

operating period. The preclosure operating period of the Yucca Mountain repository may affect the ISG-01 methodology results in two ways: (i) In categorization of seismically initiated event sequences (e.g., one chance in 10,000 of occurrence during the preclosure period specified in Part 63 for category 2 event sequences); and (ii) in development of the SSCs ITS seismic fragility curves, with potential changes in material properties resulting from degradation during the preclosure period. Staff believes that the uncertainties, considered in the seismic hazard and SSCs ITS fragility curves development, would sufficiently account for potential materials degradation during the preclosure period.

No changes were made to the ISG as a result of this comment.

15. *Comment.* Two commenters stated that the example provided in Appendix A raises questions as to whether NRC has adequately considered the geometric consequence of closely spaced, recurring, seismic events in determining the mean seismic hazard and related failure probability of an SSC ITS. HLWRS-ISG-01 and/or the YMRP may need to be revised to ensure that such characteristics of seismic hazard and related failure probability are appropriately considered in computing SSC ITS probability of failure during a seismic event.

*Response.* The example of Appendix A is based on a hypothetical seismic hazard curve selected only for illustrative purpose. However, for the development of the Yucca Mountain site-specific mean seismic hazard curves (Reference, Section 6.4), DOE's current approach evaluates the potential of closely spaced, recurring, seismic events by considering simultaneous multiple ruptures on parallel dipping faults, and increasing the ground motion parameters for a given probability of exceedance value. Since the effects of the closely spaced, recurring, seismic events are considered in the seismic hazard curve, staff believes that the ISG-01 methodology would result in an appropriate value of the failure probability of an SSC ITS, and that ISG-01 or the YMRP need not be revised.

[Reference: Civilian Radioactive Waste Management System, Management and Operating Contractor (CRWMS, M&O), 1998, Probabilistic Seismic Hazard Analyses for Fault Displacement and Vibratory Ground Motion at Yucca Mountain, Nevada (I. G. Wong and J. C. Stepp, coordinators), report prepared for U. S. Geological Survey, 3 Volumes]

No changes were made to the ISG as a result of this comment.

16. *Comment.* It is unclear to the commenter whether the guidance directs NRC staff to use the suggested methodology or merely offers an alternative among possible methods. To reduce uncertainty, the commenter suggests that it would be helpful if NRC provided explicit guidance as to how the selection of an appropriate methodology would be made, and when, if at all, a given methodology might be unacceptable for use. The commenter believes that the discretion in choice of methods appears to introduce unwarranted ambiguity and uncertainty.

*Response.* An ISG provides guidance to NRC staff on suggested methodologies to use during the review of a potential license application, and do not imply a preferred methodology that an applicant must use. The review approach in an ISG provides a framework for staff to conduct an efficient review, consistent with regulatory requirements. DOE has the option of proposing alternative methodologies to comply with the regulations, which the staff would evaluate during its review of the License Application. Methodologies that demonstrate compliance with the regulations, and have adequate technical bases, would be acceptable for staff review.

No changes were made to the ISG as a result of this comment.

**FOR FURTHER INFORMATION CONTACT:** Jon Chen, Project Manager, Division of High-Level Waste Repository Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20005-0001 (Telephone: (301) 415-5526; fax number: (301) 415-5399; e-mail: [jcc2@nrc.gov](mailto:jcc2@nrc.gov)); Mahendra Shah, Senior Level Advisor, Division of High-Level Waste Repository Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20005-0001 (Telephone: (301) 415-8537; fax number: (301) 415-5399; e-mail: [mjs3@nrc.gov](mailto:mjs3@nrc.gov))

Dated at Rockville, Maryland, this 22nd day of September 2006.

For the Nuclear Regulatory Commission.

**N. King Stablein,**

*Chief, Project Management Section B, Division of High-Level Waste Repository Safety, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E6-16017 Filed 9-28-06; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Notice of Availability of Draft Interim Staff Guidance Document HLWRS-ISG-02, Preclosure Safety Analysis—Level of Information and Reliability Estimation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**FOR FURTHER INFORMATION CONTACT:** Jon Chen, Project Manager, Project Management Section B, Division of High-Level Waste Repository Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20005-0001. Telephone: (301) 415-5526; fax number: (301) 415-5399; e-mail: [jcc2@nrc.gov](mailto:jcc2@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Yucca Mountain Review Plan (YMRP) (July 2003, NUREG-1804, Revision 2) provides guidance for U.S. Nuclear Regulatory Commission (NRC) staff to evaluate a U.S. Department of Energy license application for a geologic repository. NRC has prepared Interim Staff Guidance (ISG) to provide clarifications or refinements to the guidance provided in the YMRP. NRC is soliciting public comments on Draft HLWRS-ISG-02, which will be considered in the final version or subsequent revisions to HLWRS-ISG-02.

