

terms for the transmission and ephemeral recording statutory licenses that would apply to a new type of service. This new type of subscription service performs sound recordings on digital audio channels programmed by the licensee for transmission by a satellite television distribution service to its residential customers, where the audio channels are bundled with television channels as part of a "basic" package of service and not for a separate fee. The Board is also announcing the date by which a party who wishes to participate in the new rate proceeding must file its Petition to Participate and the accompanying \$150 filing fee.

**DATES:** Petitions to Participate and the filing fee are due no later than January 4, 2006.

**ADDRESSES:** If hand delivered by a private party, an original and five copies of a Petition to Participate along with the \$150 filing fee should be brought to Room LM-401 of the James Madison Memorial Building between 8:30 a.m. and 5 p.m. and the envelope should be addressed as follows: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If delivered by a commercial carrier, an original and five copies of a Petition to Participate along with the \$150 filing fee must be delivered to the Congressional Courier Acceptance Site located at Second and D Street, NE., Monday through Friday between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Copyright Royalty Board, Library of Congress, Room 403, James Madison Memorial Building, 101 Independence Avenue, SE., Washington, DC. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a Petition to Participate along with the \$150 filing fee should be addressed to: Copyright Royalty Board, P.O. Box 70977, Southwest Station, Washington, DC 20024-0977. Petitions to Participate and the \$150 filing fee may not be delivered by means of overnight delivery services such as Federal Express, United Parcel Service, etc., due to delays in processing receipt of such deliveries.

**FOR FURTHER INFORMATION CONTACT:** William J. Roberts, Jr., Senior Attorney, or Abioye E. Oyewole, CRB Program Specialist. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 31, 2005, the Copyright Royalty Board ("Board") from XM

Satellite Radio, Inc. ("XM"), a Petition to Initiate and Schedule Proceeding for a New Type of Subscription Service pursuant to 17 U.S.C. 114(f)(2)(C). As characterized in the Petition, "This new type of subscription service performs sound recordings on digital audio channels programmed by the licensee for transmission by a satellite television distribution service to its residential customers, where the audio channels are bundled with television channels as part of a 'basic' package of service and not for a separate fee." XM Petition at 1.

As explained in the Petition, commencing on or about November 15, 2005, DirecTV, Inc., ("DirecTV"), a provider of television service to residential consumers by satellite, would begin to include a number of music and non-music audio channels, supplied by XM in its program lineup. The XM channels will be "a part of the DirecTV basic package of service, without requiring payment of a separate subscription fee." XM Petition at 2. This new service would utilize the statutory copyright licenses provided in 17 U.S.C. 114(d)(2) (for performance by means of subscription digital audio transmission) and 17 U.S.C. 112(e) (for ephemeral recordings solely for use in those transmissions). This Notice is issued, pursuant to 17 U.S.C. 804(b)(3)(C)(ii), to initiate the proceeding to determine the rates and terms for those licenses.

**Petitions To Participate**

Any party who wishes to participate in this proceeding must submit to the Board a Petition to Participate by no later than January 4, 2006. 17 U.S.C. 803(b)(1)(B). The single or joint Petition to Participate must provide all of the information required by 37 CFR 351.1(b). See, 70 FR 30906-7 (May 31, 2005). The Petition to Participate must be accompanied by a \$150 filing fee. Cash will not be accepted; therefore, parties must pay the filing fee with a check or money order made payable to "Copyright Royalty Board." If payment of the filing fee in the form of a check is returned for lack of sufficient funds, the corresponding Petition to Participate will be dismissed.

Dated: November 29, 2005.

**Bruce G. Forrest,**

*Interim Chief Copyright Royalty Judge.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-336 and 50-423]

**Dominion Nuclear Connecticut, Inc.; Millstone Power Station, Units 2 and 3; Notice of Issuance of Renewed Facility; Operating License Nos. DPR-65 And NPF-49; for an Additional 20-Year Period**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Renewed Facility Operating License Nos. DPR-65 and NPF-49 to Dominion Nuclear Connecticut, Inc. (licensee), the operator of Millstone Power Station (MPS), Units 2 and 3. Renewed Facility Operating License No. DPR-65 authorizes operation of MPS Unit 2 by the licensee at reactor core power levels not in excess of 2700 megawatts thermal, in accordance with the provisions of the MPS renewed license and its Technical Specifications. Renewed Facility Operating License No. NPF-49 authorizes operation of MPS Unit 3 by the licensee at reactor core power levels not in excess of 3411 megawatts thermal, in accordance with the provisions of the MPS renewed license and its Technical Specifications.

MPS Units 2 and 3 are pressurized water reactors located in Waterford, Connecticut. The licensee's applications for the renewed licenses complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. As required by the Act and the Commission's regulations in 10 CFR Chapter 1, the Commission has made appropriate findings, which are set forth in each license. Prior public notice of the action of issuing the proposed renewed licenses and of an opportunity for a hearing on the proposed issuance of the renewed licenses was published in the **Federal Register** on March 12, 2004 (69 FR 11897).

For further details about this action, see: (1) Dominion Nuclear Connecticut's license renewal applications for MPS Units 2 and 3, dated January 20, 2004, as supplemented by letters dated through July 21, 2005; (2) the Commission's safety evaluation report dated October 2005 (NUREG-1838); and (3) the Commission's final environmental impact statements (NUREG-1437, Supplement 22, for the Millstone Power Station, Units 2 and 3, dated July 2005). These documents are available at the NRC's Public Document Room, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, and can be viewed from the NRC Public

Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>.

Copies of Renewed Facility Operating License Nos. DPR-65 and NPF-49 may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001, Attention: Director, Division of License Renewal. Copies of the MPS Units 2 and 3, Safety Evaluation Report (NUREG-1838) and the Final Environmental Impact Statements (NUREG-1437, Supplement 22) may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161 (<http://www.ntis.gov>), 703-605-6000, or Attention: Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954 (<http://www.gpoaccess.gov>), 202-512-1800. All orders should clearly identify the NRC publication number and the requestor's Government Printing Office deposit account number or VISA or MasterCard number and expiration date.

Dated at Rockville, Maryland, this 28th day of November 2005.

For the Nuclear Regulatory Commission.

**Frank P. Gillespie,**

*Director, Division of License Renewal, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-373; 50-374; License Nos. NPF-11; NPF-18; EA-04-170]

### In the Matter of Exelon Generation Company, LLC, LaSalle County Station, 2601 North 21st Road, Marseilles, IL 61341-9757; Confirmatory Order Modifying License (Effective Immediately)

#### I

Exelon Generation Company, LLC (Exelon or licensee) is the holder of Facility Operating License Nos. NPF-11 and NPF-18 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 50 on April 17, 1982, and February 16, 1983. The licenses authorize the operation of LaSalle County Station, Units 1 and 2 (LaSalle), in accordance with conditions specified therein. The facility is located on the licensee's site in LaSalle County, IL.

#### II

On January 25, 2004, three employees of The Venture (Venture), contractors to Exelon, and their foreman, also a

Venture employee, entered a High Radiation Area (HRA) in the LaSalle Unit 1 Reactor Building roadway to conduct preparations for valve replacement. The contractors did not sign onto the required HRA radiation work permit (RWP) or receive the required briefing for work in the HRA. This resulted in an apparent violation of LaSalle Technical Specification (TS) 5.7.1, "High Radiation Areas with Dose Rates Not Exceeding 1.0 rem/hour at 30 Centimeters from the Radiation Source or from any Surface Penetration by the Radiation," which requires that an appropriate RWP be utilized by radiation workers and that a pre-job brief be provided prior to entry into any HRA. The NRC's Office of Investigations determined that two of the three craft workers and the foreman willfully violated the station radiation procedures implementing the TSs.

In a letter dated November 19, 2004, transmitting the Summary of Investigation, the NRC provided Exelon an opportunity to address the apparent violation. In a letter dated December 17, 2004, Exelon responded to the apparent violation by acknowledging that a willful violation occurred, that the violation should be categorized at Severity Level IV, and that the violation met the NRC criteria to be categorized as a non-cited violation (NCV). In a letter dated May 2, 2005, the NRC categorized the violation at Severity Level III and issued Exelon a "Notice of Violation and Proposed Imposition of Civil Penalty—\$60,000," for LaSalle. On May 12, 2005, in response to the NRC's enforcement action, Exelon informed the NRC of its intent to appeal the Notice of Violation and Proposed Imposition of Civil Penalty and requested the use of the Alternative Dispute Resolution (ADR) process as a means to obtain resolution.

ADR is a general term encompassing various techniques for resolving conflict outside of court using a neutral third party, and the NRC currently has a pilot program for using ADR. The technique that the NRC decided to employ during the pilot program, which is now in effect, is mediation.

#### III

On July 11, 2005, the NRC and Exelon met at the Exelon headquarters in Warrenville, IL, at an ADR session mediated by a professional mediator and arranged through Cornell University's Institute on Conflict Resolution. As a result of this ADR session, all parties reached a settlement agreement, which was signed by both Exelon and NRC representatives on July 11, 2005. Subsequent to the ADR

mediation session, the parties agreed to the addition of two time frames. The phrase, "prior to the next two refueling outages" replaced the word "each" in item 2.I, and a corrective actions completion date of no later than 6 months from the date of issuance of this Confirmatory Order, unless otherwise stated, was added to section IV of this Confirmatory Order. This resulted in the following stipulations:

1. The NRC issued a May 2, 2005, Notice of Violation and Proposed Imposition of a Civil Penalty (Severity Level III violation, \$60,000 civil penalty) based upon three craft workers and their foreman willfully entering a posted HRA without signing the required radiation work permit or receiving a HRA briefing in violation of TSs 5.7.1.b and e.

2. After having had an opportunity to examine these issues during mediated ADR, Exelon and the NRC have concluded that they can resolve all issues on a mutually satisfactory basis. Accordingly, Exelon and the NRC have agreed to enter this settlement agreement to provide for full settlement of any enforcement matters between Exelon and the NRC related to or arising out of events which were the subject of the NRC's proposed enforcement action on May 2, 2005. Both Exelon and the NRC agree to the following:

a. A willful violation occurred as documented in the NRC's May 2, 2005, Notice of Violation; however, the NRC agreed to categorize this as a Severity Level IV violation and agreed not to consider it as part of the civil penalty assessment process (NRC Enforcement Policy, section VI.C.2) should the NRC consider future enforcement actions against LaSalle.

b. A Confirmatory Order is an appropriate enforcement sanction to confirm action in this case, and the NRC agrees to a reduced civil penalty of \$10,000.

c. Exelon will document in LaSalle station procedures or training material, the following corrective actions:

i. Revise initial radiation worker training material to highlight HRA entry requirements and consequences for the radiation worker if requirements are not met;

ii. Revise RWP instructions that allow HRA entry to state "high radiation entry brief required;"

iii. Add warnings to worker acknowledgments on the computer screen during the access control electronic dosimetry log-in process;

iv. Add the radiation protection aid for conducting HRA briefings; and

v. Require a signature from transient refueling outage workers prior to