

intervenor in this proceeding. The Board also admitted a total of seven contentions proposed by the Oglala Sioux Tribe and the Consolidated Intervenor.<sup>5</sup> On November 15, 2012, the Nuclear Regulatory Commission Staff (NRC Staff) notified the Board of the public availability of its Draft Supplemental Environmental Impact Statement (DSEIS) prepared pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4332, and the agency's implementing regulations, 10 CFR part 51.<sup>6</sup> On January 25, 2013, both the Oglala Sioux Tribe and the Consolidated Intervenor filed additional proposed contentions relating to the DSEIS.<sup>7</sup> On July 22, 2013, the Board admitted three contentions proposed by the Oglala Sioux Tribe in response to the DSEIS.<sup>8</sup> On January 29, 2014, the NRC Staff issued the Final Supplemental Environmental Impact Statement (FSEIS).<sup>9</sup> On April 8, 2014 the NRC Staff issued NRC Source Materials License No. SUA-1600 to Powertech.<sup>10</sup> On June 20, 2014, the Oglala Sioux Tribe voluntarily withdrew two of its admitted contentions.<sup>11</sup>

Pursuant to 10 CFR 2.312, the Atomic Safety and Licensing Board hereby provides notice that it will hold an evidentiary hearing under 10 CFR part 2, Subpart L procedures to receive testimony and exhibits in this proceeding.<sup>12</sup> Parties to this proceeding

<sup>5</sup> 72 NRC at 443–44.

<sup>6</sup> Letter to Administrative Judges Froehlich, Cole, and Barnett, from Patricia Jehle, Counsel for NRC Staff (Nov. 15, 2012) (ADAMS Accession No. ML12320A623); see Supplement to the Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities, NUREG-1910 (Supp. 4, Nov. 2012) (ADAMS Accession Nos. ML12312A040 and ML12312A040) [hereinafter DSEIS].

<sup>7</sup> See List of Contentions of the Oglala Sioux Tribe Based on the [DSEIS] (Jan. 25, 2013); Consolidated Intervenor's New Contentions Based on DSEIS (Jan. 25, 2013).

<sup>8</sup> See LBP-13-09, 78 NRC 37, 114 (2013).

<sup>9</sup> Supplement to the Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities, Final Report, NUREG-1910 (Supp. 4 Jan. 2014) (ADAMS Accession Nos. ML14024A477 (Chapters 1–5) and ML14024A478 (Chapters 6–11 and Appendices)) [hereinafter FSEIS].

<sup>10</sup> Materials License, NRC Form 374 (Apr. 8, 2014) (ADAMS Accession No. ML14043A392). See also ADAMS Accession Package Number ML14043A052, which includes the license transmittal letter, the license, and the Final Safety Evaluation Report. The NRC Staff also issued its Record of Decision for the Dewey-Burdock Uranium In-Situ Recovery (ISR) Project at ADAMS Accession No. ML14066A466. The Final Programmatic Agreement was executed April 7, 2014 and is available in ADAMS Accession Package No. ML14066A344.

<sup>11</sup> See Order (Granting Request to Withdraw and Motion to Dismiss Contentions 14A and 14B) (July 15, 2014) (unpublished).

<sup>12</sup> On July 3, 2014, in a separate Notice, the Board informed the parties and the public that, in

(including the NRC Staff) have begun to provide evidentiary submissions in support of or in opposition to the merits of the admitted contentions.<sup>13</sup>

### I. Matters To Be Considered

Contentions 1A, 1B, 2, 3, 4, 6, and 9 will be at issue in the evidentiary hearing. These contentions generally concern the adequacy of (1) the project's protection of historical and cultural resources, and (2) the agency's FSEIS analysis of the project's impacts on the water and ecosystem of the surrounding area. Appendix A, which follows this order, contains the substance of each contention.

### II. Date, Time, and Location of Evidentiary Hearing

The Board will take oral testimony beginning Tuesday, August 19, 2014, at 9:00 a.m., MDT and continue daily through Thursday, August 21, 2014 at 5:00 p.m., MDT.

The evidentiary hearing will take place at the: Hotel Alex Johnson, 523 Sixth Street, Rapid City, South Dakota 57701.

We anticipate addressing the admitted contentions in the following order:

- Panel 1: Contentions 1A and 1B;
- Panel 2: Contentions 2, 3 and 4;
- Panel 3: Contentions 6 and 9.

Members of the public and media are welcome to attend and observe the evidentiary hearing, which will involve technical, scientific and regulatory questions and testimony. Participation in the hearing will be limited to the parties, their lawyers, and witnesses. Please be aware that security measures may be employed at the entrance to the facility, including searches of hand-carried items such as briefcases or backpacks. No signs, banners, posters, or other displays will be permitted in the courtroom.<sup>14</sup>

### III. Availability of Documentary Information Regarding the Proceeding

Documents relating to Powertech's application are available on the NRC Web site at <http://www.nrc.gov/info-finder/materials/uranium/licensed-facilities/dewey-burdock.html> (last visited July 16, 2014). These documents are also available for public inspection

accordance with 10 CFR 2.315(a), it will entertain oral and written limited appearance statements from members of the public in connection with this proceeding. 79 FR 39,413 (July 3, 2014).

<sup>13</sup> Initial testimony and exhibits were filed on June 20, 2014 and answering testimony and exhibits were filed on July 15, 2014. See Order (Providing Case Management Information) (June 2, 2014) (unpublished).

<sup>14</sup> See Procedures for Providing Security Support for NRC Public Meetings/Hearings, 66 FR 31,719 (June 12, 2001).

at the Commission's Public Document Room (PDR), located in One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852 or electronically on the publicly available records component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (last visited July 16, 2014).<sup>15</sup> 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 between 8:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday except federal holidays at (800) 397-4209 or (301) 415-4737 or by sending an email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

It is so ordered.

For the Atomic Safety and Licensing Board, Rockville, Maryland.

Dated: July 16, 2014.

**William J. Froehlich,**  
Chair, Administrative Judge.

### APPENDIX A

- Contention 1A: Failure to Meet Applicable Legal Requirements Regarding Protection of Historical and Cultural Resources.
- Contention 1B: Failure to Involve or Consult All Interested Tribes as Required by Federal Law.
- Contention 2: The FSEIS Fails to Include Necessary Information for Adequate Determination of Baseline Ground Water Quality.
- Contention 3: The FSEIS Fails to Include Adequate Hydrogeological Information to Demonstrate Ability to Contain Fluid Migration and Assess Potential Impacts to Groundwater.
- Contention 4: The FSEIS Fails to Adequately Analyze Ground Water Quantity Impacts.
- Contention 6: The FSEIS Fails to Adequately Describe or Analyze Proposed Mitigation Measures.
- Contention 9: The FSEIS Fails to Consider Connected Actions.

[FR Doc. 2014-17219 Filed 7-22-14; 8:45 am]

**BILLING CODE 7590-01-P**

### NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-361 and 50-362; NRC-2014-0170]

### Southern California Edison; San Onofre Nuclear Generating Station, Units 2 and 3

**AGENCY:** Nuclear Regulatory Commission.

<sup>15</sup> Documents which are determined to contain sensitive or proprietary information may only be available in redacted form. All non-sensitive documents are available in their complete form.

**ACTION:** Finding of no significant impact; final issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions in response to a February 13, 2014, request from Southern California Edison Company (the licensee), representing itself and the other owners of the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3. One exemption would permit the licensee to use funds from the SONGS, Units 2 and 3 decommissioning trusts (the Trusts) for irradiated fuel management and site restoration costs. Another exemption would allow the licensee to use withdrawals from the Trusts without prior notification to the NRC. The NRC staff is issuing a final Environmental Assessment (EA) and final finding of No Significant Impact (FONSI) associated with the proposed exemptions.

**ADDRESSES:** Please refer to Docket ID NRC-2014-0170 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0170. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The request for exemption, dated February 13, 2014, is available electronically in ADAMS under Accession No. ML14051A632. The supplement dated March 12, 2014, is available in ADAMS under Accession No. ML14078A028.

- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One

White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Margaret Chernoff, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-2240; email: [Margaret.Chernoff@nrc.gov](mailto:Margaret.Chernoff@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The NRC is considering issuance of exemptions from Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section 82(a)(8)(i)(A) and 10 CFR Part 50 Section 75(h)(2) for Facility Operating License Nos. NPF-10 and NPF-15, issued to Southern California Edison (SCE, the licensee), for SONGS, Units 2 and 3, located in San Diego County, California. The licensee requested the exemptions by letter dated February 13, 2014, and supplemented its request by letter dated March 12, 2014. The exemptions would allow the licensee to use funds from the SONGS Units 2 and 3 Trusts for irradiated fuel management and site restoration activities. Consistent with 10 CFR 51.21, the NRC has reviewed the requirements in 10 CFR 51.20(b) and 10 CFR 51.22(c) and determined that an EA is the appropriate form of environmental review. Based on the results of the EA, the NRC is issuing this final FONSI.

**II. Environmental Assessment**

*Identification of the Proposed Action*

The proposed action would exempt SCE from meeting the requirements set forth in 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2). The proposed action would allow SCE to use funds from the Trusts for irradiated fuel management and for site restoration activities not associated with radiological decontamination and exempt SCE from meeting the requirement for prior notification to the NRC.

The proposed action is in accordance with the licensee's application dated February 13, 2014, as supplemented by letter dated March 12, 2014.

*The Need for the Proposed Action*

By letter dated June 12, 2013 (ADAMS Accession No. ML131640201), SCE informed the NRC of its decision to permanently cease operation of SONGS Units 2 and 3 effective June 7, 2013.

