

support structures, water, or land at the PBNP site.

The proposed action is in accordance with the licensee's application dated February 26, 2010, which was superseded by letter dated March 11, 2010.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 PBNP security system due to unforeseen circumstances such as adverse weather, material delivery and testing constraints.

#### *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 13967). 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, 13967 (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 action, 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 PBNP, dated May 1972 and in NUREG-1437, Supplement 23, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants [regarding Point Beach Nuclear Plant, Units 1 and 2]," dated August 2005.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on March 12, 2010, the NRC staff consulted with the Wisconsin State official, Jeff Kitsemel, 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 March 11, 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, Public File Area O-1F21, 11555 Rockville Pike (first floor),

Rockville, Maryland 20852. Publicly available records will be accessible electronically from the Agencywide Document 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 document 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 17th day of March, 2010.

For the Nuclear Regulatory Commission.

#### **Justin C. Poole,**

*Project Manager, Plant Licensing Branch III-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 52-017; NRC-2008-0149]

### **Virginia Electric and Power Company d/b/a/Dominion Virginia Power, and Old Dominion Electric Cooperative; Notice of Availability of the Final Supplemental Environmental Impact Statement for North Anna Power Station Unit 3 Combined License Application**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has published a final Supplemental Environmental Impact Statement (SEIS), NUREG-1917, for the North Anna, Unit 3 Combined License (COL) application. The SEIS is a supplement to the Environmental Impact Statement (EIS) for an Early Site Permit (ESP) at the North Anna ESP Site, NUREG-1811, dated December 2006. The North Anna Site is located near the Town of Mineral in Louisa County, VA, on the southern shore of Lake Anna. A notice of availability of the draft SEIS was published in the **Federal Register** on December 24, 2008 (73 FR 79196). The purpose of this notice is to inform the public that the final SEIS, NUREG-1917 for the North Anna, Unit 3 COL application is available for public inspection in the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (First Floor), Rockville, MD 20852 or from the Publicly Available Records (PARS) component of NRC Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible

from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> which provides access through the NRC Electronic Reading Room link. The accession number in ADAMS for the final SEIS, NUREG-1917 is ML100680117. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the PDR reference staff by telephone at 1-800-397-4209 and 1-301-415-4737 or by sending an e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The final SEIS may also be viewed on the Internet at: <http://www.nrc.gov/reactors/new-reactors/col/north-anna.html>. In addition, the following public libraries in the vicinity of the North Anna Site have agreed to make the final SEIS available for public inspection: Jefferson-Madison Regional Library in Mineral, VA; Hanover Branch Library (Pamunkey) in Hanover, VA; Orange County Library in Orange, VA; Salem Church Library in Fredericksburg, VA; and C. Melvin Snow Memorial Branch Library in Spotsylvania, VA.

*For Further Information, Contact:* Alicia Williamson, Project Manager, Environmental Projects Branch 1, Division of Site and Environmental Reviews, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Ms. Williamson may be contacted by telephone at 301-415-1878 or by e-mail to [Alicia.Williamson@nrc.gov](mailto:Alicia.Williamson@nrc.gov).

Dated at Rockville, Maryland, this 17th day of March 2010.

For the Nuclear Regulatory Commission,  
**Scott Flanders,**

*Director, Division of Site and Environmental Reviews, Office of New Reactors.*

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-293; NRC-2010-0094]

### **Entergy Nuclear Operations, Inc.; Pilgrim Nuclear Power Station; Exemption**

#### **1.0 Background**

Entergy Nuclear Operations, Inc. (Entergy or the licensee) is the holder of Facility Operating License No. DPR-35, which authorizes operation of the Pilgrim Nuclear Power Station (Pilgrim). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

The facility consists of a boiling-water reactor located in Plymouth County, Massachusetts.

#### **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 four of these new requirements that Pilgrim 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 January 22, 2010, as supplemented by letter dated February 2, 2010, the licensee requested an exemption in accordance with 10 CFR 73.5, "Specific exemptions." The licensee's letters dated January 22, 2010, and February 2, 2010, contain security-related information and, accordingly, are not available to the public pursuant to 10 CFR 2.390(d)(1). Publicly available versions of the licensee's submittals are available at Agencywide Documents Access and Management System (ADAMS) accession numbers ML100260716 and ML100351182. The licensee has requested an exemption from the March 31, 2010, compliance date stating that, due to the scope of the design, procurement, and installation activities and in consideration of impediments to construction such as winter weather conditions and equipment delivery schedules, completion of some of the new requirements contained in 10 CFR 73.55 will require additional time beyond March 31, 2010. Specifically, the request to extend the compliance date is for four specific requirements from the

current March 31, 2010, deadline to September 15, 2010. Being granted this exemption for the four items would allow the licensee to complete upgrades to its security system necessary for it to be in full compliance with the 10 CFR Part 73 Final Rule.

#### **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 September 15, 2010, to allow temporary non-compliance with the new rule in four 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 NRC approval of the licensee's exemption request is authorized by law.

In the draft final power reactor security 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