70.74, Appendix A to 10 CFR Part 70, and NRC Bulletin 91-01, "Reporting Loss of Criticality Safety Controls."

#### *Introduction*

The purpose of this Interim Staff Guidance (ISG) is to clarify what parts of Appendix A to 10 CFR Part 70 are effective as of October 18, 2000; what parts are effective after the submittal of the Integrated Safety Analysis (ISA) Summary, in accordance with 10 CFR 70.62(c)(3)(ii); and when the reporting requirements in NRC Bulletin 91-01, currently referenced in fuel cycle licenses, are superseded by the requirements of 10 CFR 70.74.

This ISG supplements information in Sections 5.4.1, 5.4.3.4.7, and 11.4.3.6 of NUREG-1520, "Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility."

The information in NUREG-1718 is not affected by this ISG, because a mixed-oxide (MOX) fuel fabrication facility would be a new facility, and therefore (as with any other new Part 70 facilities) the complete submittal of an ISA Summary (*i.e.*, an ISA Summary covering the entire facility) would be necessary before an operating license could be granted. Thus, all requirements of Appendix A to 10 CFR Part 70 would apply to a facility of this type and the provisions of NRC Bulletin 91-01 would not apply.

#### *Background on 10 CFR Part 20 and NRC Bulletin 91-01*

BL-91-01 noted that an immediate report was required by 10 CFR 20.403(a)(1)[now 20.2202(a)(1)] if an event threatened to cause an exposure exceeding 25 rem total effective dose

equivalent. The bulletin explained that the NRC considers the loss of a criticality control to threaten an event that may cause an exposure > 25 rem; therefore, it requires an immediate report under 10 CFR Part 20. Equipment-related controls may also require an immediate report under 10 CFR 70.50(a). In response to the original bulletin issued in 1991, licenses noted that some criticality controls are more significant than others and committed to reporting the loss of less significant criticality controls than those requiring immediate reports under 10 CFR 20.403(a)(1) and 10 CFR 70.50(a). In addition, it was acceptable for licensees to report the loss of less significant criticality controls in accordance with the commitments made in response to the original bulletin.

#### *Discussion*

After October 18, 2000, existing licensees must comply with the reporting requirements of (a)(1), (a)(2), and (b)(4) of Appendix A to Part 70. The new reporting requirements require reporting to the NRC Operations Center: (1) Within 1 hour, an inadvertent nuclear criticality, and an acute intake by an individual of 30 mg or greater of uranium in a soluble form; and (2) within 24 hours any natural phenomenon or other external event (including fires internal or external to the facility) to the facility that has affected or may have affected the intended safety function, availability, or reliability of one or more items relied on for safety. The remaining reporting requirements listed in Appendix A were held in abeyance until after the complete submittal of the ISA Summary, required by October 18, 2004, in accordance with 10 CFR 70.62(c)(3)(ii).

"Complete submittal" means that an ISA summary that includes the entire facility and all licensed processes must have been submitted to NRC. Partial ISA Summary submittals under 10 CFR 70.62(c)(3)(ii) or as part of a license amendment do not meet this criterion.

Many existing fuel facility licenses include reporting requirements in accordance with NRC Bulletin 91-01. Following complete submittal of the ISA Summary, these remain conditions of these licenses until NRC has issued a licensing action to delete these requirements. Therefore, between October 18, 2000, and complete submittal of the ISA Summary, both the requirements of Bulletin 91-01 (as committed to in the license) and paragraphs (a)(1), (a)(2), and (b)(4) of Appendix A of Part 70 apply. Following complete submittal, the NRC Bulletin

91-01 requirements in the license will be superceded by the requirements of 10 CFR 70.74 upon issuance of an NRC licensing action to effect this change. It should also be noted that additional immediate reporting requirements in 10 CFR 20.2202(a) and 10 CFR 70.50(a) still apply.

A new facility would require submittal of an ISA Summary prior to being licensed, and thus, for a new Part 70 facility, all the provisions of Appendix A to Part 70 apply.

#### Regulatory Basis

Each licensee shall report to the NRC Operations Center the events described in Appendix A to Part 70. [10 CFR 70.74(a)(1)]

Per Appendix A to Part 70, licensees must comply with the reporting requirements in this appendix, except for (a)(1), (a)(2), and (b)(4), after they have submitted an ISA Summary in accordance with 10 CFR 70.62(c)(3)(ii). However, after October 18, 2000, licensees must comply with (a)(1), (a)(2), and (b)(4).

Specific reporting requirements are contained in paragraphs (a), (b), and (c) of Appendix A to Part 70.

