

components will continue to be maintained through the facility's compliance with 10 CFR 50.55a.

*Date of issuance:* February 24, 2010.

*Effective date:* As of the date of issuance and shall be implemented within 180 days of issuance.

*Amendment Nos.:* 199 and 160.

*Facility Operating License Nos. NPF-39 and NPF-85.* These amendments revised the license and the technical specifications.

*Date of initial notice in Federal Register:* April 21, 2009 (74 FR 18254). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 24, 2010.

No significant hazards consideration comments received: No.

*National Aeronautics and Space Administration, Docket Nos. 50-30, and 50-185. Erie County, Ohio*

*Date of amendment request:* January 9, 2009, as supplemented by letter dated October 6, 2009.

*Brief description of amendment:* The amendment adds a condition to each license requiring that the National Aeronautics and Space Administration assess the residual radioactivity and demonstrate that the stream bed and banks of Plum Brook between the Plum Brook Station boundary and Sandusky Bay meet the radiological criteria for unrestricted use specified in 10 CFR 20.1402 prior to terminating Licenses TR-3 and R-93.

*Date of issuance:* February 1, 2010.

*Effective date:* February 1, 2010.

*Amendment Nos.:* 14 and 10, respectively.

*Possession Only License Nos. TR-3 and R-93:* The amendment revises both licenses.

*Date of initial notice in Federal Register:* May 5, 2009 (74 FR 20751).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation Report, dated February 1, 2010.

*No Significant Hazards Consideration Comments Received:* No.

*National Aeronautics and Space Administration, Docket Nos. 50-30, and 50-185. Erie County, Ohio (TAC NO. J00301)*

*Date of amendment request:* January 9, 2009, as supplemented by letter dated October 6, 2009.

*Brief description of amendment:* The amendment adds a condition to each license requiring that the National Aeronautics and Space Administration assess the residual radioactivity and demonstrate that the stream bed and banks of Plum Brook between the Plum

Brook Station boundary and Sandusky Bay meet the radiological criteria for unrestricted use specified in 10 CFR 20.1402 prior to terminating Licenses TR-3 and R-93.

*Date of issuance:* February 1, 2010.

*Effective date:* February 1, 2010.

*Amendment Nos.:* 14 and 10, respectively

*Possession Only License Nos. TR-3 and R-93:* The amendment revises both licenses.

*Date of initial notice in Federal Register:* May 5, 2009 (74 FR 20751)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation Report, dated February 1, 2010.

*No Significant Hazards Consideration Comments Received:* No.

*PSEG Nuclear LLC, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey*

*Date of application for amendments:* April 9, 2009.

*Brief description of amendments:* The amendments relocate Technical Specification (TS) requirements pertaining to communications during refueling operations (TS 3/4.9.5), manipulator crane operability (TS 3/4.9.6), and crane travel (TS 3/4.9.7) to the Technical Requirements Manual.

*Date of issuance:* February 17, 2010.

*Effective date:* As of the date of issuance, to be implemented within 60 days.

*Amendment Nos.:* 293 and 277.

*Facility Operating License Nos. DPR-70 and DPR-75:* The amendments revised the TSs and the License.

*Date of initial notice in Federal Register:* August 25, 2009 (74 FR 42929).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 17, 2010.

*No significant hazards consideration comments received:* No.

Dated at Rockville, Maryland, this 25th day of February 2010.

For the Nuclear Regulatory Commission.

**Allen G. Howe,**

*Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2010-4523 Filed 3-8-10; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 05000271; License No. DPR-28; EA-10-034; NRC-2010-0089]

### In the Matter of Entergy Nuclear Operations; Vermont Yankee Nuclear Power Station; Demand for Information

#### I

Entergy Nuclear Operations (Entergy) is the holder of Facility Operating License No. DPR-28, issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to 10 CFR Part 50 on February 28, 1973. The license authorizes the operation of the Vermont Yankee Nuclear Power Station (Vermont Yankee) in accordance with conditions specified therein. The facility is located in Vernon, Vermont.

