

RADioactivity) to carry out the three steps described above using the resident farmer scenario. RESRAD is commonly used to make regulatory decisions about residual radioactivity levels at nuclear sites. This code was used by the licensee, and reviewed by the staff, to assess radiation exposures of a human receptor located on top of soils contaminated with DU. RESRAD allows users to specify the features of their site and to predict the dose received by an individual at any time over the next 100,000 years. RESRAD is particularly important because it has been accepted for use by the NRC in making regulatory decisions and is freely available to the public.

Comment 4:

The petitioner states that the use of NUREG-1301 is improper because it does not address stream sediment sampling.

Response 4:

As stated in the director's decision, while NUREG-1301 is not specific to DU in the form of spent rounds present in the environment, it is conservative for reviewing the licensee's proposed sampling methods and frequency because the expected risks from the presence of DU at the PTA are significantly less than those associated with radiological releases from an operating nuclear power plant. Also, the fact that this guidance addresses sediment from [the] shoreline of surface water instead of stream sediment does not affect the conservatism of applying the NUREG to environmental sampling at PTA.

Comment 5:

The petitioner challenges the staff's conclusions that the analytical methods in the PTA ERMP are appropriate and that the laboratory preparation methods are adequately described in the PTA ERMP. The petitioner states that the analytical method selected, an alpha spectrometer, presumably cannot detect ²³⁵U unless very long counting times are used. The petitioner states "an overwhelming number of procedural descriptions are provided with the phrase, 'TBD (to be determined)'" in Annex 17 and 19.

Response 5:

As stated in the director's decision under Concern 3, the staff disagrees with the petitioner that the analytical methods are not commonly used methods. Alpha spectrometry (US DOE HASL method 300) and inductively coupled-plasma mass spectrometry (ICP-MS) are commonly used methods for sample analysis to determine uranium isotopic activity or mass and have sufficient detection capability to accomplish the stated objectives of the monitoring activity.

Furthermore, the petitioner expressed concerns about appropriateness of the analytical methods by raising the issue of the long counting times for U-235. However, as described in Concern 3, the licensee has not proposed to count U-235, but instead plans to use the U-238 to U-234 ratio, as a surrogate, as required by License Condition 17.

With regard to the analytical procedures being adequately described including the use of the phrase "TBD", as described in the director's decision under Concern 3, the licensee is not required to submit information on laboratory preparation methods beyond the information presented in the Quality Assurance Plan (Annex 19 to the Programmatic ERMP) (ADAMS Accession No. ML16265A233). Also, the licensee is not required to submit environmental sampling procedures beyond the information presented in Annex 19 to the Programmatic ERMP. The licensee has made a commitment in its application for License Amendment No. 1 (ADAMS Accession No. ML16004A369) that:

"Each installation-specific ERMP will describe sampling in terms of sampling objectives, sampling protocols, analytical methods, and data quality assurance protocols. These descriptions will conform to commonly accepted practices and reliable sources as described in the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) (NRC, DOE, EPA, DOD 2000). Acceptable analytical methods include those commonly accepted from reliable references, as presented in MARSSIM, Table 7.2."

The staff found this approach acceptable. In the SER for License Amendment No. 1 (ADAMS Accession No. ML16039A230), the staff found that, ". . . in accordance with 10 CFR 40.32(c) . . . that the Army's proposed equipment and procedures in the programmatic RSP [Radiation Safety Plan] are adequate to protect health and safety and minimize danger to life or property." Review of specific procedures are covered in the NRC inspection process, not licensing. The staff may ask to review documentation regarding the analysis of sediment samples, such as laboratory procedures and methods and sampling procedures, during NRC inspections.

Comment 6:

The petitioner asserts that an Oak Ridge report (ADAMS Accession No. ML13101A090) demonstrates that the analytical methods used by the licensee are improper and that the proposed director's decision improperly ignores this report.

Response 6:

As explained in the director's decision under Concern 5, as part of the staff's review of the petitioner's concern regarding composite sample dilution, the staff requested information (ADAMS Accession No. ML17297B403) from the licensee, regarding how it intends to meet the 3-to-1 ratio of U-238 to U-234 in License Condition 17 when compositing sediment samples. The staff referred to the Oak Ridge Report (ADAMS Accession No. ML13101A090) in its request letter (ADAMS Accession No. ML17297B403), stating that "this guidance indicates that a statistically-informed sampling regime should be followed if composite sampling is used over an area (i.e., not just at one sample location). The detailed guidance referenced above recommends (1) retaining sub-samples in case further analysis is needed, (2) establishing an adjusted limit that would trigger analysis of individual

subsamples, and (3) using sub-samples of the same volume." In its response to the request (ADAMS Accession No. ML18009A456), the licensee clarified that the "composite" samples were all taken in essentially one location and a provision for taking 10 sub-samples was included to ensure sufficient sample volume was collected. Based on the licensee's clarification, the staff determined that dilution is not a concern as the sub-samples are more representative of a single sample than a "composite" sample.

Comment 7:

The petitioner states that there are significant barriers to flow from the RCAs at the PTA to the proposed sample collection site, and that the staff should have used objective programs to trace out surface flows. The petitioner states that the staff should mandate that the sampling location be adjacent to the RCA, "not miles away with an intermittent lava berm."

Response 7:

The petitioner's comments are directed at a concern that was not accepted for review under the 10 CFR 2.206 process and is not the subject of this director's decision. The basis for the rejection of this concern under the 10 CFR 2.206 process is described on pages 3 and 4 of Enclosure 1 (ADAMS Accession No. ML17279A082) to the NRC's letter to the petitioner dated November 9, 2017 (ADAMS Accession No. ML17279A300 (Pkg.)), under the concern identified as "Inappropriate Sampling Location." As described in the staff's Response 1, above, the licensee submitted a license amendment application to the NRC to correct figure sizing/scaling errors in the ERMP annex for the PTA and two other sites. Because the petitioner's concern regarding the sediment sampling location at the PTA is now under staff's consideration as part of its review of this license amendment request, the 2.206 process is not appropriate for addressing that concern. The staff will inform the petitioner of the outcome of this licensing review.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-247 and 50-286; NRC-2008-0672]

Entergy Nuclear Operations, Inc.; Indian Point Nuclear Generating Unit Nos. 2 and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Supplemental Environmental Impact Statement; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Volume 5 of the plant-specific Final Supplemental Environmental Impact Statement (FSEIS), Supplement 38 to NUREG-1437, "Generic Environmental Impact

Statement for License Renewal of Nuclear Plants” (GEIS), regarding the renewal of the Entergy Nuclear Operations, Inc., operating licenses DPR–26 and DPR–64 (Docket Nos. 50–247 and 50–286) for extended plant operation for Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3).

This volume of the FSEIS was issued as part of the NRC staff’s review of Entergy Nuclear Operations, Inc.’s request for extended plant operation beyond the initial period of 40 years.

This volume incorporates new information that the NRC staff has obtained since the publication of Volume 4 of the FSEIS in June 2013.

DATES: Volume 5 of the Final Supplemental Environmental Impact Statement referenced in this document became effective on April 20, 2018.

ADDRESSES: Please refer to Docket ID NRC–2008–0672 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 <http://www.regulations.gov> and search for Docket ID NRC–2008–0672. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: 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 <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. Supplement 38 to the GEIS and its supplements are available under ADAMS Accession Nos. ML103350405, ML103350438, ML103360209, ML103360212, ML103350442, ML13162A616, and ML18107A759, respectively.

- *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.

- *Local Libraries:* The following local libraries have agreed to make the final supplement available for public inspection:

- White Plains Public Library, 100 Martine Ave. White Plains, NY 10601
- Field Library, 4 Nelson Ave. Peekskill, NY 10566
- Hendrick Hudson Free Library, 185 Kings Ferry Rd, Montrose, NY 10548

FOR FURTHER INFORMATION CONTACT: Mr. William Burton, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6332, email: William.Burton@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC received an application, dated April 23, 2007, from Entergy Nuclear Operations, Inc., (Entergy), filed pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 54 of title 10 of the *Code of Federal Regulations*, (10 CFR part 54), to renew the operating licenses for IP2 and IP3. The IP2 and IP3 site is located along the Hudson River, approximately 24 miles north of New York, NY. Renewal of the licenses would authorize the applicant to operate the facilities beyond the initial 40-year period specified in the current operating licenses. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

The NRC issued a plant-specific Final Supplemental Environmental Impact Statement (FSEIS) as a supplement to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS), NUREG–1437, regarding the renewal of Facility Operating License Nos. DPR–26 and DPR–64 for Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3).

As discussed in Section 8.2 of the FSEIS, the NRC staff determined that the adverse environmental impacts of license renewal for IP2 and IP3 are not so great that preserving the option of license renewal for energy-planning decisionmakers would be unreasonable. This recommendation is based on: (1) The analysis and findings in the GEIS; (2) information provided in the environmental report and other documents submitted by Entergy Nuclear Operations, Inc.; (3) consultation with Federal, State, local, and tribal agencies; (4) the NRC staff’s independent review; and (5) NRC staff’s consideration of public comments received during the scoping process and on the draft Supplemental Environmental Impact Statement.

II. Matters Addressed in Supplement 2 to the FSEIS

This supplement includes the NRC staff’s evaluation of revised engineering

project cost information for severe accident mitigation alternatives (SAMAs), a summary of the results of additional sensitivity analyses to address uncertainties in the SAMA cost-benefit conclusions as directed by the Commission, newly available aquatic impact information, and the additional environmental issues associated with license renewal resulting from the June 2013, revision to Table B–1 in Appendix B to Subpart A of 10 CFR part 51 and NUREG–1437. This supplement also incorporates the impact determinations of NUREG–2157, “Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel,” in accordance with the requirements in 10 CFR 51.23(b). Additionally, this supplement describes the reinitiation of consultation under Section 7 of the Endangered Species Act of 1973, as amended (ESA), regarding the northern long-eared bat, the initiation of a conference under Section 7 of the ESA for proposed critical habitat of the Atlantic sturgeon, the staff’s November 2017, request for the National Marine Fisheries Service to amend the 2013 biological opinion’s Incidental Take Statement, and to provide its concurrence with staff’s effect determination with respect to the final designated Atlantic Sturgeon critical habitat. The supplement also provides an update on the status of the operating licenses for IP2 and IP3. In addition, this supplement reflects the closure agreement signed in January 2017, by the parties to legal proceedings related to the renewal of the operating licenses for IP2 and IP3. The closure agreement, among other things, resolves all litigation concerning license renewal and calls for an early shut down of IP2 and IP3.

Dated at Rockville, Maryland, this 16th day of May, 2018.

For the Nuclear Regulatory Commission.

Eric R. Oesterle,

*Chief, License Renewal Project Branch,
Division of Materials and License Renewal,
Office of Nuclear Reactor Regulation.*

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POSTAL REGULATORY COMMISSION

[Docket No. CP2018–220]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission’s consideration concerning