

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-333; NRC-2014-0034]

**Entergy Nuclear Operations, Inc., James A. Fitzpatrick Nuclear Power Plant****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Director's Decision under 10 CFR 2.206; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued a director's decision with regard to a petition dated July 25, 2013, as supplemented on November 13, 2013, filed by Mr. David Lochbaum, (the petitioner), on behalf of Alliance for Green Economy, Beyond Nuclear, Citizens Awareness Network, and Union of Concerned Scientists, requesting that the NRC take action with regard to concerns with the operation of James A. FitzPatrick Nuclear Power Plant (FitzPatrick), owned by Entergy Nuclear Generation Company and operated by Entergy Nuclear Operations, Inc. (Entergy, the licensee). The petitioner's requests and the director's decision are included in the **SUPPLEMENTARY INFORMATION** section of this document.

**ADDRESSES:** Please refer to Docket ID NRC-2014-0034 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0034. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). For the

convenience of the reader, the ADAMS accession numbers are provided in a table in the "Availability of Documents" section of this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:**

Mohan Thadani, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1476, email: [Mohan.Thadani@nrc.gov](mailto:Mohan.Thadani@nrc.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a director's decision (ADAMS Accession No. ML14247A306) on a petition filed by the petitioner on July 25, 2013, (ADAMS Accession No. ML13217A061). The petition was supplemented by letter dated November 13, 2013 (ADAMS Accession No. ML13347B133). The petitioner requested that the NRC take enforcement action by imposing a regulatory requirement that all the condenser tubes be replaced at FitzPatrick prior to the reactor restarting from its fall 2014 refueling outage.

On November 13, 2013, the petitioner and the licensee met with the NRC's Petition Review Board. The meeting provided the petitioner and the licensee an opportunity to provide additional information and to clarify issues cited in the petition. The transcript for that meeting is available in ADAMS under Accession No. ML14036A234.

As a basis of the request, the petitioners asserted that FitzPatrick is experiencing abnormally high occurrences of condenser tube failures. To repair these leaks, Entergy Nuclear Operations Inc. (Entergy) routinely reduces power, makes the repairs needed, and returns to full power. The petitioners state that these power excursions constitute a risk to public health and safety. The NRC's Reactor Oversight Process also recognizes the elevated risk associated with unplanned power changes.

The petitioner also asserts that operating experience indicates that condenser-tube leaks have contaminated the reactor coolant water with impurities from the condenser cooling water and have caused extensive damage to nuclear power plant components. Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to

part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Domestic Licensing of Production and Utilization Facilities" (see <http://www.nrc.gov/reading-rm/doc-collections/cfr/part050/part050-appb.html>), requires that plant owners develop and maintain quality-assurance programs.

The NRC observed that Entergy did not properly consider FitzPatrick's operating history, specifically the 4 years of outages, when projecting the expected condenser-tube life. Consequently, Entergy did not properly plan and design for condenser tube replacement before tube leakage, which has necessitated frequent downpowers for repair. Corrective actions include condenser-tube sleeving during the fall 2012 refueling outage and a planned complete replacement of all condenser tubes in the fall 2014 refueling outage.

The NRC sent a copy of the Proposed Director's Decision to the petitioner and the licensee for comments on June 27, 2014. The Petitioner and the licensee were asked to provide comments within 30 days on any part of the proposed Director's Decision that was considered to be erroneous or any issues in the petition that were not addressed. Comments were received from the Petitioner and are addressed in an attachment to the final Director's Decision.

The Director of the Office of Nuclear Reactor Regulation has determined that the request, to require the NRC to issue an Order requiring the licensee to replace all the condenser tubes prior to restart from FitzPatrick's fall 2014 refueling outage, be denied. The reasons for this decision are explained in the director's decision dated October 17, 2014, pursuant to 10 CFR 2.206 of the Commission's regulations.

The NRC will file a copy of the director's decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206. As provided 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.

**Availability of Documents**

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./web link/ Federal Register citation
G20130561—David Lochbaum E-mail re Tanya Mensah, NRR, Merrilee Banic, NRR; Andrea Russell, NRR, David Pelton, NRR; Mary Spencer; OGC.	ML13217A061, July 25, 2013.
2013/12/12 NRR E-mail Capture—Attached please find the transcript for PRB telecon with petitioner Lochbaum “10 CFR 2.206 Petition Review Board re: Fitzpatrick Nuclear Power Plant” dated November 13, 2013.	ML14036A234, November 13, 2013.
G20130561—James A. Fitzpatrick Nuclear Power Plant—Petition Pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations. (Acknowledgement Letter and <b>Federal Register</b> Notice). IR 05000333—14-007; 01/20/2014—01/24/2014; James A. Fitzpatrick Nuclear Power Plant (FitzPatrick); Supplemental Inspection—Inspection Procedure (IP) 95001.	ML14034A028 and ML14034A071, February 12, 2014. ML14133A051, May 12, 2014.
G20130561—James A. Fitzpatrick Nuclear Power Plant—Petition Pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations.	ML13217A059.
G20130561—Letter to Licensee Re: David Lochbaum ltr dtd 07/25/13 Concerning the 2.206 Petition on the Recurring Condenser Tube Leaks at the James A. Fitzpatrick Nuclear Power Plant (TAC No. MF2521).	ML14127A323, June 27, 2014.
G20130561—Letter to Petitioner Re: David Lochbaum ltr dtd 07/25/13 Concerning the 2.206 Petition on the Recurring Condenser Tube Leaks at the James A. Fitzpatrick Nuclear Power Plant (TAC No. MF2521).	ML14127A335, June 27, 2014.
G20130561—2.206 Proposed Director’s Decision Re: David Lochbaum ltr dtd 07/25/13 Concerning the Recurring Condenser Tube Leaks at the James A Fitzpatrick Nuclear Power Plant (TAC No. MF2521).	ML14127A338, June 27, 2014.
2014/07/09 NRR E-mail Capture—Comments on Draft Director’s Decision on FitzPatrick. (From Petitioner) James A. FitzPatrick Nuclear Power Plant—Comments to Proposed Director’s Decision Under 10 CFR 2.206. (From Licensee).	ML14251A270, July 09, 2014. ML14204A819, July 23, 2014.
Letter to David Lochbaum: Response to petition filed on July 25, 2013 .....	ML14247A311.
Final Director’s Decision: Petition filed on July 25, 2013 .....	ML14247A306.
James A. FitzPatrick Final <b>Federal Register</b> Notice—Issuance of Director’s Decision 2.206 Petition Re: Condenser Tubes.	ML14303A178.

Dated at Rockville, Maryland, this 17th day of October 2014.

For the Nuclear Regulatory Commission.

**William M. Dean,**  
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2014-26308 Filed 11-4-14; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

**Proposed Collection; Comment Request**

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-0213

Extension: Regulation AC; SEC File No. 270-517, OMB Control No. 3235-0575

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information provided for in Regulation Analyst Certification (AC) (17 CFR 242.500-505) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Regulation AC requires that research reports published, circulated, or

provided by a broker or dealer or covered person contain a statement attesting that the views expressed in each research report accurately reflect the analyst’s personal views and whether or not the research analyst received or will receive any compensation in connection with the views or recommendations expressed in the research report. Regulation AC also requires broker-dealers to, on a quarterly basis, make, keep, and maintain records of research analyst statements regarding whether the views expressed in public appearances accurately reflected the analyst’s personal views, and whether any part of the analyst’s compensation is related to the specific recommendations or views expressed in the public appearance. Regulation AC also requires that research prepared by foreign persons be presented to U.S. persons pursuant to Securities Exchange Act Rule 15a-6 and that broker-dealers notify associated persons if they would be covered by the regulation. Regulation AC excludes the news media from its coverage.

The Commission estimates that Regulation AC imposes an aggregate annual time burden of approximately 25,395 hours on 5,186 respondents, or approximately 5 hours per respondent. The Commission estimates that the total annual internal cost of compliance attributable to the 25,395 hours is approximately \$11,616,150.00, or approximately \$2,239.90 per respondent, annually.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: October 31, 2014.

**Kevin M. O’Neill,**  
Deputy Secretary.

[FR Doc. 2014-26350 Filed 11-4-14; 8:45 am]

**BILLING CODE 8011-01-P**