As required by 10 CFR 50.82(a)(8)(i)(A), decommissioning trust funds may be used by the licensee if the withdrawals are for legitimate decommissioning activity expenses, consistent with the definition of decommissioning in 10 CFR 50.2. The definition of "decommissioning" in 10

CFR 50.2 does not include activities associated with irradiated fuel management or site restoration. Similarly, the requirements of 10 CFR 50.75(h)(2) restrict the use of decommissioning trust fund disbursements (other than for ordinary and incidental expenses) to decommissioning expenses until final decommissioning is completed. Therefore, exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) are needed to allow SCE to use funds from the Trust for irradiated fuel management and site restoration activities.

The licensee states that the Trusts contain funds for decommissioning comingled with funds intended for irradiated fuel management and other site restoration activities not associated with radiological decontamination. The adequacy of funds in the Trusts to cover the costs of activities associated with radiological decontamination through license termination is supported by the Nuclear Decommissioning Trust Funds Annual Cost and Contribution Cash Flows submitted by SCE in the March 12, 2014, letter. The licensee needs access to funds in the Trusts in excess of those needed for radiological decontamination to support irradiated fuel management and other site restoration activities not associated with radiological decontamination.

The requirements of 10 CFR 50.75(h)(2) further provide that, except for decommissioning withdrawals being made under 10 CFR 50.82(a)(8) or for payment of ordinary and incidental expenses, no disbursement may be made from the Trusts without written notice to the NRC at least 30 working days in advance. Therefore an exemption from 10 CFR 50.75(h)(2) is needed to allow SCE to use funds from the Trusts for irradiated fuel management and site restoration without prior NRC notification.

In summary, by letter dated February 13, 2014, as supplemented by letter dated March 12, 2014, SCE requested exemptions to allow Trust withdrawals, without prior written notification to the NRC, for irradiated fuel management and site restoration activities.

*Environmental Impacts of the Proposed Action*

The proposed action involves an exemption from requirements that are of a financial or administrative nature which do not have an impact on the environment. The NRC has completed its evaluation of the proposed action and concludes that there is reasonable assurance that adequate funds are available in the Trusts to complete all

activities associated with decommissioning, site restoration, and irradiated fuel management. There is no decrease in safety associated with the Trusts being used to fund activities associated with irradiated fuel management and site restoration activities. In the March 12, 2014, letter, the licensee confirmed its understanding that the limitations on the use of radiological decommissioning funds remain in effect, limiting access to those portions of the funding in the Trusts. 10 CFR 50.82(a)(8)(v) requires licensees to submit a financial assurance status report annually between the time of submitting its decommissioning cost estimate and submitting its final radiation survey and demonstrating that residual radioactivity has been reduced to a level that permits termination of its license. If the remaining balance plus expected rate of return plus any other financial surety mechanism does not cover the estimated costs of completion of decommissioning, additional financial assurance must be provided. These annual reports provide a means for NRC to monitor the adequacy of available funding. Since the exemption would allow SCE to use funds from the Trusts that are in excess of those required for radiological decontamination of the site and the adequacy of funds dedicated for radiological decontamination are not affected by the proposed exemption, there is reasonable assurance that there will be no environmental impact due to lack of adequate funding for decommissioning.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have any foreseeable impacts to land, air, or water resources, including impacts to biota. In addition, there are also no known socioeconomic or environmental justice impacts associated with such proposed action. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

#### *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 application 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 previously considered in the Final Environmental Statement for SONGS Units 2 and 3, dated May 12, 1981.

#### *Agencies or Persons Consulted*

The staff did not enter into consultation with any other Federal Agency or with the State of California regarding the environmental impact of the proposed action. On May 22, 2014, the California state representatives were notified of the EA and FONSI.

### **III. Finding of No Significant Impact**

The licensee has proposed exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) which would allow SCE to use funds from the Trusts for irradiated fuel management and site restoration activities, without prior written notification to the NRC.

The NRC decided not to prepare an Environmental Impact Statement for the proposed action. On the basis of the environmental assessment included in Section II above and incorporated by reference in this finding, the NRC concludes that the proposed action will not have significant effects on the quality of the human environment.

Other than the licensee’s letters, dated February 13, 2014, as supplemented by letter dated March 12, 2014, there are no other environmental documents associated with this review. These documents are available for public inspection as indicated above.

Dated at Rockville, Maryland, this 15th day of July, 2014.

For the Nuclear Regulatory Commission.

**Douglas A. Broaddus,**

*Chief, Plant Licensing Branch IV-2 and Decommissioning Transition Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2014-17218 Filed 7-22-14; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Joint Subcommittees on Reliability and PRA and Fukushima; Notice of Meeting**

The ACRS Joint Subcommittees on Reliability and PRA and Fukushima will hold a meeting on August 22, 2014, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

The agenda for the subject meeting shall be as follows:

**Friday, August 22, 2014—8:30 a.m. Until 5:00 p.m.**

The Joint Subcommittee will review the status of the filtering strategies rulemaking and a human reliability analysis methodology applied to this rulemaking. The Joint Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Joint Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Weidong Wang (Telephone 301-415-6279 or Email: [Weidong.Wang@nrc.gov](mailto:Weidong.Wang@nrc.gov)) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013 (78 CFR 67205-67206).

Detailed meeting agendas and meeting transcripts are available on the NRC