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Comments and questions should be directed to the OMB reviewer listed below by June 27, 2005. 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. John Asalone, Office of Information and Regulatory Affairs (3150-0056), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to John_A._Asalone@omb.eop.gov or submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 23rd day of May, 2005.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. E5-2689 Filed 5-26-05; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

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

FirstEnergy Nuclear Operating Company (FENOC) Receipt of Request for Action Under 10 CFR 2.2206

Notice is hereby given that by petition dated April 12, 2005, Mr. David Lochbaum of the Union of Concerned Scientists requested that the Nuclear Regulatory Commission (NRC) take action with regard to Beaver Valley Power Station, Unit Nos. 1 and 2. The petitioner requests that the NRC take enforcement action against FENOC and impose a civil penalty of at least \$55,000.

As the basis for this request, the petitioner states that the licensee's February 9, 2005, license renewal submittal was not complete and accurate in all material respects and that this is a violation of 10 CFR 50.9, paragraph (a) which requires in part, that information provided to the Commission by a licensee shall be complete and accurate in all material respects.

The petition is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The petition has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time. Mr. Lochbaum declined to meet with or participate in a telephone conference with the Petition Review Board on this matter stating that all pertinent facts were contained within his petition. Copies of the petition are available for inspection at the Commission's Public Document Room, located at One White Flint North, Public File Area O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html> (Accession No. ML051100297). Persons who do not have access to 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.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 20th day of May 2005.

J. E. Dyer,

Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-266 and 50-301]

Nuclear Management Company, LLC; Point Beach Nuclear Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix R, Section III.G.1.a for Facility Operating License Nos. DPR-24 and DPR-27, issued to Nuclear Management Company, LLC (NMC), the licensee, for operation of the Point Beach Nuclear Plant (PBNP), Units 1 and 2, located in Manitowoc County, Wisconsin. 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 exempt 10 CFR Part 50, Appendix R, Section III.G.1.a as it applies to the PBNP, Unit 1 auxiliary and turbine buildings; and the PBNP, Unit 2 auxiliary and turbine buildings, and the control building. The exemption requested is from the requirement that, "one train of systems necessary to achieve and maintain hot shutdown from either the control room or emergency control station(s) is free of fire damage," as it applies to the PBNP, Unit 1 auxiliary and turbine buildings; the PBNP, Unit 2 auxiliary and turbine buildings, and the control building. Specifically, NMC has asked for a repair consisting of powering a dedicated air compressor from one of two pre-planned 480 volt power sources using pre-staged power cords and connecting the air compressor to nitrogen bottle manifolds on one or both reactor units using pre-staged pneumatic hose with quick connect fittings. The repair would be required no earlier than 8 hours into an event in which instrument air is disabled.

The proposed action is in accordance with the licensee's application dated March 5, 2004, as supplemented by letter dated November 8, 2004.

The Need for the Proposed Action

Appendix R, Section III.G.1.a of 10 CFR Part 50 requires that, "one train of systems necessary to achieve and maintain hot shutdown conditions from either the control room or emergency control station(s) is free of fire damage." Appendix R, Section III.L.1 of 10 CFR Part 50 requires that an alternative or dedicated shutdown capability shall be able to, among other things, "(c) achieve and maintain hot standby conditions for a pressurized water reactor (PWR)"; and "(d) achieve cold shutdown conditions within 72 hours." NRC Inspection Report 50-266/2003-007; 50-301/2003-007, dated February 4, 2004, documents a Non-Cited Violation of Appendix R, Section III.L.1.c, in that NMC, "failed to ensure, without the need for 'hot standby repairs,' adequate control air to the speed controllers for the charging pumps during a postulated fire requiring an alternative shutdown method." The installed backup nitrogen gas bottle bank (for the charging pump speed controllers) meets the requirements of the regulation, with the exception that it is of limited capacity. This means that the hot shutdown conditions could not be maintained indefinitely while relying only on the installed bottle bank. However, the 8 to 14 hour capacity of the bottle banks is

ample time to extinguish the fire, achieve stable plant conditions in hot shutdown, augment staff with personnel from the emergency response organization, and connect dedicated power cabling and hoses to the dedicated compressor using the furnished plugs and quick connect fittings (*i.e.*, no tools required).

Because the bottle banks, hoses, cables, and compressor are all located in areas that would not be affected by the fires of concern, none would be damaged. Thus, the proposed exemption is fully consistent with the intent of the applicable sections of 10 CFR Part 50, Appendix R, and literal compliance is not necessary to achieve the underlying purpose of the rules.

Environmental Impacts of the Proposed Action

The NRC has completed its safety evaluation of the proposed action and concludes that pursuant to 10 CFR 50.12(a)(2)(ii), the level of fire safety provided is equivalent to the technical requirements of 10 CFR Part 50 Appendix R, Section III.G.1.a. As such, the requested exemption does not pose an undue risk to the health and safety of the public.

The details of the NRC staff's safety 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.

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 Point Beach Nuclear Plant, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on April 4, 2005, the NRC staff consulted with the Wisconsin State official, Jeffery Kitsemel of the Public Service Commission of Wisconsin, 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 March 5, 2004, as supplemented by letter dated November 8, 2004. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (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 send an e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 23rd day of May, 2005.

For the Nuclear Regulatory Commission.

Harold K. Chernoff,

Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. E5-2688 Filed 5-26-05; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. PAPO-00; ASLBP No. 04-829-01-PAPO]

Atomic Safety and Licensing Board; In the Matter of U.S. Department of Energy (High Level Waste Repository: Pre-Application Matters)

May 23, 2005.

Before Administrative Judges: Thomas S. Moore, Chairman, Alex S. Karlin, Alan S. Rosenthal.

Order

The Pre-License Application Presiding Officer (PAPO) Board held its second case management conference in this proceeding on May 18, 2005. The Department of Energy (DOE), the NRC Staff, the State of Nevada (State), the Nuclear Energy Institute (NEI), and the Nuclear Information and Research Service (NIRS) attended the conference. During this meeting the Board heard discussion on a written request, filed by DOE on May 12, 2005, that the Board establish uniform requirements for the retention of e-mails and other documents that constitute or may constitute documentary material as defined in 10 CFR 2.1001. DOE suggested that document retention requirements should be part of the procedures required under 10 CFR 2.1009, and that participation as a party in this proceeding requires substantial compliance with such procedures under 10 CFR 2.1012(b). DOE, the NRC Staff, the State, and NIRS participated in the discussion of this proposal.

Upon consideration of this matter, and hearing no objection from any of the participants during the May 18, 2005 conference, the Board agreed that the matter warranted further consideration and attention. The Board is concerned that, absent a uniform procedure prescribed by a case management order, some of the current participants, as well as other potential parties, might not have timely instituted documentary material retention policies or been aware of the need to adopt and follow retention policies for such material. The development and specification at this time of reasonable uniform documentary material retention procedures should enable all current participants and potential parties to avoid unnecessary burdens and expense.

Accordingly, the Board orders the participants attending the second case management conference to meet and to confer for the purpose of developing a joint proposed minimum acceptable