

Entergy Louisiana, LLC shall provide the Director, Office of Nuclear Reactor Regulation, satisfactory documentary evidence that it has obtained the appropriate amount of insurance required of licensees under 10 CFR part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations.

It is further ordered that consistent with 10 CFR 2.1315(b), a license amendment that makes changes, as indicated in Enclosure 2 to the cover letter forwarding this Order, to conform the license to reflect the subject license transfer is approved. The amendment shall be issued and made effective at the time the proposed transfer is completed.

This Order is effective upon issuance.

For further details with respect to this action, see the initial application dated July 20, 2005, the supplemental letter dated September 14, 2005, and the safety evaluation dated December 2, 2005, which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet on the NRC's 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 document located in ADAMS, should contact the NRR 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 December, 2005.

For the Nuclear Regulatory Commission.

**R. William Borchardt,**

*Deputy Director, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-334 and 50-412; License Nos. DPR-66 AND NPF-73]

### FirstEnergy Nuclear Operating Company (FENOC), et al.; Notice of Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission (NRC or Commission) has issued a Director's Decision with regard

to a petition dated April 12, 2005, filed by Mr. David Lochbaum, of the Union of Concerned Scientists, hereinafter referred to as the "Petitioner." The petition concerns the operation of the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2).

The Petitioner requested that the Nuclear Regulatory Commission (NRC or Commission) either (1) take enforcement action against FirstEnergy Nuclear Operating Company (FENOC or the licensee) and impose a civil penalty of at least \$55,000, or (2) move the license renewal application for the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2), to the end of the current review queue.

As a basis for the requests, the Petitioner cited NRC news release 05-052, dated March 24, 2005, which stated that the NRC returned the February 9, 2005, license renewal application submitted by FirstEnergy Nuclear Operating Company. The Petitioner quoted a statement made by Mr. David Matthews, Director of the Division of Regulatory Improvement Programs at NRC:

The NRC's primary mission is ensuring protection of public health and safety, and we cannot do that for an additional 20 years of Beaver Valley operation unless we have complete, accurate, and up-to-date information on the plant. Given the gaps in the current application, we simply could not properly review FirstEnergy's request.

The Petitioner further stated that the licensee's February 9, 2005, submittal was not complete and accurate in all material respects and that this is a violation of 10 CFR 50.9(a) which requires, in part, that information provided to the Commission by a licensee shall be complete and accurate in all material respects. The Petitioner stated his basis for the alternative sanction of moving the license renewal application: Moving the application to the end of the current queue would allow time for the licensee to ensure the resubmittal is complete and accurate. It would also allow the NRC to review the application without requiring additional resources to recheck the resubmittal concurrent with other license renewal reviews, which the Petitioner stated could compromise the quality of the NRC review.

The NRC staff performed an acceptance review of the license renewal application to determine if sufficient information existed for the NRC staff to begin its detailed technical review. The NRC staff determined that the application did not contain sufficient detail and therefore was not acceptable for docketing. This determination was conveyed to the

applicant by letter dated March 24, 2005. The licensee responded to this letter by letter dated April 19, 2005.

In an acknowledgment letter dated May 20, 2005, the NRC informed the Petitioner that the portion of the petition requesting that enforcement action be taken was accepted for review under 10 CFR 2.206 and had been referred to the Office of Nuclear Reactor Regulation for appropriate action.

The NRC staff sent a copy of the proposed Director's Decision to the Petitioner and to the licensee for comment by letters dated September 15, 2005. 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 the request to take enforcement action against the licensee and impose a civil penalty of at least \$55,000 is denied. The reasons for this decision are explained in the Director's Decision pursuant to 10 CFR 2.206 (DD-05-06), the complete text of which is available for inspection at the Commission's Public Document Room, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

The Director's Decision addresses (1) whether a violation of NRC regulations occurred with respect to the licensee's license renewal application and (2) whether enforcement action should be taken.

With respect to the first issue, the NRC staff concluded that the licensee's license renewal application did contain an example of incorrect information and that the submission of incorrect information in the licensee's application is a violation of 10 CFR 54.13. With respect to the second issue, the NRC staff concluded that the violation is appropriately classified as minor and pursuant to Section 3.9 of the NRC Enforcement Manual, the NRC did not document its identification of this minor violation in an inspection report or correspondence to the applicant. Further, pursuant to Section 3.9 of the NRC Enforcement Manual and the NRC Enforcement Policy, Sections IV.B, VI.A-B, and Supplement VII.E, the NRC did not cite this minor violation and did not propose a civil penalty.

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 3rd day of December, 2005.

For the Nuclear Regulatory Commission.

**J.E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E5-7270 Filed 12-12-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Notice of Availability of Model Application Concerning Technical Specification Improvement To Extend the Completion Times for Inoperable Containment Isolation Valves at General Electric Plants Using the Consolidated Line Item Improvement Process

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Availability.