#### Technical Review Guidance

The staff has concluded that a licensee complies with the reporting requirements of its license and 10 CFR Part 70 provided that the following is met:

- An existing licensee has committed to report the events listed under paragraphs (a)(1), (a)(2), and (b)(4), of Appendix A of Part 70.
- An existing licensee has committed to reporting all events listed under Appendix A of Part 70 upon complete submittal of its ISA Summary, as required under 10 CFR 70.62(c)(3)(ii).
- An existing licensee has committed to reporting the loss of double contingency protection, as required by its license commitments to follow NRC Bulletin 91-01, until such time that an NRC licensing action has eliminated the reference to NRC Bulletin 91-01 requirements.
- A new applicant has committed to reporting all events listed under Appendix A of Part 70 upon complete submittal of its ISA Summary as required under 10 CFR 70.62(c)(3)(ii).

#### Recommendation

Whereas the complete submittal of a licensee's ISA Summary was required no later than October 18, 2004 (per 10 CFR 70.62(c)(3)(ii)), no change to NUREG-1520 is warranted to reference NRC Bulletin 91-01. All the provisions of Appendix A of Part 70 will apply

upon complete submittal of the ISA Summary. In addition, current license provisions requiring additional reporting will remain in effect until issuance of an NRC licensing action to effect this change.

#### References

NRC Bulletin 91-01, "Reporting Loss of Criticality Safety Controls," October 18, 1991.

NRC Bulletin 91-01, Supplement 1, "Reporting Loss of Criticality Safety Controls," July 27, 1993.

Approved: February 28, 2006.

**Robert C. Pierson,**

*Director, NMSS/FCSS.*

[FR Doc. E6-3324 Filed 3-7-06; 8:45 am]

BILLING CODE 7590-01-P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Paperwork Reduction Act Notice of Collection of Applications for Dispute Settlement Rosters

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for comments on the collection of applications.

**SUMMARY:** Free trade agreements entered into by the United States require the establishment of lists or rosters of individuals that would be available to serve as panelists in dispute settlement proceedings. From time to time, the Office of the United States Trade Representative (USTR) will collect applications from people who wish to serve on those panels. USTR solicited comments from the public on this proposed collection of information and received none. Therefore no changes have been made to the proposed collection. USTR is now submitting a request for approval to the Office of Management and Budget pursuant to the Paperwork Reduction Act.

**DATES:** Comments regarding this collection of information should be received no later than April 8, 2006.

**ADDRESSES:** Comments should be submitted to David Rostker in the Office of Information and Regulatory Affairs, Office of Management and Budget. Fax number, (202) 395-7285, or by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** David Apol, Office of the United States Trade Representative, (202) 395-9633.

**SUPPLEMENTARY INFORMATION:**

### Dispute Settlement Mechanisms of U.S. Free Trade Agreements

U.S. free trade agreements set out detailed procedures for the resolution of disputes over compliance with the obligations set out in each agreement. Generally, dispute settlement involves three stages: (1) Lower level consultations between the disputing Parties to try to arrive at a mutually satisfactory resolution of the matter; (2) cabinet-level consultations; and (3) resort to a neutral panel to make a determination as to whether a Party is in compliance with its obligations under the agreement. This panel is composed of individuals chosen by the Parties. The method by which the panel is selected varies between agreements. Some agreements require the establishment of a roster, from which panelists shall normally be selected. See e.g. Chile FTA, Article 22.7. Other agreements allow the Parties to select anyone as a panelist, after consultations, but provide for a contingent list from which panelists can be selected by lot, if the Parties do not otherwise select a panelist. See e.g. Singapore FTA, Article 20.4; Australia FTA, Article 21.7; Morocco FTA, Article 20.7.

Eligible individuals who wish to be considered for the various rosters and lists will be invited to submit applications. Persons submitting applications may either send one copy by fax or transmit a copy electronically. Applications must be typewritten, and should be headed "Application for Consideration as an FTA Panelist." Applicants will be asked to include the following information:

1. Name of the applicant.
2. Business address, telephone number, fax number, and e-mail address.
3. Citizenship(s).
4. Agreement or agreements for which the applicant wishes to be considered.
5. Current employment, including title, description of responsibility, and name and address of employer.
6. Relevant education and professional training.
7. Relevant language fluency, written and spoken.
8. Post-education employment history, including the dates and addresses of each prior position and a summary of responsibilities.
9. Relevant professional affiliations and certifications, including, if any, current bar memberships in good standing.

10. A list and copies of publications, testimony, and speeches, if any, concerning the relevant area of expertise. Judges or former judges