

Nuclear Power Station (Vermont Yankee).

The Petition requested that the NRC take immediate action to address the degraded alert and notification system at Vermont Yankee. The Petition also requested that the NRC order Vermont Yankee to go into cold shutdown until Entergy Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (the licensee) has provided a workable emergency warning system and until the NRC has verified the operability of that system.

As the basis for his request, the Petitioner stated that the emergency warning system could not assure that the public would be notified in a timely manner should an emergency occur. The Petitioner stated that equipment and human failures over time were cumulatively sufficient to show that Vermont Yankee was operating without a functional emergency response plan.

By teleconference on January 6, 2005, the Petitioner, along with two representatives of the organization Nuclear Free Vermont, discussed the petition with the NRC's Petition Review Board. This teleconference gave the Petitioner and the licensee an opportunity to provide additional information and to clarify issues raised in the Petition.

The NRC staff sent a copy of the proposed Director's Decision to the Petitioner and to the licensee for comment by letters dated May 24, 2005. The Petitioner submitted comments by letter dated June 24, 2005, and these comments are addressed in the final Director's Decision.

The Director of the Office of Nuclear Reactor Regulation has determined that the Petitioner's request is denied. The reasons for this decision are explained in the Director's Decision pursuant to 10 CFR 2.206 (DD-05-03), 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>.

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 7th day of November 2005.

For the Nuclear Regulatory Commission.

**J.E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E5-6272 Filed 11-14-05; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Nuclear Security Coalition; Boiling-Water Reactors of Mark I and II Design; Notice of Issuance of Director's Decision Under 10 CFR 2.206**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision with regard to a Petition dated August 10, 2004, filed by the Nuclear Security Coalition (the Petitioner, comprised of 45 independent organizations), pursuant to section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR). The Petition was supplemented by Paul Gunter of the Nuclear Information and Resource Service, an organization which is a member of the Nuclear Security Coalition, on November 29, 2004; December 6, 2004; March 15, 2005; March 28, 2005; April 12, 2005; and April 19, 2005. The Petitioner requested that the NRC take the following actions: (1) Issue a demand for information to the licensees for all Mark I and II boiling-water reactors (BWRs) and conduct a 6-month study of options for addressing structural vulnerabilities; (2) present the findings of the study at a national conference attended by all interested stakeholders, providing for transcribed comments and questions; (3) develop a comprehensive plan that accounts for stakeholder concerns and addresses structural vulnerabilities of all Mark I and II BWRs within a 12-month period; (4) issue orders to the licensees for all Mark I and II BWRs compelling incorporation of a comprehensive set of protective measures, including structural protections; and (5) make future operation of each Mark I and II BWR contingent on addressing their structural vulnerability with participation and oversight by a panel of local stakeholders.

In a letter dated October 19, 2004, the NRC informed the Petitioner that the issues in the Petition were accepted for review under 10 CFR 2.206 and had been referred to the Office of Nuclear Reactor Regulation for appropriate

action. A copy of the acknowledgment letter is publicly available in the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML042860465. A copy of the Petition is publicly available in ADAMS under Accession No. ML042370023.

The Petitioners' representatives met with NRC staff on September 23, 2004, to provide additional details in support of this request. This meeting was transcribed and the meeting summary with the transcript attached is publicly available in ADAMS under Accession No. ML042870571.

The NRC sent a copy of the proposed Director's Decision to the Petitioner for comment on June 29, 2005 (Accession No. ML051250010). The Petitioner and two of its member organizations commented on the proposed Director's Decision by letters dated July 29, 2005 (Accession Nos. ML052340473; ML052350440; ML052310022).

