

Pursuant to 10 CFR 2.202(c)(2)(i), FP&L may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the grounds that the Order, including the need for immediate effectiveness, is not based on adequate evidence, but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section III above shall be final twenty (20) days from the date of this Order, without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section III shall be final when the extension expires, if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

For the Nuclear Regulatory Commission.

Dated this 15th day of June 2006.

Jack R. Strosnider,

Director, Office of Nuclear Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. (as shown in Attachment 1); License Nos. (as shown in Attachment 1); EA-06-137]

In the Matter of Operating Power Reactor Licensees Identified In Attachment 1; Order Modifying Licenses (Effective Immediately)

The licensees identified in Attachment 1 to this Order hold licenses issued by the U.S. Nuclear Regulatory Commission (NRC or the Commission) authorizing operation of nuclear power plants in accordance with the Atomic Energy Act of 1954 and Title 10 of the *Code of Federal Regulations* (10 CFR) part 50.

On September 11, 2001, terrorists simultaneously attacked targets in New York, NY, and Washington, DC, using large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to its licensees, and eventually Orders to selected licensees, to strengthen licensees' capabilities and readiness to respond to a potential attack on a nuclear facility. On February 25, 2002, the Commission issued an Order to all

operating power reactor licensees that required certain compensatory measures be implemented (February 25th Order).

On December 2, 2005, the Commission issued a Demand for Information (DFI) to the power reactor licensees. The DFI required responses regarding whether certain identified key mitigative strategies, related to Section B.5.b. of the February 25th Order, for loss of large areas of the plant due to large fires or explosions were applicable to their facilities. The DFI also required certain related information, including whether the licensees acknowledged that the identified key strategies were required by Section B.5.b. of the February 25th Order. All licensees responded to the DFI with the required information but all responses stated that the strategies were not required by Section B.5.b.

As a result of the Commission's continued assessment of Section B.5.b mitigation strategies for loss of large areas of the plant due to large fires or explosions, the Commission has determined that it is necessary at this time to require implementation of certain key radiological protection mitigation strategies. The key radiological protection mitigation strategies are set forth in Attachment 2¹ of this Order. Each licensee must amend its site security plan, safeguards contingency plan, guard training and qualification plan, and emergency plan as appropriate to address the key radiological protection mitigation strategies identified for its facilities. The Commission's assessment of the other mitigating strategies required by Section B.5.b. of the February 25th Order is continuing.

Any needed changes to the physical security plan, safeguards contingency plan, guard training and qualification plan, and emergency plan required by 10 CFR 50.34(c), 50.34(d), 73.55(b)(4)(ii), and 50.47(b) respectively, shall be completed and implemented within 120 days of the date of this Order.

Pursuant to 10 CFR 2.202, I find that in the circumstances described above, the public health, safety, and interest and the common defense and security require that this Order be immediately effective.

Accordingly, pursuant to sections 103, 104, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR parts 50 and 73, *it is hereby ordered, effective immediately*, that all licenses

¹ Attachment 2 contains SAFEGUARDS INFORMATION and will not be publicly disclosed.

identified in attachment 1 to this order are modified as follows:

A.1. Each licensee shall revise its physical security plan, safeguards contingency plan, guard training and qualification plan, and emergency plan prepared pursuant to 10 CFR 50.34(c), 50.34(d), 73.55(b)(4)(ii), and 50.47(b), as appropriate, to incorporate the key radiological protection mitigation strategies set forth in Attachment 2 to this Order. In addition, each licensee shall ensure that site procedures, and initial and recurring operations staff training programs, are updated to include the key radiological protection mitigation strategies set forth in Attachment 2 to this Order.

2. Each licensee shall implement any necessary changes to its physical security plan, safeguards contingency plan, guard training and qualification plan, emergency plan, and site procedures and training programs no later than 120 days from the date of this Order.

B.1. Each licensee shall, within 35 days of the date of this Order, notify the Commission, (1) if the licensee is unable to comply with any requirements of this Order, (2) if compliance with any requirement of this Order is unnecessary in the licensee's specific circumstances, or (3) if implementation of any requirement of this Order would cause the licensee to be in violation of the provisions of any Commission regulation or the facility license. The notification shall provide the licensee's justification for seeking relief from, or variation of, any specific requirement.

2. Any licensee that considers that implementation of any of the requirements of this Order would adversely impact safe operation of the facility must notify the Commission, within 35 days of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives of this Order, or a schedule for modifying the facilities to address the adverse safety condition. If neither approach is appropriate, the licensee must supplement its response to Condition B.1. of this Order to identify the condition as a requirement with which it cannot comply, with attendant justifications as required in Condition B.1.

C. Each licensee shall report to the Commission, in writing, when it has fully implemented this Order. The notification shall be made no later than 120 days from the date of the Order and include substitute security plan, safeguards contingency plan, guard training and qualification plan, and

emergency plan pages that reflect any changes made to implement the Order.

D. All measures implemented or actions taken in response to this Order shall be maintained until the Commission determines otherwise, except that the licensee may change its physical security plans, safeguards contingency plans, and guard training and qualification plans if authorized by 10 CFR 50.54(p) and may change its revised emergency preparedness plan if authorized by 10 CFR 50.54(q).

Licensee responses to Conditions A.1., B.1., B.2., and C. above, shall be submitted in accordance with 10 CFR 50.4. In addition, licensee submittals that contain safeguards information shall be properly marked and handled in accordance with 10 CFR 73.21.

The Director, Office of Nuclear Reactor Regulation, may, in writing, relax or rescind any of the above conditions upon demonstration by the licensee of good cause.

In accordance with 10 CFR 2.202, the licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 35 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for an extension of time in which to submit an answer or request a hearing must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically set forth the matters of fact and law on which the licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555-0001. Copies also shall be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; the Assistant General Counsel for Materials Litigation and Enforcement at the same address; the Regional Administrator for NRC Region I, II, III, or IV, as appropriate for the specific facility; and the licensee if the answer or hearing request is by a person other than the licensee. Because of possible delays in delivery of mail to United

States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to hearingdocket@nrc.gov and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to OGCMailCenter@nrc.gov. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309.

If a hearing is requested by the licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the licensee may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section III above shall be final 35 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section III shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

For the Nuclear Regulatory Commission.

Dated this 20th day of June 2006.

J.E. Dyer,

Director, Office of Nuclear Reactor Regulation.

Attachment 1—List of Licensees (EA-06-137)

Mr. William Levis
Senior Vice President and Chief Nuclear Officer
PSEG Nuclear LLC—N09
Hope Creek Generating Station, Unit 1
Docket No. 50-354
License No. NPF-57
End of Buttonwood Road
Hancocks Bridge, NJ 08038
Mr. Michael Kansler
President

Entergy Nuclear Operations, Inc.
Vermont Yankee Nuclear Power Station
Docket No. 50-271
License No. DPR-28
440 Hamilton Avenue
White Plains, NY 10601
Mr. Michael Kansler
President
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333,
License No. DPR-59
440 Hamilton Avenue
White Plains, NY 10601
Mr. Michael Kansler
President
Entergy Nuclear Operations, Inc.
Pilgrim Nuclear Power Station, Unit 1
Docket No. 50-293
License No. DPR-35
440 Hamilton Avenue
White Plains, NY 10601
Mr. Timothy J. O'Connor
Vice President
Nine Mile Point Nuclear Station, LLC
Nine Mile Point Nuclear Station, Units 1 and 2
Docket Nos. 50-220 & 50-410
License Nos. DPR-63 & NPF-69
348 Lake Road
Oswego, NY 13126
Mr. Britt T. McKinney
Senior Vice President and Chief Nuclear Officer
PPL Susquehanna, LLC
Susquehanna Steam Electric Station,
Units 1 and 2
Docket Nos. 50-387 & 50-388
License Nos. NPF-14 & NPF-22
769 Salem Boulevard, NUCSB3
Berwick, PA 18603-0467
Mr. L. M. Stinson
Vice President—Nuclear, Hatch Project
Southern Nuclear Operating Company, Inc.
Edwin I. Hatch Nuclear Plant, Units 1 and 2
Docket Nos. 50-321 & 50-366
License Nos. DPR-57 & NPF-5
40 Inverness Center Parkway
Birmingham, AL 35242
Mr. James Scarola
Vice President
Carolina Power & Light Company
Progress Energy, Inc.
Brunswick Steam Electric Plant, Units 1 and 2
Docket Nos. 50-325 & 50-324
License Nos. DPR-71 & DPR-62
Hwy 87, 2.5 Miles North
Southport, NC 28461
Mr. Brian J. O'Grady
Site Vice President
Browns Ferry Nuclear Plant, Units 1, 2 and 3
Tennessee Valley Authority

Docket Nos. 50-259, 50-260, & 50-296
License Nos. DPR-33, DPR-52, & DPR-68
10835 Shaw Rd.
Athens, AL 35611
Mr. Michael Skaggs
Site Vice President
Watts Bar Nuclear Plant, Unit 1
Tennessee Valley Authority
Docket No. 50-390
License No. NPF-90
Highway 68 Near Spring City
Spring City, TN 37381
Mr. Randy Douet
Site Vice President
Sequoyah Nuclear Plant, Units 1 and 2
Tennessee Valley Authority
Docket Nos. 50-327 and 50-328
License Nos. DPR-77 and DPR-79
2000 Igou Ferry Road
Soddy Daisy, TN 37379
Mr. Mano K. Nazar
Senior Vice President and Chief Nuclear Officer
Indiana Michigan Power Company
Nuclear Generation Group
Donald C. Cook Nuclear Plant, Units 1 and 2
Docket Nos. 50-315 & 50-316
License Nos. DPR-58 & DPR-74
One Cook Place
Bridgman, MI 49106
Mr. Gary Van Middlesworth
Vice President
Duane Arnold Energy Center
Docket No. 50-331
License No. DPR-49
3277 DAEC Road
Palo, IA 52324-9785
Mr. Donald K. Cobb
Assistant Vice President—Nuclear Generation
Detroit Edison Company
Fermi, Unit 2
Docket No. 50-341
License No. NPF-43
6400 North Dixie Highway
Newport, MI 48166
Mr. John Conway
Site Vice President
Nuclear Management Company, LLC
Monticello Nuclear Generating Plant
Docket No. 50-263
License No. DPR-22
2807 West County Road 75
Monticello, MN 55362-9637
Mr. Randall K. Edington
Vice President—Nuclear and CNO
Nebraska Public Power District
Cooper Nuclear Station
Docket No. 50-298
License No. DPR-46
1200 Prospect Road
Brownville, NE 68321
Mr. J.V. Parrish
Chief Executive Officer
Energy Northwest

Columbia Generating Station
Docket No. 50-397
License No. NPF-21
Snake River Warehouse
North Power Plant Loop
Richland, WA 99352
Mr. Christopher M. Crane
President and Chief Nuclear Officer
AmerGen Energy Company, LLC
Oyster Creek Nuclear Generating Station
Docket No. 50-219
License No. DPR-16
4300 Winfield Road
Warrenville, IL 60555
Mr. Christopher M. Crane
President and Chief Nuclear Officer
Exelon Generation Company, LLC
Dresden Nuclear Power Station, Units 2 and 3
Docket Nos. 50-237 & 50-249
License Nos. DPR-19 & DPR-25
4300 Winfield Road
Warrenville, IL 60555
Mr. Christopher M. Crane
President and Chief Nuclear Officer
Exelon Generation Company, LLC
LaSalle County Station, Units 1 and 2
Docket Nos. 50-373 & 50-374
License Nos. NPF-11 & NPF-18
4300 Winfield Road
Warrenville, IL 60555
Mr. Christopher M. Crane
President and Chief Nuclear Officer
Exelon Generation Company, LLC
Quad Cities Nuclear Power Station, Units 1 and 2
Docket Nos. 50-254 & 50-265
License Nos. DPR-29 & DPR-30
4300 Winfield Road
Warrenville, IL 60555
Mr. Christopher M. Crane
President and Chief Nuclear Officer
Exelon Generation Company, LLC
Limerick Generating Station, Units 1 and 2
Docket Nos. 50-352 & 50-353
License Nos. NPF-39 & NPF-85
4300 Winfield Road
Warrenville, IL 60555
Mr. Christopher M. Crane
President and Chief Nuclear Officer
Exelon Generation Company, LLC
Peach Bottom Atomic Power Station, Units 2 and 3
Docket Nos. 50-277 & 50-278
License Nos. DPR-44 & DPR-56
4300 Winfield Road
Warrenville, IL 60555

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NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic

Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on July 12-14, 2006, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Tuesday, November 22, 2005 (70 FR 70638).

Wednesday, July 12, 2006, Conference Room T-2b3, Two White Flint North, Rockville, Maryland

8:30 a.m.-8:35 a.m.: *Opening Remarks by the ACRS Chairman*

(Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.-10 a.m.: *Final Review of the License Renewal Application for the Nine Mile Point Nuclear Station*
(Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Constellation Energy Company, LLC regarding the license renewal application for the Nine Mile Point Nuclear Station, Units 1 and 2 and the associated NRC staff's final Safety Evaluation Report.

10:15 a.m.-11:45 a.m.: *Results of the Study to Determine the Need for Establishing Limits for Phosphate Ion Concentration* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and their contractor regarding the results of the study for use by the staff in deciding on the need for establishing limits for phosphate ion concentration in groundwater at the sites of plants applying for license renewal.

12:45 p.m.-4 p.m.: *Integrating Risk and Safety Margins* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding a proposed framework for integrating risk and safety margins.

4:15 p.m.-4:45 p.m.: *Subcommittee Report* (Open)—Report by and discussions with the chairman of the ACRS Subcommittee on Thermal-Hydraulic Phenomena regarding the status of activities associated with the resolution of Generic Safety Issue-191—Assessment of Debris Accumulation on PWR Sump Performance that were discussed during the June 13-14, 2006 Subcommittee meeting.

4:45 p.m.-6:45 p.m.: *Preparation of ACRS Reports* (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting. In addition, the Committee will discuss a response to the May 2, 2006 letter from the NRC Executive Director for Operations, responding to the March 24, 2006 (Revised April 10, 2006) ACRS