

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 the James A. FitzPatrick Nuclear Power Plant, Docket No. 50–333, dated March 1973 and “Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding James A. FitzPatrick Nuclear Power Plant (NUREG–1437, Supplement 31) Final Report.”

Agencies and Persons Consulted

In accordance with its stated policy and the requirements of 10 CFR 51.30(a)(2), on May 4, 2009, the NRC staff consulted with the New York State official, at the New York State Energy Research and Development Authority, regarding the environmental impact of the proposed action. The New York State official provided comments by e-mail dated June 12, 2009 (ADAMS Accession No. ML091690397).

One comment is related to Federal Regulations governing the exemption process. Regulations under 10 CFR 50.12, “Specific exemptions,” do not include comment period and opportunity for a hearing. The public can pursue other avenues, such as petition for changes to the regulatory framework to allow hearings via the rulemaking process (10 CFR 2.802), or a petition for enforcement action (10 CFR 2.206) where stakeholders assert that license holders are not meeting regulatory requirements.

The other comments from the New York State addressed the security issues, the feasibility of the proposed manual action during a fire, and the cumulative effects of this change in conjunction with previous fire protection changes. Based on its review the NRC staff has determined that the comments do not pertain to the environmental impacts associated with the proposed exemption request and therefore, do not alter the staff’s finding that there are no significant environmental impacts associated with the proposed exemption request. However, the comments related to the safety aspect of the exemption request will be appropriately considered in the NRC staff’s safety evaluation.

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 February 18, 2009, as supplemented by letters dated March 30, November 17, December 11, 2009, and January 19, 2010. Portions of letters dated February 18 and March 30, 2009, contain security related sensitive information, and are withheld from public disclosure in accordance with 10 CFR 2.390. Publicly available versions of the letters dated February 18, and March 30, 2009, are accessible electronically from the Agencywide Documents Access and Management System (ADAMS) with Accession Nos. ML090860980 and ML091320387, respectively. Also, the letters dated November 17, December 11, 2009, and January 19, 2010, are accessible electronically from ADAMS with Accession Nos. ML093270075, ML093520408, and ML100210195, respectively. Publicly available versions of the 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 4th day of March 2010.

For The Nuclear Regulatory Commission.
Bhalchandra K. Vaidya,

Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397; NRC–2010–0029]

Energy Northwest; Notice of Intent To Prepare an Environmental Impact Statement and Conduct the Scoping Process for Columbia Generating Station

Energy Northwest has submitted an application for renewal of Facility Operating License No. NPF–21 for an additional 20 years of operation at the Columbia Generating Station (CGS). CGS is located in Benton County, Washington, approximately 12 miles northwest of Richland.

The current operating license for CGS expires on December 20, 2023. The application for renewal, dated January 19, 2010, was submitted pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 54, which included the environmental report (ER). A separate notice of receipt and availability of the application was published in the **Federal Register** on February 2, 2010 (75 FR 5353). A notice of acceptance for docketing of the application and opportunity for hearing regarding renewal of the facility operating licenses is also being published in the **Federal Register**. The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) related to the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29. In addition, as outlined in 36 CFR 800.8, “Coordination with the National Environmental Policy Act,” the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act in meeting the requirements of the National Environmental Policy Act of 1969 (NEPA).

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, Energy Northwest submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Part 51 and is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC’s Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC’s public documents. The ADAMS

Accession Number for the CGS ER is ML100250666. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail at pdr@nrc.gov. The CGS ER may also be viewed on the Internet at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/columbia.html>. In addition, the ER is available to the public near the site at the Richland Public Library, 955 Northgate Drive, Richland, Washington 99352 and at the Kennewick Branch of Mid-Columbia Libraries, 1620 South Union Street, Kennewick, Washington 99338. Public comments and supporting materials related to this notice can be found at the Federal rulemaking Web site, <http://www.regulations.gov>, by searching on Docket ID NRC-2010-0029.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the NRC's "Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants," (NUREG-1437) related to the review of the application for renewal of the CGS operating license for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with NEPA and the NRC's regulations found in 10 CFR Part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

- a. Define the proposed action which is to be the subject of the supplement to the GEIS;
- b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth;
- c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant;
- d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to, but are not part of the scope

of the supplement to the GEIS being considered;

- e. Identify other environmental review and consultation requirements related to the proposed action;

- f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule;

- g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies; and

- h. Describe how the supplement to the GEIS will be prepared, and include any contractor assistance to be used. The NRC invites the following entities to participate in scoping:

- a. The applicant, Energy Northwest;
- b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards;
- c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;
- d. Any affected Indian tribe;
- e. Any person who requests or has requested an opportunity to participate in the scoping process; and
- f. Any person who has petitioned or intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the CGS license renewal supplement to the GEIS. The scoping meetings will be held on April 6, 2010, and there will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 3:30 p.m. The second session will convene at 6 p.m. with a repeat of the overview portions of the meeting and will continue until 8 p.m., as necessary. Both sessions will be held at the Richland Public Library, 955 Northgate Drive, Richland, Washington 99352. Both meetings will be transcribed and will include: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the

environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting the NRC Project Manager, Mr. Daniel Doyle, by telephone at 1-800-368-5642, extension 3748, or by e-mail at Daniel.Doyle@nrc.gov no later than March 30, 2010. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Mr. Doyle will need to be contacted no later than March 23, 2010, if special equipment or accommodations are needed to attend or present information at the public meeting so that the NRC staff can determine whether the request can be accommodated.