The Director of the Office of Nuclear Reactor Regulation has determined that (1) The proposed demand for all licensees of Mark I and II BWRs to conduct a 6-month study of options for addressing structural vulnerabilities has, in effect, been granted; (2) the proposed national conference to present the findings of the study has been denied; (3) the proposed development of a comprehensive plan to account for stakeholder concerns and address structural vulnerabilities of all Mark I and II BWRs is considered to have been granted; (4) the proposed issuance of orders to the licensees for all Mark I and II BWRs compelling incorporation of a comprehensive set of protective measures is denied; and (5) the proposed requirement that future operation of each Mark I and II BWR be contingent on addressing their structural vulnerability, with participation and oversight by a panel of local stakeholders, is denied. The reasons for these decisions are explained in the Director's Decision pursuant to 10 CFR 2.206 (DD-05-04), the complete text of which is available in ADAMS, and is available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records are accessible from the ADAMS Public Electronic Reading Room on 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 at

1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

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 7th day of November 2005.

For the Nuclear Regulatory Commission.

**J.E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E5-6269 Filed 11-14-05; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8838-MLA; ASLBP No. 00-776-04-MLA]

### Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, *see* 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

#### U.S. Army

*(Jefferson Proving Ground Site)*

This Licensing Board is being established pursuant to a Commission memorandum and order, CLI-05-23, 62 NRC—(Oct. 26, 2005), that (1) Affirmed a Presiding Officer's decision to reinstate this proceeding, *see* LBP-05-25, 62 NRC—(Sept. 12, 2005); and (2) directed that a three-member Licensing Board be appointed to conduct this reinstated proceeding, which is to be adjudicated using the revised procedural rules that became effective in February 2004, *see* 69 FR 2182 (Jan. 24, 2004).

*The Board is comprised of the following administrative judges:*

Alan S. Rosenthal, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dr. Paul B. Abramson, Atomic Safety and Licensing Board Panel, U.S. Nuclear

Regulatory Commission, Washington, DC 20555-0001.

Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 CFR 2.302.

Issued at Rockville, Maryland, this 1st day of November 2005.

**G. Paul Bollwerk, III,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 05-22099 Filed 11-14-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Notice of Availability of Interim Staff Guidance Documents for Spent Fuel Storage and Transportation Casks

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

#### FOR FURTHER INFORMATION CONTACT:

Robert Einziger, Materials Engineer, Structural and Materials Section, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20005-0001. telephone: (301) 415-2597; fax number: (301) 415-8555; e-mail: [ree1@nrc.gov](mailto:ree1@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Nuclear Regulatory Commission (NRC) prepares draft Interim Staff Guidance (ISG) documents for spent fuel storage or transportation casks or radioactive materials transportation package designs. These ISG documents provide clarifying guidance to the NRC staff when reviewing licensee integrated safety analyses, license applications or amendment requests or other related licensing. The NRC is soliciting public comments on Draft ISG-22, "Potential Rod Splitting Due to Exposure to an Oxidizing Atmosphere During Short-Term Cask Loading Operations in LWR or Other Uranium Oxide Based Fuel," which will be considered in the final version or subsequent revisions.

##### II. Summary

The purpose of this notice is to provide the public an opportunity to review and comment on the Draft Interim Staff Guidance-22 concerning exposure of spent fuel to an oxidizing atmosphere during the air blowdown operation. Draft Interim Staff Guidance-

22, Revision 0, provides guidance to NRC staff on what documents should be reviewed and evaluated to ensure that sufficient controls are in place to prevent any part of the fuel rods from being exposed to an oxidizing atmosphere.

### III. Further Information

Documents related to this action are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/isg/spent-fuel.html>. From this site, you can access the 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 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](mailto:pdr@nrc.gov).

Interim staff guidance	ADAMS accession number
Interim Staff Guidance-22	ML052560673

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. Comments and questions on the draft SFPO ISG-21 should be directed to the NRC contact listed below by December 30, 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. Christopher Brown, Materials Engineer, Structural and Materials Section, Spent Fuel Project Office, 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) 415-2597; fax number: (301) 415-8555; e-mail: [ree1@nrc.gov](mailto:ree1@nrc.gov).

Dated at Rockville, Maryland, this 31st day of October, 2005.

For the Nuclear Regulatory Commission.

**Gordon Bjorkman,**

*Chief, Structural and Materials Section, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. E5-6268 Filed 11-14-05; 8:45 am]

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