Christine J. Kymn, Desk Officer, Office of Information and Regulatory Affairs (3150–0198), NIEO–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to Christine.J.Kymn@omb.eop.gov or submitted by telephone at (202) 395–4638.

The NRC Clearance Officer is Tremaine Donnell, (301) 415–6258. Dated at Rockville, Maryland, this 1st day of February, 2010.

For the Nuclear Regulatory Commission.

Tremaine Donnell,
NRC Clearance Officer, Office of Information Services.

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261; NRC–2010–0027]

Carolina Power & Light Company;
Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing, and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–23 issued to Carolina Power & Light Company (the licensee) for operation of the H. B. Robinson Steam Electric Plant, Unit 2, located in Darlington County, South Carolina.

The December 16, 2009, application (Agencywide Documents Access and Management System (ADAMS) Accession No. ML093631212) contains proprietary information, which the Commission classifies as sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would modify Technical Specification (TS) 5.5.9 to revise the steam generator (SG) alternate repair criteria and TS 5.6.8 to revise the SG tube inspection reporting requirements. Specifically, the proposed change would revise requirements in TS 5.5.9, called alternate repair criteria, which would allow inspection of the tube to start within the tubesheet region (a minimum of 17.28 inches below the top of the tubesheet) and add requirements to report indications in this region and primary to secondary leakage that could be attributed to the uninspected portion of the tube within the tubesheet. The change is being proposed as a temporary requirement until the next scheduled inspection.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission’s regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission’s regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The proposed change does not involve physical changes to any plant structure, system, or component. The inspection of the portion of the steam generator tubes within the tubesheet region is being changed to identify the appropriate scope of inspection and the criteria for plugging tubes that are found with degradation. The proposed requirements will continue to ensure that the probability of a steam generator tube rupture accident is not increased. Therefore, the probability of occurrence for a previously analyzed accident is not significantly increased.

The consequences of a previously analyzed accident are dependent on the initial conditions assumed for the analysis, the behavior of the fission product barriers during the analyzed accident, the availability and successful functioning of the equipment assumed to operate in response to the analyzed event, and the setpoints at which these actions are initiated. The proposed inspection and repair requirements will ensure that the plant continues to meet applicable design and safety analyses acceptance criteria. The proposed change does not affect the performance of any equipment used to mitigate the consequences of an analyzed accident. As a result, no analysis assumptions are impacted and there are no adverse effects on the factors that contribute to offsite or onsite dose as a result of an accident. The proposed change does not affect setpoints that initiate protective or mitigative actions. The proposed change ensures that plant structures, systems, and components are maintained consistent with
a length of degradation-free expanded tubing that provides the necessary resistance to tube pullout due to the pressure induced forces, with applicable safety factors applied. Application of the limited hot and cold leg tubesheet inspection criteria will preclude unacceptable secondary leakage during applicable plant conditions. The steam line break accident leak rate factor for HBRSEP, Unit No. 2, is 1.82 (Table 9–7 in WCAP–17091–P). Multiplying this factor by the room temperature TS operational leak rate limit of 75 gpd for one SG indicates that an assumed primary to secondary accident induced leak rate of 136.5 gpd or greater through any one SG is required to ensure that the limiting design basis accident assumption is not exceeded (at room temperature). This condition is satisfied by the current USFSAR assumed primary to secondary accident induced leak rate of 150 gpd through any one SG for SLB.

Therefore, the proposed change does not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the Federal Register a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking and Directives Branch (RDB), TWB–05–B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this Federal Register notice. Written comments may also be faxed to the RDB at 301–492–3446. 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. Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission’s “Rules of Practice for Domestic Licensing Proceedings” in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission’s PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System’s (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, http://www.nrc.gov/reading-rm/doc-collections/cfr/. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor’s/petitioner’s right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor’s/petitioner’s property, financial, or other interest in the proceeding; and (4) the possible
governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at hearing.docket@nrc.gov, or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC’s public Web site at http://www.nrc.gov/site-help/e-submittals/apply-certificates.html. System requirements for accessing the E-Submittal server are detailed in NRC’s “Guidance for Electronic Submission,” which is available on the agency’s public Web site at http://www.nrc.gov/site-help/e-submittals.html. Participants may attempt to use other software not listed on the Web site, but should note that the NRC’s E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC’s online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC’s public Web site at http://www.nrc.gov/site-help/e-submittals.html.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at http://www.nrc.gov/site-help/e-submittals.html. A filing is considered complete at the time the documents are submitted through the NRC’s E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency’s adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the “Contact Us” link located on the NRC Web site at http://www.nrc.gov/site-help/e-submittals.html, by e-mail at MSHD.Resource@nrc.gov, or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays. Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North,
B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any
potential party who believes access to SUNSI is necessary to respond to this notice may file such access. A “potential
party” is any person who intends to participate as a party by demonstrating standing and filing an
admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after
publication will not be considered absent a showing of good cause for the late filing, addressing why the request
could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S.
Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff,
and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office
of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both
offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail
address for the Office of the Secretary and the Office of the General Counsel are Hearing.Docket@nrc.gov and
OGC_mailcenter@nrc.gov, respectively. The request must include the following information:

(1) A description of the licensing action with a citation to this Federal Register notice;

(2) The name and address of the potential party and a description of the potential party’s particularized interest

located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or
by e-mail to pdr.resource@nrc.gov. The Attorney for licensee: David T. Conley, Associate General Counsel II—
Legal Department, Progress Energy Service Company, LLC, Post Office Box 1551, Raleigh, North Carolina 27602.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention
Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to
documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any

potential party who believes access to SUNSI is necessary to respond to this notice may file such access. A “potential
party” is any person who intends to participate as a party by demonstrating standing and filing an admisible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after
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address for the Office of the Secretary and the Office of the General Counsel are Hearing.Docket@nrc.gov and
OGC_mailcenter@nrc.gov, respectively. The request must include the following information:

(1) A description of the licensing action with a citation to this Federal Register notice;

(2) The name and address of the potential party and a description of the potential party’s particularized interest

that could be harmed by the action identified in C.(1);

(3) The identity of the individual or entity requesting access to SUNSI and the requester’s basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request
must explain why publicly-available versions of the information requested

would not be sufficient to provide the basis and specificity for a proffered contention;

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine
within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding;

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the
requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on
how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access
to those documents. These conditions may include, but are not limited to, the

signing of a Non-Disclosure Agreement or Affidavit, or Protective Order setting forth terms and conditions to prevent

the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received
as a result of the request made for SUNSI must be filed by the requester no later than 25 days after the requester
is granted access to that information. However, if more than 25 days remain between the date the petitioner is

granted access to the information and the deadline for filing all other

contentions (as established in the notice of hearing or opportunity for hearing), the

petitioner may file its SUNSI

contentions by that later deadline.


(1) If the request for access to SUNSI is denied by the NRC staff either after a determination on standing and need for
access, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the

1 While a request for hearing or petition to intervene in this proceeding must comply with the

filings requirements of the NRC’s “E-Filing Rule,” the initial request to access SUNSI under these

procedures should be submitted as described in this paragraph.

2 Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must

be filed with the presiding officer or the Chief

Administrative Judge if the presiding officer has not

yet been designated, within 30 days of the deadline

for the receipt of the written access request.
requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff’s adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party’s interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.3

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2.

Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 4th day of February 2010.

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For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

<table>
<thead>
<tr>
<th>Day</th>
<th>Event/activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Publication of Federal Register notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.</td>
</tr>
<tr>
<td>10</td>
<td>Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.</td>
</tr>
<tr>
<td>20</td>
<td>Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff’s determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).</td>
</tr>
<tr>
<td>25</td>
<td>If NRC staff finds no “need” or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff’s denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds “need” for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff’s grant of access.</td>
</tr>
<tr>
<td>30</td>
<td>Deadline for NRC staff reply to motions to reverse NRC staff determination(s).</td>
</tr>
<tr>
<td>40</td>
<td>(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.</td>
</tr>
<tr>
<td>60</td>
<td>If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.</td>
</tr>
<tr>
<td>25 + 3</td>
<td>Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.</td>
</tr>
<tr>
<td>25 + 28</td>
<td>Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioners’ receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.</td>
</tr>
<tr>
<td>25 + 53</td>
<td>(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.</td>
</tr>
</tbody>
</table>

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3 Requestors should note that the filing requirements of the NRC’s E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.
<table>
<thead>
<tr>
<th>Day</th>
<th>Event/activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>A + 60</td>
<td>(Answer receipt +7 Petitioner/Intervenor reply to answers.)</td>
</tr>
<tr>
<td>&gt;A + 60</td>
<td>Decision on contention admission.</td>
</tr>
</tbody>
</table>

[FR Doc. 2010–2976 Filed 2–9–10; 8:45 am]  
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION  
[Docket Nos. 50–334 and 50–412; NRC–2010–0049]

FirstEnergy Nuclear Operating Company, FirstEnergy Nuclear Generation Corp., Ohio Edison Company, the Toledo Edison Company, Beaver Valley Power Station, Unit Nos. 1 and 2; 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 a certain new requirement of 10 CFR Part 73, “Physical protection of plants and materials,” for Renewed Facility Operating License Nos. DPR–66 and NPF–73, issued to FirstEnergy Nuclear Operating Company (licensee), for operation of the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS–1 and 2), located in Shippingport, Pennsylvania. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed action will have no significant environmental impact.

Environmental Assessment
Identification of the Proposed Action
The proposed action would exempt BVPS–1 and 2 from the required implementation date of March 31, 2010, for a certain new requirement of 10 CFR part 73. Specifically, BVPS–1 and 2 would be granted an exemption from being in full compliance with a certain new requirement contained in 10 CFR 73.55 by the March 31, 2010, implementation deadline. The licensee has proposed an alternate full compliance implementation date of December 17, 2010, approximately 9 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 BVPS–1 and 2 site.

The proposed action is in accordance with the licensee’s application dated November 30, 2009 (Agencywide Document and Management System (ADAMS) Accession No. ML093370152), as supplemented by letter dated December 23, 2009 (ADAMS Accession No. ML093650293).

The Need for the Proposed Action
The proposed action is needed to provide the licensee with additional time to design the necessary modifications, procure equipment and material, and implement upgrades to comply with a specific aspect of 10 CFR 73.55.

Environmental Impacts of the Proposed Action
The NRC has completed its environmental assessment of the proposed exemption. The NRC 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-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 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 licensee currently maintains security plans acceptable to the NRC. The new 10 CFR part 73 security measures that would be implemented by March 31, 2010, would continue to provide acceptable onsite physical protection of BVPS–1 and 2. Therefore, the extension of the implementation date of a certain new requirement of 10 CFR part 73, to September 27, 2010, would not have any significant environmental impacts.

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 actions (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 BVPS–1, dated July 1973, and for BVPS–2, NUREG–1094, dated September 1985, as supplemented through the “Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Beaver Valley Power Station, Units 1 and 2, Supplement 36, Final Report” (NUREG–1437).

Agencies and Persons Consulted
In accordance with its stated policy, on January 20, 2010, the NRC staff consulted with Larry Ryan of the Pennsylvania Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.