

Removal of P-T Limits and LTOP [Low-Temperature Overpressure Protection] Setpoints from the Technical Specifications," for the calculation of flaw stress intensity factors due to internal pressure loadings ( $K_{Im}$ ).

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

In the associated exemption, the staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule, based on the alternative methodology proposed in the licensee's amendment request. The proposed action would revise the currently-approved methodology for P-T limit calculations to incorporate the methodology approved for use in CE NPSD-683-A, Revision 6. The topical report allows the use of an alternate methodology to calculate the flaw stress intensity factors due to internal pressure loadings ( $K_{Im}$ ). The exemption is needed because the methodology in CE NPSD-683-A, Revision 6, could not be shown to be conservative with respect to the methodology for the determination of  $K_{Im}$  provided in Editions and Addenda of ASME Code, Section XI, Appendix G, through the 1995 Edition and 1996 Addenda (the latest Edition and Addenda of the ASME Code which had been incorporated into 10 CFR 50.55a at the time of the staff's review of CE NPSD-683-A, Revision 6). Therefore, along with the supplement dated January 12, 2006, the licensee submitted an exemption request, consistent with the requirements of 10 CFR 50.60, to apply the  $K_{Im}$  calculational methodology of CE NPSD-683-A, Revision 6, as part of the SONGS 2 and 3 pressure temperature limit report (PTLR) methodology.

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

The NRC has completed its evaluation of the proposed action and concludes that the exemption described above would provide an adequate margin of safety against brittle failure of the reactor pressure vessel at SONGS 2 and 3. The details of the staff's safety evaluation will be provided in the exemption to Appendix G, which will allow the use of the methodology in Topical Report CE NPSD-683-A, Revision 6, to calculate the flaw stress intensity factors due to internal pressure loadings ( $K_{Im}$ ), that will be issued in a future letter to the licensee.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents

that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with 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 the SONGS 2 and 3 dated May 12, 1981.

#### *Agencies and Persons Consulted*

On March 28, 2006, the staff consulted with the California State official, Steve Hsu of the Department of Health Services, Radiologic Health Branch, 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 exemption letter dated January 28, 2005, as supplemented by letter dated January 12, 2006. 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 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 by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 7th day of April 2006.

For the Nuclear Regulatory Commission.

#### **N. Kalyanam,**

*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. 50-293]

### **Entergy Nuclear Operations, Inc.; Pilgrim Nuclear Power Station; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process**

Entergy Nuclear Operations, Inc. (Entergy) has submitted an application for renewal of Facility Operating License DPR-35 for an additional 20 years of operation at the Pilgrim Nuclear Power Station (Pilgrim). Pilgrim is located on the western shore of Cape Cod in the Town of Plymouth, Plymouth County, Massachusetts. It is 38 miles southeast of Boston, Massachusetts, and 44 miles east of Providence, Rhode Island.

The operating license for Pilgrim expires on June 8, 2012. The application for renewal was received on January 25, 2006, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) part 54. A notice of receipt and availability of the application, which included the environmental report (ER), was published in the **Federal Register** on February 6, 2006 (71 FR 6101). A notice of acceptance for docketing of the application for renewal of the facility operating license was published in the **Federal Register** on March 27, 2006 (71 FR 15222). 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) in support of 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 Title 36 of the *Code of the Federal Regulations* 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, Entergy submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Part 51 and is publicly available for inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the Public Electronic Reading Room on the NRC's Web site at <http://www.nrc.gov/reading-rm/adams/web-based.html>. The Accession Number for the ER is ML060830611. 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](mailto:pdr@nrc.gov). In addition, the Plymouth Public Library, located at 132 South Street, Plymouth, MA 02360 and the Duxbury Free Library, located at 77 Alden Street, Duxbury, MA 02332 have agreed to make the ER available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission'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 Pilgrim 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 National Environmental Policy Act of 1969 (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.
- 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, Entergy Nuclear Operations, Inc. (Entergy).
- 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.
- 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 Pilgrim license renewal supplement to the GEIS. The scoping meetings will be held at the Radisson Hotel Plymouth Harbor Ballroom, 180 Water Street, Plymouth,

MA 02360, on May 17, 2006. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. 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 meeting 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 Environmental Project Manager Mr. Robert Schaaf, by telephone at 1-800-368-5642, extension 1312, or by e-mail to the NRC at [PilgrimEIS@nrc.gov](mailto:PilgrimEIS@nrc.gov) no later than May 12, 2006. 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. Schaaf will need to be contacted no later than May 3, 2006, 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 send written comments on the environmental scope of the Pilgrim license renewal review to Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to the NRC at

Room T-6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852, from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by June 16, 2006. Electronic comments may be sent by e-mail to the NRC at [PilgrimEIS@nrc.gov](mailto:PilgrimEIS@nrc.gov) and should be sent no later than June 16, 2006, to be considered in the scoping process. Comments will be available electronically and accessible through NRC's ADAMS link at <http://www.nrc.gov/reading-rm/adams.html> at the NRC Homepage.

