

For the Nuclear Regulatory Commission.

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NUCLEAR REGULATORY COMMISSION

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

Entergy Nuclear Operations, Inc; Pilgrim Nuclear Power 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-35, issued to Entergy Nuclear Operations, Inc. (Entergy or the licensee), for operation of Pilgrim Nuclear Power Station (Pilgrim), located in Plymouth County, MA. 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 impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt Pilgrim from the required implementation date of March 31, 2010, for several new requirements of 10 CFR part 73. Specifically, Pilgrim 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. Entergy has proposed an alternate full compliance implementation date of September 15, 2010, approximately 6½ 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, water, or land at the Pilgrim site.

The proposed action is in accordance with the licensee's application dated January 22, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML100260716), as supplemented on

February 2, 2010 (ADAMS Accession No. ML100351182).

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 Pilgrim security system due to resource and logistical impacts. The request for an exemption from the March 31, 2010, implementation date to September 15, 2010, is based on the delivery dates for the new equipment and the time needed to install this new equipment to meet the revised requirements.

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 application 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 action and the "no action" 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 Pilgrim, dated January 1972, and the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Pilgrim Nuclear Power Station," NUREG-1437, Supplement 29, published in July 2007 (ADAMS Accession No. ML071990027).

Agencies and Persons Consulted

In accordance with its stated policy, on February 5, 2010, the NRC staff consulted with the Massachusetts State official of the Massachusetts Emergency Management Agency 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 January 22, 2010, as supplemented by letter dated February 2, 2010. Portions of the submittal dated January 22, 2010, as supplemented by letter dated February 2, 2010, contain security-related information and, accordingly, are not available to the public. Publicly-available versions of

this document are accessible electronically from the ADAMS with Accession Nos. ML100260716 and ML100351182, respectively.

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 3rd day of March 2010.

For the Nuclear Regulatory Commission.

James Kim,

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

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**OFFICE OF PERSONNEL
MANAGEMENT**

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This gives notice of OPM decisions granting authority to make appointments under Schedules A, B, and C in the excepted service as required by 5 CFR 213.103.

FOR FURTHER INFORMATION CONTACT: Roland Edwards, Senior Executive Resource Services, Employee Services, 202-606-2246.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are the individual authorities established under Schedules A, B, and C between January 1, 2010, and January 31, 2010. These notices are published monthly in the **Federal Register** at <http://www.gpoaccess.gov/fr/>. A consolidated listing of all authorities as of June 30 is also published each year. The following Schedules are *not* codified in the Code of Federal Regulations. These are agency-specific exceptions.

Schedule A

Section 213.3133 Federal Deposit Insurance Corporation

(c) Temporary or time-limited positions located at closed banks or savings and loan institutions that are concerned with liquidating the assets of the institutions, liquidating loans to the institutions, or paying the depositors of closed insured institutions. Time-limited appointments under this authority may not exceed 7 years.

Schedule B

Section 213.3206 Department of Defense

(b) Interdepartmental Activities.
(1) Seven (7) positions to provide general administration, general art and information, photography, and/or visual information support to the White House Photographic Service.

Schedule C

The following Schedule C appointments were approved during January 2010.

Office of Science and Technology Policy

TSGS10001 Confidential Assistant to the Associate Director for Environment. Effective January 8, 2010.

TSGS10002 Assistant Director for Legislative Affairs to the President for Science and Technology. Effective January 13, 2010.

Department of State

DSGS70076 Special Assistant for East Asian and Pacific Affairs. Effective January 4, 2010.

DSGS69985 Senior Advisor to the Secretary of State. Effective January 6, 2010.

DSGS70007 Deputy Chief of Protocol to the Chief of Protocol. Effective January 6, 2010.

DSGS70080 Staff Assistant to the Chief of Staff/Counselor. Effective January 29, 2010.

DSGS70101 Special Assistant to the Assistant Secretary Bureau of International Narcotics and Law Enforcement Affairs. Effective January 29, 2010.

Department of Defense

DDGS17268 Special Assistant to the Principal Deputy Assistant Secretary for Defense. Effective January 13, 2010.

DDGS17270 Special Assistant for Research to the Special Assistant for Speechwriting. Effective January 22, 2010.

Department of Air Force

DFGS60022 Special Assistant to the Secretary of the Air Force. Effective January 19, 2010.

DFGS60023 Special Assistant to the Assistant Secretary of the Air Force (Manpower and Reserve Affairs). Effective January 19, 2010.

Department of Justice

DJGS00551 Senior Counsel to the Assistant Attorney General. Effective January 4, 2010.

DJGS00082 Special Assistant to the Assistant Attorney General Environment and Natural Resources. Effective January 6, 2010.

DJGS00246 Counsel to the Assistant Attorney General Environment and Natural Resources. Effective January 19, 2010.

DJGS00553 Counsel and Chief of Staff to the Assistant Attorney General Environment and Natural Resources. Effective January 19, 2010.

Department of Homeland Security

DMGS00841 Public Affairs Specialist to the Deputy Under Secretary for National Protection and Programs Directorate. Effective January 14, 2010.

DMGS00842 Program Analyst to the Counselor to the Deputy Under Secretary for National Protection and Programs Directorate. Effective January 14, 2010.

Department of the Interior

DIGS01176 Senior Advisor for the Northwest Region to the Secretary. Effective January 28, 2010.

DIGS01177 Special Assistant to the Assistant Secretary Policy Management and Budget. Effective January 28, 2010.

DIGS01178 Senior Advisor for Southwest and Rocky Mountain Regions to the Secretary. Effective January 28, 2010.

DIGS01179 Deputy Director, to the Director, External Affairs. Effective January 28, 2010.

DIGS01180 Science Advisor to the Director, Minerals Management Service. Effective January 29, 2010.

DIGS01181 Special Assistant to the Assistant Secretary-Land and Minerals Management. Effective January 29, 2010.

Department of Agriculture

DAGS00103 Director of Advance to the Director of Communications. Effective January 28, 2010.

Department of Commerce

DCGS00582 Confidential Assistant to the Under Secretary of Commerce for