



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

June 7, 2022

Captain Peter DeCola, U.S. Coast Guard,  
Retired  
Superintendent, Stellwagen Bank National  
Marine Sanctuaries  
U.S. Department of Commerce  
National Oceanic and Atmospheric  
Administration  
Office of National Marine Sanctuaries  
175 Edward Foster Rd  
Scituate, MA 02066

SUBJECT: POTENTIAL DISCHARGE OF LIQUID EFFLUENT FROM PILGRIM NUCLEAR  
POWER STATION

Dear Captain DeCola:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated March 14, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML22130A676). In that letter, you expressed concerns regarding potential effects on the Stellwagen Bank National Marine Sanctuary from effluent discharges during decommissioning activities by Holtec Decommissioning International, LLC (Holtec) at the Pilgrim Nuclear Power Station (Pilgrim).

The controlled release of effluent at nuclear power plants, within specified regulatory limits designed to ensure protection of the public health and safety and the environment, is an activity that occurs throughout the operation and decommissioning of a facility. The authority and responsibility to regulate the effluent from these activities is split between two federal agencies, with the NRC regulating radioactive materials under the Atomic Energy Act of 1954 and the U.S. Environmental Protection Agency (EPA) regulating pollutants under the Clean Water Act. I understand from conversations with EPA that David Cash, the Regional Administrator for EPA Region 1, is also sending you a response to your March 14<sup>th</sup> letter.

The NRC's regulations and licensing reviews for such a facility consider such releases as part of the agency's safety and environmental assessments, protecting the public health and safety and the environment. The same NRC limits that apply to effluent discharges at operating plants also apply during the decommissioning of those plants. Therefore, any liquid discharges from Pilgrim during operation and continuing through decommissioning are required to remain within the prescribed limits, be processed through filters, and sampled prior to being released. The NRC inspects the actions and the records of its licensees to ensure that compliance with environmental radiation standards is maintained. Further, licensees are required to have an environmental monitoring program that includes environmental sampling and submit an annual report to the NRC. The annual reports are publicly available in ADAMS (ML22136A256).

The Stellwagen Bank National Marine Sanctuary lies in the Atlantic Ocean between Cape Cod Bay and Massachusetts Bay, with the closest sanctuary boundary falling roughly 15 miles

northeast of the Pilgrim site. In 2012, the NRC issued a renewed license to Pilgrim to operate for an additional 20-years. As part of the NRC staff's environmental review related to this license renewal action, the staff considered effluent discharges into Cape Cod Bay and, due to the quantity, volume, and physical and radiological characteristics of the effluent, did not identify any impacts from the discharges that would trigger consultation with the Office of National Marine Sanctuaries (ONMS) under the National Marine Sanctuaries Act. Therefore, the NRC determined that consultation with the ONMS was not necessary.<sup>1</sup> Additionally, the NRC staff's environmental review included a site audit in 2006. During the site audit, the NRC staff met with staff representing the U.S. Environmental Protection Agency, the Massachusetts Coastal Zone Management Agency, the Massachusetts Division of Marine Fisheries, the Massachusetts Department of Public Health's Radiation Control Program, and local government organizations. The NRC's Supplemental Environmental Impact Statement, published in July 2007 (ML071990020 and ML071990027), noted that "[s]ix different species of great whales migrate along the Massachusetts coast, with the largest number sighted in the spring on Stellwagen Bank off of the tip of Cape Cod" and concluded that "continued operation of Pilgrim during the license renewal term is not likely to adversely affect any Federally listed marine aquatic species."

More recently, Holtec assessed the potential impacts of its planned decommissioning activities at Pilgrim on ecological resources in its post shutdown decommissioning activities report (PSDAR) submitted to the NRC on November 16, 2018 (ML18320A040). The PSDAR determined that the impacts of the planned decommissioning activities on aquatic ecology would be SMALL and bounded by the NRC's Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities (ML023470304 and ML023470323), which is an NRC document that generically evaluated the environmental impacts of decommissioning of nuclear power reactors. For the same reasons stated with respect to license renewal, the NRC staff's review of the Pilgrim PSDAR dated October 28, 2019 (ML19224A540), did not identify any impacts of decommissioning activities that would trigger consultation with the ONMS. While the NRC staff concluded that consultation was not necessary as part of its review of the Pilgrim license renewal application or PSDAR, we would be happy to meet with you to discuss the basis for that conclusion.

The Commission's regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) 50.82(a)(6) state that licensees in decommissioning, such as Holtec, shall not perform any decommissioning activities that, among other things, result in significant environmental impacts not previously reviewed in an environmental impact statement. If a licensee in decommissioning were to consider a proposed decommissioning activity that may result in significant environmental impacts not previously reviewed, then prior to undertaking that activity, the licensee could submit a request for a license amendment or an exemption request, decide not to perform the proposed activity, or modify the proposed activity so that the unreviewed significant environmental impact does not occur. If the licensee chose to submit a license

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<sup>1</sup> While the NRC determined that no consultation was necessary under the National Marine Sanctuaries Act, the NRC consulted with the National Marine Fisheries Service (NMFS) per the Endangered Species Act (ESA) in 2012 as part of the Pilgrim license renewal action. As a result of that consultation, the NMFS determined that the continued operation of Pilgrim under the terms of a renewed operating license was not likely to adversely affect any listed species under the NMFS' jurisdiction (ML12145A072). The NMFS also determined that the continued operation of Pilgrim would have no effect on the critical habitat of listed species. Further, when developing the PSDAR, Holtec did not identify any planned decommissioning activities that would adversely affect listed whales or their critical habitat. Upon its review of the PSDAR, the NRC staff determined that the re-initiation of consultation under the ESA with respect to decommissioning activities was not required.

amendment or exemption request, then the request would trigger NRC responsibilities under environmental statutes, including a new determination of whether consultation is necessary under the National Marine Sanctuaries Act. In addition, prior to performing a decommissioning activity that is inconsistent with the PSDAR, the licensee must publicly notify the NRC in writing, with a copy to the affected States, in accordance with 10 CFR 50.82(a)(7).

I appreciate your interest in the decommissioning of Pilgrim and am committed to ensuring that the NRC meets the requirements of the National Marine Sanctuaries Act. Since the effluent from decommissioning activities may contain both radioactive materials regulated by the NRC and Clean Water Act pollutants regulated by EPA, I have reached out to Regional Administrator Cash at EPA to discuss your letter, and both agencies would be happy to engage in joint dialogue with your office to further discuss your concerns. If you have any questions or would like to arrange for a technical meeting, please contact me or Tara Inverso, Deputy Director of the Division of Rulemaking, Environmental, and Financial Support, at 301-415-1024.

Sincerely,



Signed by Lubinski, John  
on 06/07/22

John W. Lubinski, Director  
Office of Nuclear Material Safety  
and Safeguards

NRC Response to P. DeCola, Stellwagen Bank National Marine Sanctuary letter of 3/14/2022 (ML22130A676) re - Pilgrim Effluent Release DATE June 7, 2022

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**ADAMS Accession No.: Ltr ML22137A262**

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DATE	May 20, 2022	May 23, 2022	Jun 7, 2022	May 26, 2022

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