

certain security requirements in 10 CFR Part 73.

### 3.0 Discussion

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may grant exemptions from the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

The NRC evaluated the proposed exemptions and documented the review in a Safety Evaluation which contains security related information and has been withheld from public disclosure pursuant to 10 CFR 2.390(d)(1).

On the basis of Commission policy, NRC security orders, and ongoing staff activities, the Commission determined the following requested exemptions to the current 10 CFR 73.55 are approved: Target Sets, Insider Mitigation Program, Waterway Approaches, Owner Controlled Areas Searches, PA Searches, Weapons Training, and Personnel Equipment.

These exemptions meet the high assurance requirements and the general performance objectives of 10 CFR 73.55 considering the permanently shut down and defueled conditions at the ZNPS where all of the nuclear fuel is located within the spent fuel pool. With respect to the proposed exemption requests: (1) There is reasonable assurance that the health and safety of the public will not be endangered by granting said exemptions; (2) such activities will be conducted in compliance with the Commission's regulations and orders; and (3) the approval of these exemptions will not be inimical to the common defense and security or the health and safety of the public. Accordingly, the staff has determined that, pursuant to 10 CFR 73.5, these exemptions are authorized by law and are otherwise in the public interest.

### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, an exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest based on permanently shut down and defueled conditions at the ZNPS. Therefore, the Commission hereby grants *ZionSolutions* an exemption from the requirements of 10 CFR part 73 delineated in §§ 73.55(b)(4), 73.55(f), 73.55(i)(5)(vi), 73.55(b)(9), 73.55(e)(10)(ii), 73.55(h)(2), 73.55(h)(3)(i), and Appendixes B.III and B.V.

Part of this licensing action meets the categorical exclusion provision in 10 CFR Part 51.22(c)(25), as part of this action is an exemption from the requirements of the Commission's regulations and (i) There is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve safeguard plans. Therefore, this part of the action does not require either an environmental assessment or an environmental impact statement.

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact related to part of this exemption was published in the **Federal Register** on October 21, 2011 (76 FR 65541). Based upon the environmental assessment, the Commission has determined that issuance of this exemption will not have a significant effect on the quality of the human environment.

These exemptions are effective immediately.

Dated at Rockville, Maryland, this 10th day of November 2011.

For the U.S. Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2011-29983 Filed 11-18-11; 8:45 am]

**BILLING CODE 7590-01-P**

### NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50-271 and 50-458; NRC-2009-0572; License Nos. DPR-28 and NPF-47]**

#### **Entergy Nuclear Operations, Inc., Entergy Operations, Inc., Entergy Nuclear Vermont Yankee, LLC, Entergy Gulf States Louisiana, LLC; Notice of Issuance of Director's Decision**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC or the Commission), has issued a Director's Decision on a

petition filed by Mr. Sherwood Martinelli (hereafter referred to as the Petitioner). Electronic transmissions sent on December 22, 2009, and December 28, 2009, amended the original petition, dated August 22, 2009. The petition concerns the operation of the River Bend Station, Unit 1, owned by Entergy Gulf States Louisiana, LLC, and operated by Entergy Operations, Inc., and the operation of the Vermont Yankee Nuclear Power Station owned by Entergy Nuclear Vermont Yankee, LLC, and operated by Entergy Nuclear Operations, Inc.

The Petitioner requested that the NRC; (1) suspend the operating license of any Entergy Nuclear Operations, Inc., or Entergy Operations, Inc. (both corporations hereafter referred to as Entergy), nuclear power plant with a projected shortfall in its decommissioning trust funds; (2) take action to ensure that the licensee rectify any shortfalls in the decommissioning trust funds; and (3) take additional actions that include imposing daily fines, suspending all Entergy-related filings before the Commission, and ordering the licensee's compliance with all NRC regulations.

Based on the original petition dated August 22, 2009, the Petitioner expressed his belief that Entergy deliberately mismanaged its decommissioning trust funds and knowingly provided false financial documentation supporting filings before the Commission and that the NRC staff was complicit in these actions. The Petitioner noted that the biennial decommissioning funding assurance reports submitted by Entergy in March 2009 for its fleet of nuclear reactors had projected shortfalls totaling hundreds of millions of dollars. The Petitioner requested a number of actions, including suspending the operating licenses of all Entergy facilities with projected shortfalls until the licensee restores the decommissioning funds to the minimum levels required by NRC regulations.

Based on the December 22, 2009, request that amended the original petition, the Petitioner expressed his belief that, because the NRC's Petition Review Board accepted his petition with respect to Vermont Yankee Nuclear Power Station and River Bend Station, the NRC had effectively acknowledged violations by Entergy and that the NRC was remiss in not taking immediate enforcement actions. The Petitioner asked the NRC to impose daily fines on Entergy and to release all financial documentation provided by Entergy that the agency relied on when determining

whether adequate decommissioning funds would exist.

Based on the December 28, 2009, request that amended the original petition, the Petitioner expressed his belief that allowing Entergy to rely on SAFSTOR to accumulate decommissioning funds for Indian Point Nuclear Generating, Unit No. 2, is unacceptable. The Petitioner asked the NRC to impose additional enforcement on Entergy that would result in either the withdrawal of its license renewal applications or the imposition of a \$5 billion fine, along with a statement by Entergy acknowledging that it had submitted false and inaccurate financial statements on its decommissioning funding assurance.

The NRC sent a copy of the proposed Director's Decision to the Petitioner and Entergy for comment on September 8, 2011. The agency received comments from Entergy and incorporated them into the final Director's Decision. The agency did not receive any comments from the Petitioner.

The Director of the Office of Nuclear Reactor Regulation denied the Petitioner's request to suspend the operating licenses of the Entergy facilities that have projected shortfalls in their decommissioning trust funds and denied the Petitioner's request that the NRC take certain actions to ensure that the licensee rectifies any shortfalls in the decommissioning trust funds and take other actions to ensure the integrity of the decommissioning trust funds. These actions included suspending all licensing actions for Entergy facilities, ordering immediate actions by Entergy to redress the projected shortfalls, and imposing daily fines until the licensee has deposited adequate funds to make the decommissioning funds fully whole. The Director of the Office of Nuclear Reactor Regulation granted the Petitioner's request that the agency make available to the Petitioner all data and information presented by Entergy and used by the NRC staff to decide whether facilities operated by Entergy have adequate decommissioning funds as required by the regulations. All information supplied by Entergy and used by the staff is publicly available in the Agencywide Documents Access and Management System (ADAMS). The Director's Decision (DD-11-07) under Title 10 of the *Code of Federal Regulations* (10 CFR) 2.206, "Requests for Action under This Subpart," explains the reasons for these decisions. The complete text is available in ADAMS under Accession No. ML112870542 for inspection at the Commission's Public Document Room located at One White Flint North, Public

File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, MD, and online in the NRC library at <http://www.nrc.gov/reading-rm.html>.

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 a provision of 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 8th day of November 2011.

For the Nuclear Regulatory Commission.

**Eric J. Leeds,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 2011-29985 Filed 11-18-11; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2011-0267]

### Receipt of Request for Action

Notice is hereby given that by petition dated July 29, 2011, David Lochbaum (petitioner) has requested that the U.S. Nuclear Regulatory Commission (NRC or the Commission) take action to issue a Demand for Information (DFI) of all boiling-water reactor nuclear power reactors with Mark I or Mark II containment designs.

As the basis for this request, the petitioner states that, during an accident scenario, the spent fuel pools have the potential to impact other plant equipment. The petitioner has requested that the DFI compel the subject licensees to demonstrate that the plant systems are capable of removing the combined heat loads from the reactor building during an accident, including the heat load from the spent fuel pool. Additionally, the petitioner requested that the DFI compel the subject licensees to demonstrate that, if the spent fuel pool were to boil, the equipment that would be exposed to additional temperature, humidity, and submergence conditions would be able to perform its design function.

The request is being treated pursuant to Title 10 of the *Code of Federal Regulations* Section 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time. The

petitioner declined an opportunity to address the NRR Petition Review Board (PRB). After meeting internally, the PRB acknowledged the petitioner's concern about the impact of spent fuel pools during an accident, noting that this concern is consistent with the NRC's mission of protecting public health and safety. Additionally, the PRB noted that the effects of the spent fuel pool during an accident are undergoing NRC review as part of the lessons-learned from the Fukushima event. The PRB intends to use the results of the Fukushima review to inform its final decision on whether to implement the requested actions.

A copy of the petition (Agencywide Documents Access and Management System Accession No. ML11213A030) is available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through the Agencywide Documents Access and Management System (ADAMS) in the NRC Library at <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 by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

Dated at Rockville, Maryland, this November 10, 2011.

For the Nuclear Regulatory Commission.

**Eric J. Leeds,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 2011-29988 Filed 11-18-11; 8:45 am]

**BILLING CODE 7590-01-P**

## OVERSEAS PRIVATE INVESTMENT CORPORATION

### Sunshine Act Notice—December 8, 2011 Board of Directors Meeting

**DATES:** *Time and Date:* Thursday, December 8, 2011, 10 a.m. (Open Portion), 10:15 a.m. (Closed Portion).

**PLACE:** Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

**STATUS:** Meeting open to the Public from 10 a.m. to 10:15 a.m.; Closed portion will commence at 10:15 a.m. (approx.).

#### MATTERS TO BE CONSIDERED:

1. President's Report.
2. Tribute:

C. William Swank, Samuel E. Ebbesen, Diane Ingles Moss, Patrick