**SUMMARY:** Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC) has prepared a model application relating to changes to the Standard Technical Specifications (STSs) 3.6.1.3, "Primary Containment Isolation Valves (PCIVs)," for boiling-water reactors (BWR) in NUREG-1433, Revision 3, "Standard Technical Specifications, General Electric Plants, BWR/4," and "NUREG-1434, Revision 3, "Standard Technical Specifications, General Electric Plants, BWR/6." The proposed change to the STSs 3.6.1.3 would extend to 7 days the completion time (CT) (or allowed outage time (AOT)) to restore an inoperable PCIV to operable status or isolate the affected penetration flow path both for selected primary containment penetrations with two (or more) PCIVs and for selected primary containment penetrations with only one PCIV. This change is based on analyses provided in a generic topical report (TR) submitted by the BWR Owners' Group (BWROG). The BWROG, through its participation in the Technical Specification (TS) Task Force (TSTF) proposed this change to the STSs in Change Traveler No. TSTF-454, Revision 1. This notice also includes a model safety evaluation (SE) and a model no significant hazards consideration (NSHC) determination relating to this matter.

The purpose of these models is to permit the NRC to efficiently process amendments to incorporate this change into plant-specific TSs for General Electric (GE) BWRs. Licensees of nuclear power reactors to which the models apply can request amendments conforming to the models. In such a request, a licensee should provide supporting documentation to confirm the applicability of the SE and NSHC determination to its plant.

**DATES:** The NRC staff issued a **Federal Register** Notice (70 FR 30151, May 25, 2005) which provided a model SE and a model NSHC determination relating to the extension of the CT for TS actions related to inoperable PCIVs at GE plants. The NRC staff hereby announces that the model SE and NSHC determination may be referenced in plant-specific applications to extend the PCIV completion times as described in Revision 1 to TSTF-454. The staff has posted a model application on the NRC Web site to assist licensees in using the consolidated line item improvement process (CLIIP) to request the subject TS change. The NRC staff can most efficiently consider applications based upon the model application if the application is submitted within a year of this **Federal Register** Notice.

**FOR FURTHER INFORMATION CONTACT:** Bhalchandra Vaidya, Mail Stop: O-7D1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-3308.

#### SUPPLEMENTARY INFORMATION:

#### Background

Regulatory Issue Summary 2000-06, "Consolidated Line Item Improvement Process for Adopting Standard Technical Specifications Changes for Power Reactors," was issued on March 20, 2000. The CLIIP is intended to improve the efficiency and transparency of NRC licensing processes. This is accomplished by processing proposed changes to the STSs in a manner that supports subsequent license amendment applications. The CLIIP includes an opportunity for the public to comment on proposed changes to the STSs, following a preliminary assessment by the NRC staff, and finding that the change will likely be offered for adoption by licensees. The CLIIP directs the NRC staff to evaluate any comments received for a proposed change to the STSs and to either reconsider the change or proceed with announcing the availability of the change for proposed adoption by licensees. Those licensees opting to apply for the subject change to

TSs are responsible for reviewing the staff's evaluation, referencing the applicable technical justifications, and providing any necessary plant-specific information. Each amendment application made in response to the notice of availability would be processed and noticed in accordance with applicable NRC rules and procedures.

This notice involves an increase in the allowed CTs to restore an inoperable PCIV to operable status or isolate the affected penetration flow path when selected PCIVs are inoperable at BWRs. By letter dated September 5, 2003, the BWROG proposed this change, including corresponding changes to the TS Bases, for incorporation into the STSs as TSTF-454, Revision 0. By letter dated September 21, 2005, BWROG revised the proposed change as TSTF-454, Revision 1. This change is based on the NRC staff-approved generic analyses contained in BWROG TR NEDC-33046-A, "Technical Justification to Support Risk-Informed Primary Containment Isolation Valve AOT Extensions for BWR Plants," transmitted to the NRC on January 20, 2005, which is accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet (ADAMS Accession No. ML050240360) at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html>. This transmittal incorporated TR NEDC-33046, submitted on May 3, 2002 (ADAMS Accession No. ML021280156), as supplemented by letter dated July 30, 2003 (ADAMS Accession No. ML032130164), and as approved by the NRC in its letter and SE dated October 8, 2004 (ADAMS Accession No. ML042660055). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

#### Applicability

This proposed change to revise the TS CTs for selected PCIVs is applicable to GE BWRs.

To efficiently process the incoming license amendment applications, the NRC staff requests each licensee applying for the changes addressed by TSTF-454, Revision 1, to use the CLIIP to address the seven plant-specific conditions and the one commitment identified in the model SE, as follows: