UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 19, 2010

Vice President, Operations
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
P.O. Box 110
Lycoming, NY 13093

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT RE: REQUEST FOR EXEMPTION FROM IMPLEMENTATION DEADLINE FOR PHYSICAL SECURITY PLANS (TAC NO. ME3115)

Dear Sir or Madam:

Enclosed is a copy of the Environmental Assessment and Finding of No Significant Impact related to your application for exemption dated January 21, 2010, as supplemented by letters dated February 25 and March 2, 2010.

Entergy Nuclear Operations, Inc. (the licensee) requested U.S. Nuclear Regulatory Commission (NRC) approval for an exemption from March 31, 2010, implementation date for certain security requirements of Title 10 of the *Code of Federal Regulations* Part 73, "PHYSICAL PROTECTION OF PLANTS AND MATERIALS," for James A. FitzPatrick Nuclear Power Plant, issued by NRC in a Final Rule dated March 27, 2009 (74 FR 13926). The proposed exemption would allow an extension from the March 31, 2010, implementation date for some specific requirements, until December 31, 2010.

The environmental assessment is being forwarded to the Office of the Federal Register for publication.

Sincerely,

B.K. Vaidya

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

Docket No. 50-333

Enclosure:
Environmental Assessment

cc w/encl: Distribution via Listserv

7590-01-P

UNITED STATES NUCLEAR REGULATORY COMMISSION

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

DOCKET NO. 50-333

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-59, issued to Entergy Nuclear Operations, Inc. (the licensee), for the operation of the James A. FitzPatrick Nuclear Power Plant (JAFNPP) located in Oswego County, NY. In accordance with 10 CFR 51.21, the NRC prepared 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 JAFNPP from the required implementation date of March 31, 2010, for several new requirements of 10 CFR Part 73. Specifically, JAFNPP 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. JAFNPP has proposed an alternate full compliance implementation date of December 31, 2010, approximately 9 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 JAFNPP site.

The proposed action is in accordance with the licensee's application dated January 21, 2010, as supplemented by letters dated February 25 and March 2, 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 JAFNPP security system due to design, resource and logistical impacts from adverse winter weather and from material delivery dates.

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 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 related to operation of James A. FitzPatrick Nuclear Power Plant Power Authority of the State of New York, Docket No. 50-333," dated March 1973, as supplemented through the "Generic Environmental Impact Statement for License Renewal of

Nuclear Plants: Supplement 31 Regarding James A. FitzPatrick Nuclear Power Plant, Final Report" (NUREG - 1437, Supplement 31), January 2008.

Agencies and Persons Consulted:

In accordance with its stated policy, on February 19, 2010, the NRC staff consulted with the New York State official, Alyse Peterson, of the New York State Energy Research and Development Authority, 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 21, 2010, as supplemented by letters dated February 25 and March 2, 2010. Portions of the submittal dated January 21, 2010, as supplemented by letter dated February 25, 2010, contain sensitive security related information and, accordingly, are withheld from public disclosure in accordance with 10 CFR 2.390. The letter dated March 2, 2010, is the redacted version of the letter dated February 25, 2010. Publicly available versions of the licensee's letter dated January 21, 2010, and the letter dated March 2, 2010, are accessible electronically from the Agencywide Documents Access and Management System (ADAMS) with Accession Nos. ML100270022 and ML100680660, respectively. Publicly available versions of the 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 Website: 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 19th day of March 2010.

FOR THE NUCLEAR REGULATORY COMMISSION

BKVaidya

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

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Sincerely,

/RA/

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

Docket No. 50-333
Enclosure:
Environmental Assessment
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NAME	BVaidya	SLittle	Almboden for SKlementowicz	DHuyck
DATE	3/15/10	3/15/10	3/16/10	3/15/10

OFFICE	OGC	LPL1-1/BC	LPL1-1/PM
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