

areas of regulatory program performance and safety culture. In addition, Entergy has not provided the NRC with information describing how the recent personnel changes resulting from the independent internal investigation will affect Entergy's ability to implement NRC-regulated programs at Vermont Yankee, and any compensatory measures Entergy has taken in response. The NRC will independently review and assess the results of Entergy's independent investigation, and determine any implications on NRC-regulated activities at the facility.

#### IV

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 50.54(f), in order for the Commission to determine whether Vermont Yankee's license should be modified, suspended, or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, Entergy is required to submit to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA, 19406 (with copies to the Director, Office of Enforcement and to the Assistant General Counsel for Materials Litigation and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001), within 30 days of the date of this Demand for Information, the following information, in writing, and under oath or affirmation:

1. Information regarding whether communications over the past five years to the NRC by the aforementioned employees that were material to NRC-regulated activities were complete and accurate, and the basis for that conclusion. The communications shall include, but not be limited to, required reports to the NRC, interactions with NRC inspection staff, and submittals to support NRC licensing decisions, including the license renewal process. The information shall also describe any impacts on safety and security for any communications to the NRC found to be incomplete or inaccurate.

2. Any corrective actions or compensatory measures taken or planned to address any incomplete or inaccurate communications provided to the NRC by the aforementioned employees identified by your review conducted in response to Item 1.

3. A description of how, in light of the organizational changes made in response to the independent internal investigation, Entergy is providing for appropriate implementation of NRC-regulated programs (e.g., Regulatory

Licensing, Security, Emergency Preparedness, etc.)

4. A description of how Entergy is identifying and responding to any adverse implications to the Vermont Yankee site safety culture as a result of this investigation, its findings, and the actions taken regarding the aforementioned employees.

5. Confirmation that Entergy intends to make the independent internal investigation available to the NRC to allow the NRC to independently evaluate Entergy's investigation for any impact on NRC-regulated activities.

The Director, Office of Enforcement, may relax or rescind any of these items for good cause shown.

#### V

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

Dated at Rockville, Maryland, this 1st day of March, 2010.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Director, Office of Enforcement.*

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### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-397; NRC-2010-0084]

#### Energy Northwest; Columbia Generating Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption, pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 73.5, "Specific exemptions," from the implementation date for one new requirement of 10 CFR part 73, "Physical protection of plants and materials," for Facility Operating License No. DPR-46, issued to Energy Northwest (the licensee), for operation of the Columbia Generating Station (CGS), located in Benton County, Washington. Therefore, as required by 10 CFR 51.21, the NRC performed an environmental assessment. Based on the results of the environmental assessment, the NRC is issuing a finding of no significant impact.

#### Environmental Assessment

##### *Identification of the Proposed Action*

The proposed action would exempt Energy Northwest from the required

implementation date of March 31, 2010, for one new requirement of 10 CFR part 73. Specifically, Energy Northwest would be granted an exemption from being in full compliance with a new requirement contained in 10 CFR 73.55 by the March 31, 2010, deadline. Energy Northwest has proposed an alternate full compliance implementation date of May 15, 2010, 45 days beyond the date required by 10 CFR part 73. The proposed action, an extension of the schedule for completion of one action required by the revised 10 CFR part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at the Energy Northwest site.

The proposed action is in accordance with the licensee's application dated January 27, 2010.

##### *The Need for the Proposed Action*

The proposed action is needed to provide the licensee with additional time to perform the required upgrades to the Energy Northwest security system due to manufacturing delays of one item at the vendor.

##### *Environmental Impacts of the Proposed Action*

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR part 73 as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13926). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents. No changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to threatened, endangered, or protected species under the Endangered Species Act, or impacts to essential fish habitat covered by the Magnuson-

Steven's Act are expected. There are no impacts to the air or ambient air quality.

There are no impacts to historical and cultural resources. There would be no impact to socioeconomic resources. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. In addition, in promulgating its revisions to 10 CFR part 73, the Commission prepared an environmental assessment and published a finding of no significant impact [Part 73, Power Reactor Security Requirements, 74 FR 13926 (March 27, 2009)].

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, if granted.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed actions, the NRC staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the exemption request would result in no change in current environmental impacts. If the proposed action was denied, the licensee would have to comply with the March 31, 2010, implementation deadline. The environmental impacts of the proposed exemption and the "no-action" alternative are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resources than those considered in the Final Environmental Statement for CGS dated December 1981.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on February 1, 2010, the NRC staff consulted with the Washington State official, Mr. R. Cowley of the Office of Radiation Protection, 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 January 27, 2010. Portions of the document contain security-related information and, accordingly, are not available to the public. Other parts of the document may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Room O-1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. 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.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, this 25th day of February 2010.

For the Nuclear Regulatory Commission.

**Lynnea E. Wilkins,**

*Project Manager, Plant Licensing Branch IV,  
Division of Operating Reactor Licensing,  
Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-285; NRC-2010-0087]**

### **Omaha Public Power District, Fort Calhoun Station, Unit 1, Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.5, "Specific exemptions," from the implementation date for certain new requirements of 10 CFR part 73, "Physical protection of plants and materials," for Renewed Facility Operating License No. DPR-40, issued to Omaha Public Power District (OPPD, the licensee), for operation of Fort Calhoun Station, Unit 1 (FCS), located in Washington County, Nebraska. Therefore, as required by 10 CFR 51.21, the NRC performed an environmental assessment. Based on the results of the environmental assessment, the NRC is issuing a finding of no significant impact.

## **Environmental Assessment**

### *Identification of the Proposed Action*

The proposed action would exempt FCS from the required implementation date of March 31, 2010, for several new requirements of 10 CFR part 73. Specifically, FCS would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. OPPD has proposed an alternate full compliance implementation date of October 5, 2011, approximately 19 months beyond the date required by 10 CFR part 73. The proposed action, an extension of the schedule for completion of certain actions required by the revised 10 CFR part 73, does not involve any physical changes to the reactor, fuel, plant structures, support structures, water, or land at the FCS site.

The proposed action is in accordance with the licensee's application dated December 31, 2009, as supplemented by letter dated January 21, 2010.

### *The Need for the Proposed Action*

The proposed action is needed to provide the licensee with additional time to perform the required upgrades to the FCS security system due to the time required for significant design, procurement, and installation activities needed to implement the required upgrades.

### *Environmental Impacts of the Proposed Action*

The NRC has completed its environmental assessment of the proposed exemption. The staff has concluded that the proposed action to extend the implementation deadline would not significantly affect plant safety and would not have a significant adverse effect on the probability of an accident occurring.

The proposed action would not result in an increased radiological hazard beyond those previously analyzed in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR part 73 as discussed in a **Federal Register** notice dated March 27, 2009 (74 FR 13926). There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed exemption.

The proposed action does not result in changes to land use or water use, or result in changes to the quality or quantity of non-radiological effluents.