

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293; NRC–2019–0130]

### Entergy Nuclear Operations, Inc.; Pilgrim Nuclear Power Station

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Environmental assessment and finding of no significant impact; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption in response to a November 16, 2018, request from Entergy Nuclear Operations, Inc. (Entergy or the licensee), for Pilgrim Nuclear Power Station (Pilgrim), located in Plymouth County, Massachusetts. The proposed action would permit the licensee to use funds from the Pilgrim decommissioning trust fund (the Trust) for management of spent fuel and site restoration activities. The staff is issuing a final environmental assessment and final finding of no significant impact associated with the proposed exemption.

**DATES:** The environmental assessment and finding of no significant impact referenced in this document is available on July 1, 2019.

**ADDRESSES:** Please refer to Docket ID NRC–2019–0130 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 Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2019–0130. Address questions about NRC docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@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 <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, 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). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the AVAILABILITY OF DOCUMENTS section.

- *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:

Scott P. Wall, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2855; email: [Scott.Wall@nrc.gov](mailto:Scott.Wall@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Introduction

Pursuant to section 50.12 of title 10 of the *Code of Federal Regulations* (10 CFR), “Specific exemptions,” the NRC is considering issuance of an exemption from 10 CFR 50.82(a)(8)(i)(A) for Renewed Facility Operating License No. DPR–35, issued to Entergy for Pilgrim, located in Plymouth County, Massachusetts. The proposed action is in response to the licensee’s application for exemption dated November 16, 2018 (ADAMS Accession No. ML18320A037). The exemption would allow the licensee to use funds from the Trust for spent fuel management and site restoration activities, in the same manner that funds from the Trust are used under 10 CFR 50.82(a)(8) for decommissioning activities.

In accordance with 10 CFR 51.21, the NRC has prepared an environmental assessment (EA) that analyzes the environmental effects of the proposed action. Based on the results of this EA, and in accordance with 10 CFR 51.31(a), the NRC has determined not to prepare an environmental impact statement for the proposed licensing action and is issuing a finding of no significant impact (FONSI).

### II. Environmental Assessment

#### Description of the Proposed Action

The proposed action would partially exempt Entergy from the requirements set forth in 10 CFR 50.82(a)(8)(i)(A). Specifically, the proposed action would allow Entergy to use funds from the Trust for spent fuel management and site restoration activities not associated with radiological decommissioning activities.

The proposed action is also described in the licensee’s application dated November 16, 2018 (ADAMS Accession No. ML18320A037).

#### Need for the Proposed Action

By letter dated November 10, 2015 (ADAMS Accession No. ML15328A053), Entergy informed the NRC that it planned to permanently cease power operations at Pilgrim no later than June 1, 2019. Entergy permanently ceased

power operations on May 31, 2019. Entergy permanently defueled Pilgrim on June 9, 2019.

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. This definition addresses radiological decontamination and does not include activities associated with spent fuel management or site restoration. Therefore, exemption from 10 CFR 50.82(a)(8)(i)(A) is needed to allow Entergy to use funds from the Trust for spent fuel management and site restoration activities.

Entergy stated that Table 4 of the application dated November 16, 2018, demonstrates that the Trust contains the amount needed to cover the estimated costs of radiological decommissioning, as well as spent fuel management and site restoration activities. The adequacy of funds in the Trust to cover the costs of activities associated with spent fuel management, site restoration, and radiological decontamination through license termination is supported by the Pilgrim Post-Shutdown Decommissioning Activities Report submitted by Entergy in a letter dated November 16, 2018 (ADAMS Accession No. ML18320A034), as supplemented by letter dated January 9, 2019 (ADAMS Accession No. ML19015A020). The licensee stated that it needs access to the funds in the Trust in excess of those needed for radiological decontamination to support spent fuel management and site restoration activities not associated with radiological decontamination.

In summary, by letter dated November 16, 2018, Entergy requested an exemption from NRC regulations to allow Trust withdrawals for spent fuel management and site restoration activities.

#### Environmental Impacts of the Proposed Action

The proposed action involves regulatory requirements that are of a financial or administrative nature and that 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 Trust to complete all activities associated with decommissioning and spent fuel management and site restoration. There would be no decrease in safety associated with the use of the Trust to fund activities associated with spent fuel management and site restoration.

The NRC regulations in 10 CFR 50.82(a)(8)(v) require licensees to submit a financial assurance status report annually between the time of submitting their decommissioning cost estimate until they submit their final radiation survey and demonstrate that residual radioactivity has been reduced to a level that permits termination of the operating license. Section 50.82(a)(8)(vi) of 10 CFR requires that if the sum of the balance of any remaining decommissioning funds, plus expected rate of return, plus any other financial surety mechanism relied upon by the licensee, does not cover the estimated costs to complete the decommissioning, the financial assurance status report must include additional financial assurance to cover the cost of completion. These annual reports provide a means for the NRC to monitor the adequacy of available funding. The proposed exemption would allow Entergy to use funds in excess of those required for radiological decontamination of the site, and the adequacy of Trust funds dedicated for radiological decontamination are not affected by the proposed exemption. Thus, there is reasonable assurance that there will be no environmental effect due to lack of adequate funding for decommissioning.

The proposed action will not significantly increase the probability or consequences of radiological accidents or change the types of effluents released offsite. In addition, there would be no significant increase in the amount of any radiological effluent released offsite, and no significant increase in occupational or public radiation exposure. There would be no materials or chemicals introduced into the plant affecting the characteristics or types of effluents released offsite. In addition, waste processing systems would not be affected by the proposed exemption. Therefore, there would be no significant radiological environmental impacts associated with the proposed action.

Regarding potential nonradiological impacts, the proposed action would have no direct impacts on land use or water resources, including terrestrial and aquatic biota, as it involves no new construction or modification of plant

operational systems. There would be no changes to the quality or quantity of nonradiological effluents, and no changes to the plant's National Pollutant Discharge Elimination System permits would be needed. In addition, there would be no noticeable effect on socioeconomic and environmental justice conditions in the region, no air quality impacts, and no potential to affect historic properties. Therefore, there would be no significant nonradiological environment impacts associated with the proposed action.

Accordingly, the NRC concludes that there would be 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 NRC staff considered the denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the exemption request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action would be similar.

#### *Alternative Use of Resources*

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

#### *Agencies or Persons Consulted*

No additional agencies or persons were consulted regarding the environmental impact of the proposed action. On May 20, 2019, the NRC notified the Commonwealth of Massachusetts representative of the EA and FONSI.

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

The licensee has requested an exemption from 10 CFR 50.82(a)(8)(i)(A). The proposed action would allow Entergy to use funds from the Trust for spent fuel management and site restoration activities.

The NRC is considering issuing the requested exemption. The proposed action would not significantly affect plant safety, would not have a significant adverse effect on the probability of an accident occurring,

and would not have any significant radiological or nonradiological impacts. The reason the human environment would not be significantly affected is that the proposed action involves an exemption from requirements that are of a financial or administrative nature that do not have an impact on the human environment. Consistent with 10 CFR 51.21, the NRC conducted the EA for the proposed action, and this FONSI incorporates by reference the EA included in Section II of this notice. Therefore, 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 there is no need to prepare an environmental impact statement for the proposed action.

As required by 10 CFR 51.32(a)(5), the related environmental document is the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Pilgrim Nuclear Power Station, Final Report," (NUREG-1437, Supplement 29, Volumes 1 and 2, ADAMS Accession Nos. ML071990020 and ML071990027), which provides the latest environmental review of current operations and description of environmental conditions at Pilgrim.

The finding and other related environmental documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Publicly available records are accessible electronically from ADAMS Public Electronic Reading Room on the internet at the NRC's website: <https://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's PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

### **IV. Availability of Documents**

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Date	Title	ADAMS Accession No.
11/16/2018 .....	Letter from Entergy to NRC titled "Request for Exemption from 10 50.82(a)(8)(i)(A) .....	ML18320A037
11/16/2018 .....	Letter from Entergy to NRC titled "Post Shutdown Decommissioning Activities Report Pilgrim Nuclear Power Station".	ML18320A034
11/10/2015 .....	Letter from Entergy to NRC titled "Notification of Permanent Cessation of Power Operations" .....	ML15328A053
1/2007 .....	NUREG-1437, Supplement 29, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Pilgrim Nuclear Power Station," Volumes 1 and 2.	ML071990020 ML071990027

Dated at Rockville, Maryland, this 26th day of June, 2019.

For the Nuclear Regulatory Commission.

