

Dated at Rockville, Maryland, this 27th day of September 2010.

For the Nuclear Regulatory Commission.

Jessie Quichocho,

Chief, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-397; NRC-2010-0029]

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

The U.S. Nuclear Regulatory Commission (NRC) is considering changes to the Emergency Plan, pursuant to 10 CFR 50.54, "Conditions of licenses," paragraph (q), for Facility Operating License No. NPF-21, issued to Energy Northwest (EN, 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 revise the Emergency Plan to support U.S. Department of Energy (DOE) non-intrusive surveillance and characterization activities within the 618-11 High-Level Waste Burial Ground (618-11). The 618-11 site is an 8-acre parcel located on DOE property that is directly adjacent to land leased by EN from the DOE, and is located wholly within CGS's Exclusion Area Boundary. The site was used from 1962 through 1967 and contains low- to high-activity waste, fission products, some plutonium-contaminated waste, and toxicological waste. The DOE intends to remediate 618-11 and other waste burial ground locations on the Hanford Site. The licensee proposes to modify the Emergency Plan to address inter-agency coordination, cooperation, and responsibilities for potential 618-11 site events and to add specific emergency action level criteria and actions associated with any potential toxic, flammable, or radioactive material release from an abnormal event at the 618-11 site that could pose a threat to the health and safety of licensee staff or visitors within the CGS exclusion area.

The proposed action is in accordance with the licensee's application dated April 28, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML101250340), as supplemented by letter dated August 9, 2010 (ADAMS Accession No. ML102300537).

The Need for the Proposed Action

The 618-11 site is an 8-acre parcel located on DOE property that is directly adjacent to land leased by EN from the DOE, and is located wholly within CGS's Exclusion Area Boundary. The site was used from 1962 through 1967 and contains low- to high-activity waste, fission products, some plutonium-contaminated waste, and toxicological waste. The Hanford Federal Facility Agreement and Consent Order between the DOE, the U.S. Environmental Protection Agency, and the State of Washington, is the legal document that binds DOE to milestones to remediate the 618-11 site, among other waste burial ground locations, on the Hanford Site. The non-intrusive surveillance and characterization activities will obtain data and information necessary for planning future intrusive activities and remediation strategies. The licensee proposes to modify the Emergency Plan to address inter-agency coordination, cooperation, and responsibilities for potential 618-11 site events during the DOE's non-intrusive surveillance and characterization activities and to add specific emergency action level criteria and actions associated with any potential toxic, flammable, or radioactive material release from an abnormal event at the 618-11 site that could pose a threat to the health and safety of licensee staff or visitors within the CGS exclusion area.

The NRC has completed its evaluation of the proposed action and concludes that the proposed changes to the CGS Emergency Plan meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR part 50 and provide reasonable assurance that the licensee will take adequate protective measures in a radiological emergency. The NRC staff's safety evaluation will be provided with the license amendment that will be issued to the licensee approving the changes to the Emergency Plan.

In its application, the licensee also requested changes to the CGS Final Safety Analysis Report (FSAR). The NRC staff's determination regarding the proposed changes to the FSAR will be provided by separate correspondence.

Environmental Impacts of the Proposed Action

The NRC has completed its environmental assessment of the proposed Emergency Plan changes to CGS. The staff has concluded that the changes 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 Final Safety Analysis Report. There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. No changes will be made to plant buildings or the site property. Therefore, no changes or different types of radiological impacts are expected as a result of the proposed changes.

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-Stevens 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 noticeable effect on socioeconomic conditions in the region. Therefore, no changes or different types of non-radiological environmental impacts are expected as a result of the proposed action. Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

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

Agencies and Persons Consulted

In accordance with its stated policy, on September 21, 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 April 28, 2010, as supplemented by letter dated August 9, 2010. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the 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.

Dated at Rockville, Maryland, this 28th day of September 2010.

For The Nuclear Regulatory Commission.

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NUCLEAR REGULATORY COMMISSION

[NRC-2010-0314; Docket Nos. 50-313 and 50-368]

Exemption; Entergy Operations, Inc.; Arkansas Nuclear One, Units 1 and 2

1.0 Background

Entergy Operations, Inc. (Entergy, the licensee) is the holder of Facility Operating License Nos. DPR-51 and NPF-6, which authorize operation of the Arkansas Nuclear One, Units 1 and 2 (ANO-1 and ANO-2), respectively. The licenses provide, among other

things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of two pressurized-water reactors located in Pope County, Arkansas.

2.0 Request/Action

Title 10 of the Code of Federal Regulations, Part 50, Section 50.36a, paragraph (a)(2) (10 CFR 50.36a(a)(2)) requires each licensee to "submit a report to the Commission annually that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The report must be submitted as specified in § 50.4, and the time between submission of the reports must be no longer than 12 months. If quantities of radioactive materials released during the reporting period are significantly above design objectives, the report must cover this specifically." The licensee submitted its Radioactive Effluent Release Report for the Calendar Year 2009 on February 25, 2010.

The ANO-1 Technical Specification (TS) 5.5.1 and ANO-2 TS 6.5.1 require the Radioactive Effluent Release Report, covering the operation of each unit in the previous year, to be submitted prior to May 1 of each year in accordance with 10 CFR 50.36a. Originally, both ANO-1 and ANO-2 TSs required this report be submitted either prior to March 1 or within 60 days of January 1 of each year. Later, during the ANO-1 TS conversion, the submittal date for ANO-1 became May 1. The licensee continued to send one submittal for the site as allowed by the TSs. The licensee also continued to submit the report in accordance with the March 1 deadline. Entergy proposed to reorganize Section 6 of the ANO-2 TS in 2003. The proposed changes were to make the ANO-2 requirements consistent with the ANO-1 TS requirements. These changes were subsequently approved by the NRC and the submittal date became "prior to May 1" of each year for both units. However, while the submittal dates were consistent again between the ANO-1 and ANO-2 TSs, the 12-month interval between submittals was not addressed. The actual submittal date remained at the end of February of each year because, the TS changes notwithstanding, the time between report submittals cannot be more than

12 months. As a result, a period of only 2 months is available to prepare and submit the report. With ANO continuing to send one submittal for the site, this presents an undue administrative burden on ANO personnel due to the compressed schedule for data collection, report preparation, and internal review following the closure of the reporting period.

Therefore, the licensee has requested a one-time exemption from the 12-month reporting criteria specified in 10 CFR 50.36a(a)(2) for its submittal of the calendar year 2010 Radioactive Effluent Release Report. The proposed exemption allows an additional 2 months for these activities to match the current submittal date stated in the TSs. In summary, the exemption does not affect the information required to be submitted or the time period the report covers, only the date the report is submitted. Subsequent submittals, pursuant to 10 CFR 50.36a(a)(2), will follow the 12-month reporting criteria.

The application for exemption, dated March 18, 2010, is publicly available in the Agencywide Documents Access and Management System (ADAMS) under ADAMS Accession No. ML100780094.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. These circumstances include the special circumstances that would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

Authorized by Law

This exemption would allow the licensee to submit the 2010 Radioactive Effluent Release Report prior to May 1, 2011, which would exceed the report submittal requirement of no longer than 12 months specified in 10 CFR 50.36a(a)(2). As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR Part 50. The NRC staff has determined that granting of the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.