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. Notice of opportunity for a hearing regarding the renewal application was the subject of the aforementioned **Federal Register** notice (71 FR 15222). Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection in NRC's ADAMS link at <http://www.nrc.gov/reading-rm/adams.html>. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Mr. Schaaf at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 7th day of April 2006.

For the Nuclear Regulatory Commission.

**Rani Franovich,**

*Branch Chief, Environmental Branch B,  
Division of License Renewal, Office of Nuclear  
Reactor Regulation.*

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## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

### Privacy Act of 1974; New and Revised Systems of Records, and Deletion of a Duplicative System of Records

**AGENCY:** Occupational Safety and Health Review Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, as amended, the Occupational Safety and Health Review Commission (OSHRC) is proposing in this notice the addition of a new system of records; the bifurcation of an existing system of records; the deletion of a duplicative system of records; and revisions to preexisting systems of records, including the addition of new routine uses.

**DATES:** Comments must be received by the OSHRC by May 15, 2006. The new and revised systems of records will become effective on June 13, 2006, without any further notice in the **Federal Register**, unless comments or government approval procedures necessitate otherwise.

**ADDRESSES:** The Commission will accept and consider all written comments. Submit any written comments by mail or fax to Ron Bailey, Attorney Advisor, Office of General Counsel, OSHRC, 1120 20th Street, NW., Ninth Floor, Washington, DC 20036-3457; Fax Number, (202) 606-5417.

**FOR FURTHER INFORMATION CONTACT:** Ron Bailey, Attorney Advisor, Office of General Counsel, (202) 606-5410, [rbailey@oshrc.gov](mailto:rbailey@oshrc.gov).

**SUPPLEMENTARY INFORMATION:** The Privacy Act of 1974, 5 U.S.C. 552a(e)(4), requires federal agencies such as OSHRC to propose additions and revision to its systems of records in a **Federal Register** publication. As detailed below, OSHRC is proposing the addition of a new system of records; the bifurcation of an existing system of records; the deletion of a duplicative system of records; and revisions to preexisting systems of records, including the addition of new routine uses. OSHRC is also proposing changes, both superficial and substantive, to its blanket routine uses.

#### I. Blanket Routine Uses

OSHRC's current Blanket Routine Uses (BRUs) are published in 66 FR 42689 (Aug. 14, 2001). OSHRC proposes the following changes to its BRUs.

In the sentence preceding the list of BRUs, OSHRC would add the qualification that records will be

disclosed as a routine use only if "disclosure of the record or information is compatible with the purpose for which the record or information was collected." As the definition of "routine use" includes this compatibility requirement, see 5 U.S.C. 552a(a)(7), it should apply to all BRUs.

For the purpose of streamlining the notice, OSHRC would combine BRUs 1 and 2. Despite the merger, the categories of users and the purposes for using any disclosed records would remain the same. OSHRC would reword the first sentence of BRU 3 to clarify the scope of the routine use, but again, the categories of users and the purposes for using any disclosed records would not change. OSHRC would broaden BRUs 4 and 5 to include records relevant to OSHRC decisions concerning appointment of employees, suspension or revocation of security clearances, and the execution of security or suitability investigations. The current versions of these BRUs include decisions concerning the hiring or retention of employees, and the issuance of security clearances, but fail to reference the related areas of decision-making noted above.

OSHRC would add a sentence to the end of BRU 6, notifying the reader that "[r]ecords will be disclosed only to the extent that the information is relevant and necessary to the case or matter." OSHRC would add a similar qualification to BRU 8. These qualifications reflect the importance of protecting an individual's records from unnecessary disclosures. Moreover, the Privacy Act could be read to require that disclosure, pursuant to a routine use, may occur only when relevant and necessary to accomplish a mandated purpose: Section 552a(e)(1) instructs an agency to "maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President"; because the Privacy Act defines "maintain" as including "maintain, collect, use, or disseminate," the requirement stated in (e)(1) seemingly applies to the dissemination of records via routine uses.

OSHRC would edit the language in BRU 10 to more precisely reflect when records may be disclosed. The BRU would also be modified to require written requests from the subjects of the records. Also, OSHRC would modify BRU 12 to reflect that, pursuant to 44 U.S.C. 2904 and 2906, the National Archives and Records Administration (NARA) handles records management inspections.