

Army permit application to perform certain building activities on and near the ESP site.

The draft ESP EIS contained a finding of no adverse effect to historic properties for the NRC's Section 106 NHPA review. The NJ HPO concurred with this finding. By letter dated December 4, 2014, the NRC received a revised opinion letter from the NJ HPO finding that the proposed project would result in an adverse effect to historic properties (ADAMS Accession No. ML15005A040). The NJ HPO stated that the visual intrusion of two new natural draft cooling towers, which are included in the plant parameter envelope for the ESP application, would, if selected in a subsequent application to construct and operate a nuclear plant at the ESP site, result in an adverse effect to historic properties. The NRC met with the NJ HPO, PSEG representatives, and interested members of the public on January 9, 2015, in Salem County, New Jersey to discuss the NJ HPO's concerns. Between January and August 2015, the NRC met with the NJ HPO, ACHP, NPS, interested members of the public, and PSEG several times to discuss the effects from the proposed project on historic properties and to develop possible mitigation strategies for any potential effects. Between January and August 2015, the NRC conducted seven publicly noticed consultation meetings and teleconferences, pursuant to Section 106 of the NHPA.

Based on the information from these meetings and additional research, the NRC issued letters on June 24, 2015, to NJ HPO, ACHP, and NPS stating its determination that natural draft cooling towers, if selected, would result in an indirect visual adverse effect on the Abel and Mary Nicholson House National Historic Landmark (127 Fort Elfsborg-Hancock Bridge Road), the property at 349 Fort Elfsborg-Hancock Bridge Road, and the property at 116 Mason Point Road. These properties are within an area the NJ HPO has determined is an NRHP-eligible historic district. In its letter, the NRC stated its intention to develop a MOA to resolve the adverse effect to these three properties.

The draft MOA addresses the potential indirect adverse visual effect from construction and operation of natural draft cooling towers as analyzed in the ESP EIS and would conclude NHPA Section 106 consultation for the ESP. The draft MOA provides a framework for consultation at the combined license or construction permit/operating license stage.

### I. Request for Public Comment

The NRC is requesting public comment on the draft MOA. The NRC does not plan to provide individual responses to comments. However, the NRC will consider any comments received when finalizing the MOA and will publish the final MOA in the **Federal Register**. The draft MOA is available in ADAMS under Accession No. ML15239B244.

Dated at Rockville, Maryland this 28th day of August, 2015.

For the Nuclear Regulatory Commission,  
**Francis M. Akstulewicz**,  
*Director, Division of New Reactor Licensing,  
Office of New Reactors.*

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### NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-333, 50-293, and 50-271; NRC-2013-0192]

**Entergy Nuclear Operations, Inc.; James A. FitzPatrick Nuclear Power Plant, Pilgrim Nuclear Power Station, and Vermont Yankee Nuclear Power Station**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Director's decision under 10 CFR 2.206; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued a director's decision with regard to a petition dated March, 18, 2013, filed by Mr. Timothy Judson on behalf of the Alliance for a Green Economy, Citizens Awareness Network, Pilgrim Watch, and Vermont Citizens Action Network (hereafter, referred to as "the petitioners") requesting that the NRC take action with regard to James A. FitzPatrick Nuclear Power Plant (FitzPatrick), Pilgrim Nuclear Power Station (Pilgrim), and Vermont Yankee Nuclear Power Station (Vermont Yankee). The petitioners' requests and the director's decision are included in the **SUPPLEMENTARY INFORMATION** section of this document.

**DATES:** September 4, 2015.

**ADDRESSES:** Please refer to Docket ID NRC-2013-0192 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-2013-0192. Address questions about NRC dockets to Carol

Gallagher; telephone: 301-415-3463; 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 document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- 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:** Richard Guzman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1030, email: [Richard.Guzman@nrc.gov](mailto:Richard.Guzman@nrc.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a director's decision (ADAMS Accession No. ML15162A763) on a petition filed by the petitioners on March, 18, 2013 (ADAMS Accession No. ML13079A022). The petition was supplemented by letters dated April 23, May 7, June 28, July 22, October 16, November 13, November 27, and December 2, 2013, October 20, 2014, and January 27, 2015 (ADAMS Accession Nos. ML13133A161, ML13135A001, ML13184A109, ML13205A251, ML13294A400, ML13335A002, ML14016A361, ML15027A458, ML15027A462, and ML15039A011, respectively).

The petitioners requested that the NRC take enforcement action to: (1) Suspend operations at FitzPatrick and Vermont Yankee; (2) investigate whether Entergy Nuclear Operations, Inc. (ENO, the licensee) possesses sufficient funds to cease operations and decommission FitzPatrick and Vermont Yankee, per section 50.75 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Reporting and recordkeeping for decommissioning planning"; and (3) investigate ENO's current financial

qualifications per 10 CFR 50.33(f)(5) to determine whether remains qualified to continue operating Pilgrim.

As the basis of the request, the petitioners asserted that ENO no longer meets the financial qualifications requirements to possess the licenses and operate FitzPatrick, Pilgrim, and Vermont Yankee in accordance with 10 CFR 50.33(f)(2) and 10 CFR 50.80(b)(1)(i).

On May 7, 2013, the petitioners met with the NRC's Petition Review Board (PRB). The meeting provided the petitioners and the licensee an opportunity to provide additional information and to clarify issues cited in the petition. The transcript for that meeting is available in ADAMS under Accession No. ML13135A001.

By letter dated August 7, 2013 (ADAMS Accession No. ML13154A313), the NRC informed the petitioners that their request for immediate actions to suspend operations at FitzPatrick and Vermont Yankee was denied. In the same letter, the NRC also informed the petitioners of the PRB's final recommendation to accept the petition for review, because it met the criteria in Management Directive 8.11, Section III.C, "Criteria for Reviewing Petitions Under 10 CFR 2.206."

The NRC sent a copy of the proposed director's decision to the petitioners and the licensee for comment on March 27, 2015 (ADAMS Accession Nos. ML15040A159 and ML15040A140, respectively). The petitioners and the licensee were asked to provide comments within 30 days on any part of the proposed director's decision that was considered to be erroneous or any issues in the petition that were not addressed. Comments were received and are addressed in the attachments to the final director's decision.

The Director of the Office of Nuclear Reactor Regulation denied the petitioners' request for the following actions:

(1) Suspend operations at FitzPatrick and Vermont Yankee.

(2) Investigate whether ENO possesses sufficient funds to cease operations and decommission FitzPatrick and Vermont Yankee, per 10 CFR 50.75.

(3) Investigate ENO's current financial qualifications per 10 CFR 50.33(f)(5) to determine whether the licensee remains qualified to continue operating Pilgrim, be granted.

The reasons for these decisions are explained in the director's decision (DD-15-08) pursuant to 10 CFR 2.206 of the Commission's regulations.

The NRC will file a copy of the director's decision with the Secretary of the Commission for the Commission's

review in accordance with 10 CFR 2.206. As provided by this regulation, the director's decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the director's decision in that time.

Dated at Rockville, Maryland, this 27th day of August, 2015.

For the Nuclear Regulatory Commission.

**Michele G. Evans,**

*Deputy Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 2015-22049 Filed 9-3-15; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-390; NRC-2015-0206]

### Watts Bar Nuclear Plant, Unit 1; Application and Amendment to Facility Operating License Involving Proposed No Significant Hazards Consideration Determination

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment request; opportunity to comment, request a hearing and petition for leave to intervene.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of a license amend request for the Watts Bar Nuclear Plant (WBN), Unit 1. The proposed amendment would revise a current License Condition (Section 2.F) regarding the Fire Protection Program and propose a new License Condition (Section 2.I) regarding a fire protection requirement for WBN, Unit 1. The NRC proposes to determine that this request involve no significant hazards consideration.

**DATES:** Comments must be filed by October 5, 2015. A request for a hearing must be filed by November 3, 2015.

**ADDRESSES:** You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0206. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; 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.

- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN-12-H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Jeanne A. Dion, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1349; email: [Jeanne.Dion@nrc.gov](mailto:Jeanne.Dion@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC-2015-0206 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0206.

- *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 application for amendment, dated August 13, 2015, is available in ADAMS under Accession No. ML15225A344.

- *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.

###### B. Submitting Comments

Please include Docket ID NRC-2015-0206 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.