NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388; NRC–2010–0109]

PPL Susquehanna, LLC: Susquehanna Steam Electric Station, Units 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 certain new requirements of 10 CFR Part 73. “Physical protection of plants and materials,” for Renewed Facility Operating License Nos. NPF–14 and NPF–22, issued to PPL Susquehanna, LLC (PPL or the licensee), for operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2, respectively, located in Luzerne County, Commonwealth of Pennsylvania. 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 the licensee from the required implementation date of March 31, 2010, for several new requirements of 10 CFR Part 73. Specifically, the licensee 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. The licensee has proposed an alternate full compliance implementation date of October 29, 2010, for two requirements and until July 31, 2011, for one other requirement.

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 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’s Act are expected. There are no impacts to the air or ambient air quality.

The proposed action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for the SSES Units 1 and 2 site, NUREG–0564, dated June 1981 as supplemented through the “Generic Environmental Impact
Statement for License Renewal of Nuclear Plants, Supplement 35
Regarding Susquehanna Steam Electric Station, Units 1 and 2 Final Report,”
dated March 2009.

Agencies and Persons Consulted
In accordance with its stated policy, on February 17, 2010, the NRC staff consulted with the Commonwealth of Pennsylvania State official, Larry Winker of the Department of Environmental Protection/Bureau of Radiation Protection, 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 3, 2009, as supplemented by letters dated January 8, 2010, and January 29, 2010. Portions of the letter dated December 3, 2009, as supplemented by letters dated January 8 and January 29, 2010, contain security sensitive information and, accordingly, are withheld from public disclosure in accordance with 10 CFR 2.390. The redacted versions of the December 3, 2009, as supplemented by letters dated January 8 and January 29, 2010, (Agencywide Documents Access and Management System (ADAMS) Accession Number ML093410632, ML100120557, and ML100330005, respectively), 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–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 15th day of March 2010.

For The Nuclear Regulatory Commission.

Bhalchandra K. Vaidya,
Project Manager, Plant Licensing Branch 1–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–333; NRC–2010–0095]

James A. Fitzpatrick Nuclear Power Plant; Exemption

1.0 Background

Entergy Nuclear Operations, Inc. (the licensee) is the holder of Facility Operating License No. DPR–59, which authorizes operation of the James A. FitzPatrick Nuclear Power Plant (JAFNPP). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a boiling-water reactor located in Oswego County in New York State.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Section 50.48, requires that nuclear power plants that were licensed before January 1, 1979, satisfy the requirements of 10 CFR Part 50, Appendix R, “Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979,” Section III.G, “Fire protection of safe shutdown capability.” JAFNPP was licensed to operate prior to January 1, 1979. As such, the licensee’s Fire Protection Program (FPP) must provide the established level of protection as intended by 10 CFR Part 50, Appendix R, and Section III.G.


In response to the NRC staff’s requests for additional information (RAI), the licensee provided supplemental information by letters dated November 17, 2009, (ADAMS Accession No. ML093270075), December 11, 2009, (ADAMS Accession No. ML093520408), and January 19, 2010 (ADAMS Accession No. ML100210195).

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when:

(1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and
(2) when special circumstances are present. The licensee has stated that special circumstances are present in that the application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule, which is consistent with the language included in 10 CFR 50.12(a)(2)(ii).

In accordance with 10 CFR 50.48(b), nuclear power plants licensed before January 1, 1979, are required to meet Section III.G. of 10 CFR Part 50, Appendix R. The underlying purpose of 10 CFR Part 50, Appendix R, and Section III.G is to ensure that the ability to achieve and maintain safe shutdown is preserved following a fire event. The regulation intends for licensees to accomplish this by extending the concept of defense-in-depth to:

(1) Prevent fires from starting;
(2) Rapidly detect, control, and extinguish promptly those fires that do occur;
(3) Provide protection for structures, systems, and components important to safety so that a fire that is not promptly extinguished by the fire suppression activities will not prevent the safe shutdown of the plant.

The stated purpose of 10 CFR Part 50, Appendix R, Section III.G.2 (III.G.2) is to ensure that one of the redundant trains necessary to achieve and maintain hot shutdown conditions remains free of fire damage in the event of a fire. III.G.2 requires one of the following means to ensure that a redundant train of safe shutdown cables and equipment is free of fire damage, where redundant trains are located in the same fire area outside of primary containment:

a. Separation of cables and equipment by a fire barrier having a 3-hour rating,