

responsibilities under the Atomic Energy Act to make a timely decision on a proposed license amendment that ensures protection of public health and safety and the environment.

Environmental Impacts of the Proposed Action

The NRC staff has reviewed the evaluation performed by the Licensee to demonstrate compliance with the 10 CFR 20.2002 alternate disposal criteria. Under these criteria, a licensee may seek NRC authorization to dispose of licensed material using procedures not otherwise authorized by the NRC's regulations. A licensee's supporting analysis must show that the radiological doses arising from the proposed 10 CFR 20.2002 disposal will be as low as reasonably achievable and within the 10 CFR part 20 dose limits.

The disposal of the military vehicle debris containing less than 800 microcuries of depleted uranium will result in a dose of less than 1 millirem to a member of the public. Based on its review, the staff has determined that the affected environment and environmental impacts associated with the proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Based on its review, the NRC staff considered the impact of the residual radioactivity at the disposal site. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts, and concludes that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the very small amounts of radioactive material involved, the environmental impacts of the proposed action are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar and the no-action alternative is accordingly not further considered.

Conclusion

The NRC staff has concluded that the proposed action will not significantly impact the quality of the human environment, and that the proposed action is the preferred alternative.

Agencies and Persons Consulted

NRC provided a draft of this Environmental Assessment to the State of Idaho Department of Environmental Quality for review on May 10, 2006. On July 28, 2006, the State responded by letter. The State agreed with the health and safety conclusions of the EA, but provided comments as to NRC jurisdiction of the material at U.S. Ecology. The NRC revised the EA to explain that pursuant to the proposed exemption, the material, upon its receipt at U.S. Ecology's disposal facility, would no longer be NRC licensed material and would thus no longer be subject to NRC regulation.

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

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for license 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 documents related to this action are listed below, along with their ADAMS accession numbers.

(1) Letter dated September 13, 2005, with Attachment 1 "Aberdeen Proving Ground Request for Approval of

Proposed Procedures in accordance with 10 CFR 20.2002", Enclosure 2, "MicroShield Exposure Rates for Hypothetical Transportation Worker, Members of the General Public, and Disposal Facility Workers", and Enclosure 3, "RESRAD Computer code Summary Report Resident Farmer" [ADAMS Accession No. ML052870504].

(2) Technical Review of Code of Federal Regulations (10 CFR) part 20.2002 Request by Aberdeen Test Center [ML060310247] and Safety Evaluation Report: 10 CFR 20.2002 Request By Aberdeen Test Center [ML060310257].

(3) Title 10 Code of Federal Regulations, part 20, "Standards for Protection Against Radiation."

(4) Title 10, Code of Federal Regulations, part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions".

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. These 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 King of Prussia, Pennsylvania this 1st day of September 2006.

For the Nuclear Regulatory Commission.

James P. Dwyer,

Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-333]

Entergy Nuclear Operations Inc.; James A. Fitzpatrick Nuclear Power Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from the requirements of part 50 of Title 10 of the Code of Federal Regulations (10 CFR), Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," issued to Entergy Nuclear Operations, Inc. (the licensee), for the operation of the James A. FitzPatrick Nuclear Power Plant (JAF) located in Oswego County, NY.

Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action:

The proposed action would allow the usage of the Hemyc fire barrier wrap installed in the West Cable Tunnel to protect a safe shutdown power cable. The licensee stated that recent tests indicate the Hemyc fire barrier lacks sufficient evidence to demonstrate that it meets the acceptance criteria for a rated 1 hour fire barrier. But the licensee states that the Hemyc fire barrier will provide a reasonable level of resistance to fire due to the fact that the area where the fire barrier wrap is located has no significant ignition sources other than cables, has available manual suppression capability, is equipped with automatic fire suppression and fire detection, and administrative controls limit the presence of transient combustible materials and transient ignition sources.

The proposed action is in accordance with the licensee's application dated July 27, 2005, as supplemented on May 17, 2006.

The Need for the Proposed Action:

The proposed exemption from 10 CFR part 50, Appendix R, III.G.2.c, is needed in response to NRC Information Notice 2005-07. The information notice provided licensees the details of Hemyc electrical raceway fire barrier system (ERFBS) full-scale fire tests conducted by the NRC's Office of Nuclear Regulatory Research. The test results concluded that the Hemyc ERFBS does not provide the level of protection expected for a 1 hour rated fire barrier, as originally designed.

Environmental Impacts of the Proposed Action: The NRC has completed its safety evaluation of the proposed action and concludes that the configuration of the fire zone under review provides reasonable assurance that a severe fire is not plausible and the existing fire protection features are adequate. The details of the staff's evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation. Based on the presence of area-wide smoke detection; the presence of automatic area and in-tray fire suppression and manual fire suppression; fire barrier protection at the boundaries of the fire zone; the existing Hemyc configuration in the fire zone; implementation of transient combustibles controls including proposed revisions for hot work in the vicinity of the Hemyc

configuration; and the absence of significant combustible loading and ignition sources, the NRC staff finds that the use of this Hemyc fire barrier in this zone will not significantly increase the consequences from a fire in this fire zone.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action: As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources: The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for the James A. FitzPatrick Nuclear Power Plant, dated March 1973.

Agencies and Persons Consulted: In accordance with its stated policy, on August 9, 2006, the NRC staff consulted with the New York State official, John Spath, of the New York State Energy Research and Development Authority, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated July 27, 2005, Agencywide Documents Access and Management System (ADAMS) accession number ML052210382, as supplemented on May 17, 2006, ADAMS accession number ML061530108. Documents may be examined, and/or copied for a fee, at the NRC'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 electronically from the 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 or 301-415-4737, or by e-mail to pdr@nrc.gov.

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

For the Nuclear Regulatory Commission.

Patrick D. Milano,

Senior Project Manager, Plant Licensing Branch I-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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OVERSEAS PRIVATE INVESTMENT CORPORATION

September 14, 2006 Public Hearing; Sunshine Act Meeting

OPIC's Sunshine Act notice of its Public Hearing in Conjunction with each Board meeting was published in the **Federal Register** (Volume 71, Number 166, Pages 50949 and 50950) on August 28, 2006. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's public hearing in conjunction with OPIC's September 21, 2006 Board of Directors meeting scheduled for 2 p.m. on September 14, 2006 has been cancelled.

FOR FURTHER INFORMATION CONTACT:

Information on the hearing cancellation may be obtained from Connie M. Downs at (202) 336-8438, via facsimile at (202) 218-0136, or via e-mail at cdown@opic.gov.

Dated: September 11, 2006.

Connie M. Downs,

OPIC Corporate Secretary.

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