

significantly affect plant safety and would not significantly affect the probability of an accident.

The proposed action would not result in an increased radiological hazard beyond those hazards 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 or emissions that affect radiation exposures to plant workers and members of the public. Therefore, no radiological impacts are expected as a result of the proposed exemption.

The proposed action is an extension of the compliance deadline and will not result in any additional construction or major renovation of any buildings or structures, nor any ground disturbing activities, beyond the security improvements previously planned to achieve compliance with the new rule. No changes in the size of the workforce, or in traffic to or around SONGS 2 and 3, are expected as a result of an extension of the compliance deadline. Providing the licensee with additional time to comply with the revised requirements of 10 CFR 73.55 would not alter land use, air quality, and water use (quality and quantity) conditions or National Pollutant Discharge Elimination System permits at SONGS 2 and 3. Aquatic and terrestrial habitat in the vicinity of the plant; threatened, endangered, and protected species under the Endangered Species Act; and essential fish habitat covered by the Magnuson-Stevens Act would not be affected. In addition, historic and cultural resources, socioeconomic conditions, and minority- and low-income populations in the vicinity of SONGS 2 and 3 would also not be affected by this action. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed exemption.

As previously noted, in promulgating its amendments to 10 CFR part 73, the Commission prepared an environmental assessment of the rule change and published a finding of no significant impact (10 CFR parts 50, 52, 72, and 73, Power Reactor Security Requirements, March 27, 2009; 74 FR 13926). Thus, through the proposed action, the Commission would be granting additional time for the licensee to comply with regulatory requirements for which the Commission has already found no significant impact.

For the foregoing reasons, the NRC concludes that there would be no significant radiological or non-radiological environmental impacts associated with the extension of the implementation date for one element of the new requirements of 10 CFR 73.55 for SONGS 2 and 3.

#### *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 exemption request would result in no change in current environmental impacts. Denial of the exemption request would result in the licensee being in non-compliance with 10 CFR 73.55(a)(1) and thus, subject to NRC enforcement action. The end result, however, would still be ultimate licensee compliance with the requirements of 10 CFR 73.55, but with the added expense to both the NRC and the licensee of any enforcement actions. The NRC concludes that the environmental impacts of the proposed exemption and the “no action” alternative are similar.

#### *Alternative Use of Resources*

The proposed action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for SONGS Units 2 and 3, dated May 12, 1981.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on October 22, 2010, the NRC staff consulted with the California State official, Mr. Stephen Hsu of the California Department of Public 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 above environmental assessment, which in accordance with 10 CFR 51.32(a)(4), is incorporated into this finding of no significant impact by reference, the NRC concludes that the proposed action constitutes an administrative change (timing) that would 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 August 24, 2010, as supplemented by letter dated October 17, 2010. Portions of the August 24 and October 17, 2010, submittals contain safeguards

and security-related information and, accordingly, redacted versions of those letters are available for public review in the Agencywide Documents Access and Management System (ADAMS), at Accession Nos. ML102380401 and ML102920691, respectively. These 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 O-1F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. 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](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, November 3, 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. 50-366; NRC-2010-0345]**

### **Southern Nuclear Operating Company Inc. Edwin I. Hatch Nuclear Plant, Unit No. 2 Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an exemption from Title 10 of the *Code of Federal Regulations*, (10 CFR), Section 50.46, “Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors,” and 10 CFR Part 50, Appendix K, “ECCS Evaluation Models,” for the Renewed Facility Operating License No. NPF-5, issued to Southern Nuclear Company (SNC, the licensee), for operation of the Edwin I. Hatch Nuclear Plant (HNP), Unit 2, located in Appling County, Georgia. In accordance with the requirements of 10 CFR Part 51, the NRC has prepared an Environmental Assessment (EA) in support of this exemption. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate.

## Environmental Assessment

### Identification of the Proposed Action

The proposed action would allow SNC to use GNF-Ziron (GNF—Global Nuclear Fuel), an advanced alloy fuel cladding material for boiling-water reactors which is similar in composition to Zircaloy-2, but contains slightly higher iron content than specified in American Society for Testing and Materials B350 (ASTM B350). The proposed action is in accordance with the licensee's application dated May 12, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML101340739).

### The Need for the Proposed Action

The proposed action is needed so that SNC can use GNF-Ziron as an advanced alloy for fuel rod cladding and other assembly structural components at the HNP.

Section 50.46 of 10 CFR and 10 CFR Part 50, Appendix K, make no provisions for use of fuel rods clad in a material other than zircaloy or ZIRLO™. Since the chemical composition of the GNF-Ziron alloy differs from the specifications for zircaloy or ZIRLO™, a plant-specific exemption is required to allow the use of the GNF-Ziron alloy as a cladding material or in other assembly structural components at the HNP.

### 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 use GNF-Ziron fuel rod cladding material 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 Safety Analysis Report. There will be no change to radioactive effluents that affect radiation exposures to plant workers and members of the public. No changes will be made to plant buildings or the site property. 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 noticeable effect on socioeconomic conditions in the region. Therefore, no changes to or different types of non-radiological environmental impacts are expected as a result of the proposed action. Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action. The details of 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 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. 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 considered in the Final Environmental Statement for the Edwin I. Hatch Nuclear Plant, Unit No. 2, dated 1978 and the Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Edwin I. Hatch Nuclear Plant, Units 1 and 2—Final Report (NUREG-1437, Supplement 4) dated May 2001 (ADAMS Accession No. ML011420057)

### Agencies and Persons Consulted

In accordance with its stated policy, on October 25, 2010, the staff consulted with the Georgia State official, Mr. Jim Hardeman of the Department of Natural Resources, 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.

## Further Information

Documents related to this action, including the application for an exemption and license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession number for the document related to this notice, "Edwin I. Hatch, Unit 2 Proposed Exemption from Fuel Cladding Material Requirements in 10 CFR 50.46 and 10 CFR Appendix K," dated May 12, 2010, including non-proprietary publically available versions of its enclosures, is ML101340739. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

The document may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, November 2, 2010.

For the Nuclear Regulatory Commission.

**Robert E. Martin,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-133; NRC-2010-0346]

### Environmental Assessment and Finding of No Significant Impact Related to Exemption of Material for Proposed Disposal Procedures for the Humboldt Bay Power Plant, Unit No. 3, License DPR-007, Eureka, CA

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Environmental Assessment and Finding of No Significant Impact.

**FOR FURTHER INFORMATION CONTACT:** John Hickman, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental