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Dated at Rockville, Maryland, this 16th day of February 2010.

For the Nuclear Regulatory Commission.

**James R. Hall,**

Senior 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. 50-298; NRC-2010-0061]

### Nebraska Public Power District; Cooper Nuclear Station 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 certain new requirements of 10 CFR Part 73, "Physical protection of plants and materials," for Facility Operating License No. DPR-46, issued to Nebraska Public Power District (NPPD, the licensee), for operation of the Cooper Nuclear Station (CNS), located in Nemaha County, Nebraska. 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 exempt NPPD from the required implementation date of March 31, 2010, for several new requirements of 10 CFR Part 73. Specifically, NPPD would be granted an exemption from being in full compliance with certain new requirements contained in 10 CFR 73.55 by the March 31, 2010, deadline. NPPD has proposed an alternate full compliance implementation date of August 31, 2010, 5 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 NPPD site.

The proposed action is in accordance with the licensee's application dated December 22, 2009.

##### *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 NPPD security system due to resource and logistical impacts of the fall 2009 refueling outage and other factors, including inclement weather.

##### *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 13926). 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 (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 actions, 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 the Cooper Nuclear Station dated February 1973.

##### *Agencies and Persons Consulted*

In accordance with its stated policy, on January 5, 2010, the NRC staff consulted with the Nebraska State official, Ms. J. Schmitt of the Office of Radiological Health, 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 December 22, 2009. 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 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 send an e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, this 16th day of February 2010.

For the Nuclear Regulatory Commission.

**Carl F. Lyon,**

*Project Manager, Plant Licensing Branch IV,  
Division of Operating Reactor Licensing,  
Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on March 4-6, 2010, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Monday, October 14, 2009, (74 FR 52829-52830).

#### Thursday, March 4, 2010, Conference Room T2-B1, Two White Flint North, Rockville, Maryland

8:30 a.m.-8:35 a.m.: *Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.-10 a.m.: *Draft Final Interim Staff Guidance (ISG) on Fuel Cycle (ISG-7)* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Nuclear Energy Institute (NEI) regarding draft final ISG on Fuel Cycle, NRC staff's resolution of public comments, and related matters.

10:15 a.m.-12 p.m.: *Draft Final Regulatory Guide (RG) 1.141, "Containment Isolation Provisions for Fluid Systems"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding draft final RG 1.141,

"Containment Isolation Provisions for Fluid Systems," NRC staff's resolution of public comments, and related matters.

1 p.m.-2 p.m.: *Draft Final Revision 1 to Regulatory Guide 4.11, "Terrestrial Environmental Studies for Nuclear Power Stations"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding draft Revision 1 to RG 4.11, "Terrestrial Environmental Studies for Nuclear Power Stations," NRC staff's resolution of public comments, and related matters.

2 p.m.-3:15 p.m.: *"Status of Rulemaking for Disposal of Depleted Uranium and Other Unique Waste Streams"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the status of rulemaking efforts addressing disposal of depleted uranium and other unique waste streams, and related matters.

3:30 p.m.-5 p.m.: *Draft ACRS Report on the NRC Safety Research Program* (Open)—The Committee will discuss the draft ACRS Report on Safety Research Program.

5 p.m.-7 p.m.: *Preparation of ACRS Reports* (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this and the previous meeting (February 2010).

#### Friday, March 5, 2010, Conference Room T2-B1, Two White Flint North, Rockville, Maryland

8:30 a.m.-8:35 a.m.: *Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.-10:15 a.m.: *Digital Instrumentation and Control (I&C) Design Acceptance Criteria (DAC) Inspection Methodology* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding Digital I&C DAC Inspection Methodology.

10:30 a.m.-12 p.m.: *New Advanced Reactor Designs* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding new advanced reactor designs such as NuScale, Iris, Babcock and Wilcox Modular, Hyperion, Toshiba's 4S, and General Electric's Prism.

1:30 p.m.-3 p.m.: *Meeting with the NRC Executive Director for Operations*

(Open)—The Committee will meet with the NRC Executive Director for Operations (EDO) and Deputy EDOs to discuss topics of mutual interest.

3 p.m.-4:30 p.m.: *Future ACRS Activities/Report of the Planning and Procedures Subcommittee* (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, including anticipated workload and member assignments, and related matters. [**Note:** A portion of this session may be closed pursuant to 5 U.S.C. 552b (c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy]

4:40 p.m.-4:45 p.m.: *Reconciliation of ACRS Comments and Recommendations* (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

5 p.m.-7 p.m.: *Preparation of ACRS Reports* (Open)—The Committee will discuss proposed ACRS reports.

#### Saturday, March 6, 2010, Conference Room T2-B1, Two White Flint North, Rockville, Maryland

8:30 a.m.-12:30 p.m.: *Preparation of ACRS Reports* (Open)—The Committee will continue its discussion of proposed ACRS reports.

12:30 p.m.-1 p.m.: *Miscellaneous* (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 52829-52830). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Mr. Derek Widmayer, Cognizant ACRS Staff, (Telephone: 301-415-7366, E-mail: [Derek.Widmayer@nrc.gov](mailto:Derek.Widmayer@nrc.gov)), five days before the meeting, if possible, so that