##### II. Summary

The purpose of this notice is to provide the public with an opportunity to review and comment on draft HLWRS-ISG-02, which is to supplement the YMRP for the NRC staff review of design and operation information and reliability estimates required for the preclosure safety analysis. This ISG supplements sections 2.1.1, 2.1.1.2, 2.1.1.4, 2.1.1.6, and 2.1.1.7 of the YMRP. This guidance also provides examples that illustrate commonly used approaches for estimating reliability and the level and types of supporting design and operation information that would be necessary for structures, systems, and components (SSCs) at the geologic repository operations area. A sufficient level of information and adequate technical bases for reliability estimates are needed to demonstrate compliance with the performance objectives in *Code of Federal Regulations*, Title 10, Part 63, Section 63.111 (10 CFR 63.111).

**III. Further Information**

The documents related to this action are available electronically at NRC's Electronic Reading Room, at <http://www.nrc.gov/reading-rm/adams.html>. From this site, a member of the public

can access NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are provided in the following

table. If an individual does not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference (PDR) staff at 1-800-397-4209 or (301) 415-4737, or by e-mail, at [pdr@nrc.gov](mailto:pdr@nrc.gov).

ISG	ADAMS accession number
Draft HLWRS-ISG-02, "Preclosure Safety Analysis—Level of Information and Reliability Estimation" .....	ML062360241

These documents may also be viewed electronically on the public computers located at NRC's PDR, O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents, for a fee. Comments and questions on draft HLWRS-ISG-02 should be directed to the NRC contact listed below by November 13, 2006. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

**Contact:** Robert Johnson, Project Manager, Licensing and Inspection Directorate, High-Level Waste Repository Safety Division of the 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) 415-6900; fax number: (301) 415-5399; or e-mail: [rkj@nrc.gov](mailto:rkj@nrc.gov).

Dated at Rockville, Maryland, this 25th day of September 2006.

For the Nuclear Regulatory Commission.

**N. King Stablein,**

*Chief, Project Management Section B, Division of High-Level Waste Repository Safety, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E6-16018 Filed 9-28-06; 8:45 am]

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**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE****Request for Public Comment on the  
Implications for U.S. Commercial  
Interests of the Accession to the  
European Union of Bulgaria and  
Romania**

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

**ACTION:** Request for Comment.

**SUMMARY:** The Trade Policy Staff Committee gives notice that the Office of the United States Trade

Representative (USTR) requests written submissions from the public concerning the implications for U.S. trade in goods and services of the anticipated enlargement of the European Union (EU) to include Bulgaria and Romania.

USTR and other agencies are currently engaged in an assessment of the potential impact on U.S. goods and services trade of the anticipated enlargement of the EU and, in particular, any compensatory adjustments that may be due under WTO rules. Comments from the public in response to this notice will be incorporated into that assessment.

**DATES:** Submissions must be received on or before noon, October 30, 2006.

**ADDRESSES:** Submissions by electronic mail: [FR0628@ustr.eop.gov](mailto:FR0628@ustr.eop.gov). Submissions by facsimile: Gloria Blue, Executive Secretary, Trade Policy Staff Committee (TPSC), Office of the USTR, at (202) 395-6143.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 1724 F Street, NW., Washington, DC 20508, telephone (202) 395-3475. Substantive questions concerning this review should be addressed to Laurie Molnar, Director for European and Mediterranean Trade Issues, Office of the U.S. Trade Representative, Telephone (202) 395-3320.

**SUPPLEMENTARY INFORMATION:****1. Background Information**

On April 25, 2005, Bulgaria and Romania signed a Treaty of Accession to the European Union. The European Commission announced on September 26, 2006, that Romania and Bulgaria will accede to the European Union on January 1, 2007.

As part of the EU accession process, Bulgaria and Romania are required to adopt the EU's common body of law or *acquis communautaire*. This will entail, *inter alia*, adoption by Bulgaria and Romania of the EU's common external tariffs for goods imported from third countries, possible adoption or

alteration by Bulgaria and Romania of tariff rate quotas (TRQs) on various products (to make them compatible with EU TRQs), and harmonization of Bulgarian and Romanian country regulatory requirements with EU regulations affecting the import of various goods and services.

Under WTO rules, the EU must notify other WTO members of its intent to modify or withdraw market access commitments it has made on goods and services in order to expand the EU to include Bulgaria and Romania. To date, the EU has not sent such notifications to the WTO, though the United States expects these to be made shortly.

**Goods**

**Applicable GATT 1994 Procedures:** If a WTO Member joining a customs union plans to modify the concessions bound in its WTO Schedule of Concessions ("bound concessions")—for example, by raising duties or adjusting tariff rate quotas—it must negotiate with certain key trading partners under Articles XXIV:6 and XXVIII of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994"). Unless these negotiations result in agreement on compensatory adjustments to offset the Member's modification of concessions (for example, through reduction of duties on other products), the affected trading partners are entitled to withdraw substantially equivalent concessions that had previously been negotiated with the Member.

**Submissions:** The public is encouraged to identify on a country-specific basis where Bulgaria or Romania's adoption of the EU common external tariff will result in tariff increases or changes to tariff-rate quotas (TRQs) affecting U.S. commercial interests in the accession countries.

Current applied tariff rates for Bulgaria can be found on the following Web site: [http://www.en.customs.bg/index\\_en.html](http://www.en.customs.bg/index_en.html). Current applied tariff rates for Romania can be obtained by calling the Trade Information Center at the Department of Commerce at: 1-800-USA-TRADE, selecting the option for