**Scott P. Wall,**

Senior Project Manager, Licensing Projects Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-047; NRC-2016-0119]

### Tennessee Valley Authority; Clinch River Nuclear Site

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Early site permit application; notice of hearing.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) will convene an evidentiary session to receive testimony and exhibits in the uncontested proceeding regarding the Tennessee Valley Authority (TVA) early site permit (ESP) application. In its application, TVA proposes to use the Clinch River Nuclear (CRN) Site in Roane County, TN, as a site for two or more small modular reactors (SMRs).

**DATES:** The hearing will be held on August 14, 2019, beginning at 9:00 a.m. Eastern Daylight Savings Time. For the schedule for submitting pre-filed documents and deadlines affecting Interested Government Participants, see Section VI of the **SUPPLEMENTARY INFORMATION** section of this document.

**ADDRESSES:** Please refer to Docket ID 52-047 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: *NRC's Electronic Hearing Docket:* You may obtain publicly available documents related to this hearing online at <http://www.nrc.gov/about-nrc/regulatory/adjudicatory.html>.

• *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 "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 (if it 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:

Denise McGovern, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-0681; email: [Denise.McGovern@nrc.gov](mailto:Denise.McGovern@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Commission hereby gives notice that, pursuant to Section 189a of the Atomic Energy Act of 1954, as amended (the Act), it will convene an evidentiary session to receive testimony and exhibits in the uncontested proceeding regarding TVA's May 12, 2016, ESP application for the CRN site under part 52 of the title 10 of the *Code of Federal Regulations* (10 CFR). TVA proposes to use the CRN site in Roane County, TN, as a site for two or more small modular reactors (<https://www.nrc.gov/reactors/new-reactors/esp/clinch-river.html>). This hearing will concern safety and environmental matters relating to the requested ESP, as more fully described below.

##### II. Evidentiary Uncontested Hearing

The Commission will conduct this hearing beginning at 9:00 a.m. Eastern Daylight Savings Time on August 14, 2019, at the U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

##### III. Presiding Officer

The Commission is the presiding officer for this proceeding.

##### IV. Matters To Be Considered

The matter at issue in this proceeding is whether the review of the application by the Commission's staff has been adequate to support the findings found in 10 CFR 52.24 and 10 CFR 51.105. Findings that must be made for this ESP are as follows:

#### *Issues Pursuant to the Atomic Energy Act of 1954, as Amended*

The Commission will determine whether (1) the applicable standards and requirements of the Act and the Commission's regulations have been met; (2) any required notifications to other agencies or bodies have been duly made; (3) there is reasonable assurance that the site is in conformity with the provisions of the Act, and the Commission's regulations; (4) the

applicant is technically qualified to engage in any activities authorized; (5) issuance of the permit will not be inimical to the common defense and security or the health and safety of the public; and (6) the findings required by subpart A of 10 CFR part 51 have been made.

#### *Issues Pursuant to the National Environmental Policy Act (NEPA) of 1969, as Amended*

The Commission will (1) determine whether the requirements of Sections 102(2)(A), (C), and (E) of NEPA and the applicable regulations in 10 CFR part 51 have been met; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; (3) determine, after weighing the environmental, economic, technical, and other benefits against environmental and other costs, and considering reasonable alternatives, whether the early site permit should be issued, denied, or appropriately conditioned to protect environmental values; and (4) determine whether the NEPA review conducted by the NRC staff has been adequate.

##### V. Schedule for Submittal of Pre-Filed Documents

No later than July 26, 2019, unless the Commission directs otherwise, the NRC staff and the applicant shall submit a list of its anticipated witnesses for the hearing.

No later than July 26, 2019, unless the Commission directs otherwise, the applicant shall submit its pre-filed written testimony. The NRC staff submitted its testimony on June 21, 2019.

The Commission plans to issue written questions on July 12, 2019. Responses to these questions are due on July 26, 2019, unless the Commission directs otherwise.

##### VI. Interested Government Participants

No later than July 9, 2019, any interested State, local government body, or affected, federally recognized Indian Tribe may file with the Commission a statement of any issues or questions to which the State, local government body, or Indian Tribe wishes the Commission to give particular attention as part of the proceeding. Such statement may be accompanied by any supporting documentation that the State, local government body, or Indian Tribe sees fit to provide. Any statements and supporting documentation (if any) received by the Commission using the