

## NUCLEAR REGULATORY COMMISSION

[NRC–2010–0019; Docket Nos. 50–390 and 50–391]

### Tennessee Valley Authority; Watts Bar Nuclear Plant, 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 Facility Operating License No. NPF–90, issued to Tennessee Valley Authority (TVA, the licensee), for operation of the Watts Bar Nuclear Plant (WBN), Unit 1, located in Rhea County, Tennessee. This consideration is also applicable to Unit 2, currently under licensing process. In accordance with 10 CFR 51.21, the NRC prepared an environmental assessment documenting its finding. The NRC concluded that the proposed actions will have no significant environmental impact.

#### Environmental Assessment

##### *Identification of the Proposed Action*

The proposed action would exempt the TVA from the required implementation date of March 31, 2010, for several new requirements of 10 CFR Part 73. Specifically, WBN, Units 1 and 2 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. TVA has proposed an alternate full compliance implementation date of September 24, 2012, approximately two and half years 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 WBN, Units 1 and 2 site that were not previously considered in the environmental assessment and finding of no significant impact made by the Commission in promulgating its revisions to 10 CFR Part 73, Power Reactor Security Requirements, 74 FR 13926, 13967 (March 27, 2009).

The proposed action is in accordance with the licensee’s application dated November 6, 2009, as supplemented by letter dated January 11, 2010.

##### *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 WBN, Units 1 and 2 security system because they involve new components and engineering that cannot be obtained or completed by the March 31, 2010, implementation date.

##### *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 (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.

The licensee currently maintains a security system acceptable to the NRC and will continue to provide acceptable physical protection of the WBN, Units 1 and 2 as TVA implements certain new requirements in 10 CFR Part 73. Therefore, the extension of the

implementation date of the new requirements of 10 CFR Part 73 to September 24, 2012, 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 the WBN, Units 1 and 2, NUREG–0498, dated December 1978, and a supplement to the Final Environmental Statement (NUREG–0498 Supplement 1), dated April 1995.

##### *Agencies and Persons Consulted*

In accordance with its stated policy, on December 24, 2009, the NRC staff consulted with the Tennessee State official, Elizabeth Flanagan of the Tennessee Bureau 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 November 6, 2009, as supplemented by letter dated January 11, 2010. Portions of the November 6, 2009, submittal contain safeguards and security sensitive information and, accordingly, are not available to the public. Other parts of 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 Agencywide Document 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 14th day of January 2010.

For the Nuclear Regulatory Commission.

**John G. Lamb,**

*Senior Project Manager, Watts Bar Special Projects Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2010-1304 Filed 1-22-10; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-438-CP, 50-439-CP; ASLBP No. 10-896-01-CP-BD01]

### Tennessee Valley Authority; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and the Commission's regulations, see 10 CFR 2.104, 2.105, 2.300, 2.313, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

#### Tennessee Valley Authority (Bellefonte Nuclear Plant, Units 1 and 2)

This proceeding concerns a Petition to Intervene submitted by the Blue Ridge Environment Defense League, its chapter Bellefonte Efficiency and Sustainability Team, and the Southern Alliance for Clean Energy in response to a **Federal Register** Notice published on March 13, 2009 (74 FR 10,969) stating that any person adversely affected by the Commission's determination to reinstate the construction permits for Bellefonte Nuclear Plant, Units 1 and 2, to be located in Jackson County, Alabama, may request a hearing. The scope of the hearing request "is limited to whether good cause exists for the reinstatement of the [construction permits]" (*ibid.*; see also *In the Matter of Tennessee Valley Authority* (Bellefonte Nuclear Plant, Units 1 and 2), CLI-10-

06, 71 NRC\_(slip op. at 6-7, 19 (Jan. 7, 2010))).

*The Board is comprised of the following administrative judges:*

G. Paul Bollwerk III, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

Dr. Anthony J. Baratta, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

Dr. William W. Sager, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 15th day of January 2010.

**E. Roy Hawkens,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 2010-1319 Filed 1-22-10; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-282 and 50-306; NRC-2010-0022]

### License Nos. DPR-42 and DPR-60; Northern States Power Company; Prairie Island Nuclear Generating Plant, Units 1 and 2; Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated September 4, 2009, Mr. David Lee Sebastian (petitioner) has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the licensee for the Prairie Island Nuclear Generating Plant, Units 1 and 2. The Prairie Island Nuclear Generating Plant is operated by Northern States Power Company, incorporated in Minnesota as a wholly owned subsidiary of Xcel Energy, Inc. (Xcel). The petitioner requests that the NRC:

(1) Order Xcel to cease and desist from its current arbitrary and capricious practices using the Access Authorization and Fitness for Duty (AA/FFD) Programs other than their intended created intent, as they are being applied against the petitioner.

(2) Order compliance with:

(A) The NRC's regulations under Section 73.56, "Personnel Access Authorization Requirements for Nuclear Power Plants," of Title 10 of the Code of Federal Regulations (10 CFR 73.56);

(B) The rationale described in the final rule "Access Authorization Program for Nuclear Power Plants" (RIN 3150-AA90) published in the **Federal Register** on April 26, 1991 (56 FR 18997); and

(C) Nuclear Energy Institute's (NEI) implementation guidance in "Nuclear Power Plant Access Authorization Program" (NEI-03-01, Rev. 2).

(3) That the petitioner be granted access authorization without further delay to perform his accepted job tasks with all record of denial removed from any and all records wherever found.

(4) Issue any other Order, or grant any other relief, to which the petitioner may have shown himself entitled.

As the basis for the request, the petitioner states that Xcel is in violation of 10 CFR 73.56 in denying him access to the Prairie Island Nuclear Generating Plant using the AA/FFD program by basing the decision solely upon an existing tax lien. The petitioner states that Xcel failed to base the decision to grant or deny unescorted access authorization on a review and evaluation of all pertinent information. The petitioner states that Xcel failed to incorporate all three elements (i.e., background investigation, psychological assessment, and behavioral observation) of the unescorted access authorization program when making the decision to deny the petitioner unescorted access, contrary to the rationale for rule "Access Authorization Program for Nuclear Power Plants" (56 FR 18997).

The NRC is treating the petitioner's request pursuant to 10 CFR 2.206, "Requests for Action under This Subpart." The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, the NRC will take appropriate action on this petition within a reasonable time. A copy of the petition is available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, MD 20852. Publicly available records related to this action will be accessible 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 by e-mail to [pdr.Resource@nrc.gov](mailto:pdr.Resource@nrc.gov). The ADAMS accession number for the