



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

July 28, 2022

Heather Govern, Vice President
Clean Air and Water Program, and
Erica Fuller, Senior Attorney
Oceans Program
Conservation Law Foundation
62 Summer Street
Boston, MA 02110

SUBJECT: RESPONSE LETTER TO CONSERVATION LAW FOUNDATION REGARDING
POTENTIAL DISCHARGE OF LIQUID EFFLUENT FROM PILGRIM (DOCKET
NO. 05000293)

Dear Heather Govern and Erica Fuller:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter to Chairman Hanson dated June 1, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML22154A488](#)). In that letter, which was addressed also to Kris Singh, President, Holtec International, and David Cash, Regional Administrator, Environmental Protection Agency—you shared your concerns regarding the potential impacts of effluent discharges by Holtec Decommissioning International (Holtec) from the Pilgrim Nuclear Power Station (Pilgrim) on the region's public health, environment, and coastal economy.

The controlled release of effluent discharges 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, as amended, and the U.S. Environmental Protection Agency (EPA) regulating pollutants under the Clean Water Act.

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 at the webpage: <https://www.nrc.gov/reactors/operating/ops-experience/tritium/plant-info.html>.

The NRC analyzed the environmental impacts of Pilgrim's continued operation, including impacts of effluent discharges into Cape Cod Bay, during the environmental review of Pilgrim's application for a renewed operating license. As part of that environmental review, NRC consulted with the National Marine Fisheries Service (NMFS) per the Endangered Species Act (ESA) Section 7(a)(2). As a result of that consultation, the NMFS determined that continued operation of Pilgrim under the terms of a renewed operating license is not likely to adversely affect any listed species under NMFS jurisdiction ([ML12145A072](#)). The NMFS also determined that continued operation would have no effect on the critical habitat of listed species.

Additionally, the NRC staff's environmental review included a site audit from 2006. During the audit, the NRC staff met with the staff from EPA, 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 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 planned decommissioning activities on aquatic ecology would be small and bounded by both the NRC's environmental impact statement that generically analyzes the environmental impact of decommissioning activities (the "Decommissioning Generic Environmental Impact Statement" (GEIS) ([ML023470304](#) and [ML023470323](#)), as well as by the supplemental environmental impact statement specifically analyzing environmental impacts of Pilgrim's renewal application that were not addressed in the GEIS (NUREG-1437, Rev. 1) ([ML13206A241](#)). 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, dated October 28, 2019 ([ML19224A540](#)), the NRC staff determined that the re-initiation of consultation under the ESA with respect to decommissioning activities was not required. Holtec concluded in the PSDAR that decommissioning activities will not result in significant environmental impacts not previously reviewed. The NRC found that Holtec's PSDAR contained the information required by NRC regulation.

If, in the future, Holtec plans to perform decommissioning activities that were not previously addressed or bounded by prior environmental reviews, Holtec would have to comply with the NRC's regulations in this area. The Commission's regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) 50.82(a)(6), "[Termination of License](#)," 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, such as Holtec, 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 amendment or exemption request, then the request would trigger NRC responsibilities under environmental

statutes, including potential consultation requirements. In addition, prior to performing a decommissioning activity that is inconsistent with the PSDAR, a licensee must publicly notify the NRC in writing, with a copy to the affected States, in accordance with 10 CFR 50.82(a)(7).

In accordance with 10 CFR 2.390, "[Public inspections, exemptions, requests for withholding](#)," of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

I appreciate your interest in the decommissioning of Pilgrim. If you have any additional questions or would like to meet to discuss further, please contact Karl Sturzebecher, Project Manager, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards, at (301) 415-8534, or via email to Karl.Sturzebecher@nrc.gov.

Sincerely,



Signed by Roberts, Ashley
on 07/28/22

Ashley B. Roberts, Deputy Director
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. 50-0293

LTR-22-0154-1 - Heather Govern, Vice President, Clear Air and Water Program, et al., Letter Regarding Radioactive Wastewater Disposal from the Pilgrim Nuclear Power Station (Docket No. 05000293) DATE July 28, 2022

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*** via email**

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