Members of the public may submit comments by any one of the following methods. Please include Docket ID NRC-2010-0029 in the subject line of the comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site [Regulations.gov](http://www.regulations.gov). Because comments will not be edited to remove any identifying or contact information, the NRC cautions against including any information that the submitter does not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information and, therefore, they should not include any information in their comments that they do not want publicly disclosed.

Submit comments electronically via the Federal rulemaking Web site: Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2010-0029. Address questions about NRC dockets to Carol Gallagher at

301-492-3668 or via e-mail at Carol.Gallagher@nrc.gov.

Mail comments to: Michael T. Lesar, Chief, Rulemaking and Directives Branch (RDB), Division of Administrative Services, Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RDB at (301) 492-3446.

To be considered in the scoping process, written comments should be postmarked by May 11, 2010. Comments will be available electronically and accessible through ADAMS at <http://www.nrc.gov/reading-rm/adams.html>.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

Dated at Rockville, Maryland, this 5th day of March 2010.

For the Nuclear Regulatory Commission.

Bo M. Pham,

Chief, Projects Branch 1, Division of License Renewal, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-263; NRC-2010-0045]

Northern States Power Company of Minnesota, Monticello Nuclear Generating Plant; Exemption

1.0 Background

Northern States Power Company of Minnesota (NSPM, the licensee) is the holder of Facility Operating License No. DPR-22, which authorizes operation of the Monticello Nuclear Generating Plant (MNGP). The license provides, 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 a General Electric boiling-water reactor located in Wright County, Minnesota.

2.0 Request/Action

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, "Physical protection of plants and materials," Section 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," published March

27, 2009, effective May 26, 2009, with a full implementation date of March 31, 2010, requires licensees to protect, with high assurance, against radiological sabotage by designing and implementing comprehensive site security programs. The amendments to 10 CFR 73.55 published on March 27, 2009, establish and update generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001, and implemented by licensees. In addition, the amendments to 10 CFR 73.55 include additional requirements to further enhance site security based upon insights gained from implementation of the post-September 11, 2001, security orders. It is from two of these new requirements that NSPM now seeks an exemption from the March 31, 2010, implementation date. All other physical security requirements established by this recent rulemaking have already been or will be implemented by the licensee by March 31, 2010.

By letter dated November 3, 2009, the licensee requested an exemption in accordance with 10 CFR 73.5, "Specific exemptions." The licensee's November 3, 2009, letter contains security-related information and, accordingly, is not available to the public. The licensee submitted a redacted version of its exemption request on December 15, 2009, which is publicly available. The licensee has requested an exemption from the March 31, 2010, compliance date stating that it must complete a number of significant modifications to the current site security configuration before all requirements can be met. Specifically, the request is to extend the compliance date for two specific items from the current March 31, 2010, deadline to June 30, 2011. Being granted this exemption for the two items would allow the licensee to complete the modifications designed to update aging equipment and incorporate state-of-the-art technology to meet the noted regulatory requirements.

3.0 Discussion of Part 73 Schedule Exemptions From the March 31, 2010, Full Implementation Date

Pursuant to 10 CFR 73.55(a)(1), "By March 31, 2010, each nuclear power reactor licensee, licensed under 10 CFR Part 50, shall implement the requirements of this section through its Commission-approved Physical Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, and Cyber Security Plan referred to collectively hereafter as 'security plans.'" Pursuant to 10 CFR 73.5, the Commission may,

upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 73 when the exemptions are authorized by law, and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

This exemption would, as noted above, allow an extension from March 31, 2010, until June 30, 2011, to allow for temporary noncompliance with the new rule in two specified areas. As stated above, 10 CFR 73.5 allows the NRC to grant exemptions from the requirements of 10 CFR part 73. 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.

In the draft final rule provided to the Commission, the NRC staff proposed that the requirements of the new regulation be met within 180 days. The Commission directed a change from 180 days to approximately 1 year for licensees to fully implement the new requirements. This change was incorporated into the final rule. From this, it is clear that the Commission wanted to provide a reasonable timeframe for licensees to achieve full compliance.

As noted in the final rule, the Commission also anticipated that licensees would have to conduct site-specific analyses to determine what changes were necessary to implement the rule's requirements, and that changes could be accomplished through a variety of licensing mechanisms, including exemptions. Since issuance of the final rule, the Commission has rejected a request to generically extend the rule's compliance date for all operating nuclear power plants, but noted that the Commission's regulations provide mechanisms for individual licensees, with good cause, to apply for relief from the compliance date (Reference: June 4, 2009, letter from R.W. Borchardt, NRC, to M.S. Fertel, Nuclear Energy Institute). The licensee's request for an exemption is, therefore, consistent with the approach set forth by the Commission and discussed in the June 4, 2009, letter.

MNGP's Schedule Exemption Request

The licensee provided detailed information in its November 3, 2009, request for exemption. It described a comprehensive plan to install equipment related to certain requirements in the new Part 73 rule and provided a timeline for achieving