#### II

The NRC has been monitoring the activities between Entergy and the State of Vermont regarding the veracity of statements made by Entergy officials and staff to the State related to underground piping at Vermont Yankee. On February 24, 2010, Entergy verbally informed the NRC of actions that Entergy has taken regarding certain employees, including some who were removed from their site positions at Vermont Yankee and placed on administrative leave, as a result of its independent internal investigation into alleged contradictory or misleading information provided to the State of Vermont that was not corrected. While the NRC does not have jurisdiction over the communications between Entergy and the State of Vermont, the NRC is aware that some of these individuals have responsibilities that involve decision-making communications material to the NRC and/or involve NRC-regulated activities, such as Regulatory Licensing, Security, and Emergency Preparedness Programs.

#### III

The NRC relies on licensees to provide complete and accurate information in order to make certain licensing and oversight decisions, as required by Title 10 of the Code of Federal Regulations (CFR) 50.9. To date, the NRC has not identified any instances in which Entergy staff or officials have provided incomplete or inaccurate information to the NRC. However, in light of the above, the NRC requires additional information from Entergy to confirm that information provided by these individuals is accurate and the impact of the organizational changes is assessed in the

areas of regulatory program performance and safety culture. In addition, Entergy has not provided the NRC with information describing how the recent personnel changes resulting from the independent internal investigation will affect Entergy's ability to implement NRC-regulated programs at Vermont Yankee, and any compensatory measures Entergy has taken in response. The NRC will independently review and assess the results of Entergy's independent investigation, and determine any implications on NRC-regulated activities at the facility.

#### IV

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR 50.54(f), in order for the Commission to determine whether Vermont Yankee's license should be modified, suspended, or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, Entergy is required to submit to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA, 19406 (with copies to the Director, Office of Enforcement and to the Assistant General Counsel for Materials Litigation and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001), within 30 days of the date of this Demand for Information, the following information, in writing, and under oath or affirmation:

1. Information regarding whether communications over the past five years to the NRC by the aforementioned employees that were material to NRC-regulated activities were complete and accurate, and the basis for that conclusion. The communications shall include, but not be limited to, required reports to the NRC, interactions with NRC inspection staff, and submittals to support NRC licensing decisions, including the license renewal process. The information shall also describe any impacts on safety and security for any communications to the NRC found to be incomplete or inaccurate.

2. Any corrective actions or compensatory measures taken or planned to address any incomplete or inaccurate communications provided to the NRC by the aforementioned employees identified by your review conducted in response to Item 1.

3. A description of how, in light of the organizational changes made in response to the independent internal investigation, Entergy is providing for appropriate implementation of NRC-regulated programs (e.g., Regulatory

Licensing, Security, Emergency Preparedness, etc.)

4. A description of how Entergy is identifying and responding to any adverse implications to the Vermont Yankee site safety culture as a result of this investigation, its findings, and the actions taken regarding the aforementioned employees.

5. Confirmation that Entergy intends to make the independent internal investigation available to the NRC to allow the NRC to independently evaluate Entergy's investigation for any impact on NRC-regulated activities.

The Director, Office of Enforcement, may relax or rescind any of these items for good cause shown.

#### V

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

Dated at Rockville, Maryland, this 1st day of March, 2010.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Director, Office of Enforcement.*

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### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-397; NRC-2010-0084]

#### Energy Northwest; Columbia Generating 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 one new requirement of 10 CFR part 73, "Physical protection of plants and materials," for Facility Operating License No. DPR-46, issued to Energy Northwest (the licensee), for operation of the Columbia Generating Station (CGS), located in Benton County, Washington. 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 Energy Northwest from the required

implementation date of March 31, 2010, for one new requirement of 10 CFR part 73. Specifically, Energy Northwest would be granted an exemption from being in full compliance with a new requirement contained in 10 CFR 73.55 by the March 31, 2010, deadline. Energy Northwest has proposed an alternate full compliance implementation date of May 15, 2010, 45 days beyond the date required by 10 CFR part 73. The proposed action, an extension of the schedule for completion of one action 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 Energy Northwest site.

The proposed action is in accordance with the licensee's application dated January 27, 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 Energy Northwest security system due to manufacturing delays of one item at the vendor.

##### *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-