

Date	Document	ADAMS Accession No.
April 26, 2019 .....	NRC staff's Final EA for the approval of the decommissioning funding plan .....	ML19120A195

Dated at Rockville, Maryland, this 15th day of May 2019.

For the Nuclear Regulatory Commission.

**John McKirgan,**

*Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 72-27; NRC-2018-0257]

### Pacific Gas and Electric Company; Humboldt Bay Independent Spent Fuel Storage Installation

**AGENCY:** Nuclear Regulatory Commission.

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

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plans submitted by Pacific Gas and Electric Company (PG&E) on December 17, 2012, and December 17, 2015, for the independent spent fuel storage installation (ISFSI) at Humboldt Bay in Eureka, California.

**DATES:** The EA and FONSI referenced in this document are available on May 20, 2019.

**ADDRESSES:** Please refer to Docket ID NRC-2018-0257 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-2018-0257. Address questions about 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

<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). 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:** Pamela Longmire, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-7465, email: [Pamela.Longmire@nrc.gov](mailto:Pamela.Longmire@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The NRC is considering the approval of the decommissioning funding plans (DFPs) for the Humboldt Bay ISFSI. PG&E submitted an initial DFP and an updated DFP for NRC review and approval by letters dated December 17, 2012 (ADAMS Accession No. ML12353A316), and December 17, 2015 (ADAMS Accession No. ML15351A510), respectively. The NRC staff has prepared a final EA (ADAMS Accession No. ML19120A216) in support of its review of PG&E's DFPs, in accordance with the NRC regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*). Based on the EA, the NRC staff has determined that approval of the DFPs for the Humboldt Bay ISFSI will not significantly affect the quality of the human environment, and accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

## II. Environmental Assessment

### Background

The Humboldt Bay ISFSI is located in Eureka, California. PG&E is authorized by the NRC, under License No. SNM-2514 to store spent nuclear fuel at the Humboldt Bay ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011, the NRC published a final rule in the **Federal Register** amending its decommissioning planning regulations (76 FR 35512). The final rule amended the NRC regulation, 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.*, that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFPs submitted by PG&E on December 17, 2012, and December 17, 2015. Specifically, the NRC must determine whether PG&E's DFPs contain the information required by 10 CFR 72.30(b) and 72.30(c) and whether PG&E has provided reasonable assurance that funds will be available to decommission the ISFSI.

### Description of the Proposed Action

The proposed action is the NRC's review and approval of PG&E's DFPs submitted in accordance with 10 CFR 72.30(b) and 72.30(c). To approve the DFPs, the NRC evaluates whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403. The NRC also evaluates whether the aggregate dollar amount of PG&E financial instruments provides adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e). Finally, the NRC evaluates whether the effects of the following events have been considered in PG&E's submittal: (1) Spills of radioactive

material producing additional residual radioactivity in onsite subsurface material; (2) facility modifications; (3) changes in authorized possession limits; and (4) actual remediation costs that exceed the previous cost estimate, consistent with 10 CFR 72.30(c).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land-disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of PG&E's DFPs. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI or any other part of Humboldt Bay.

*Need for the Proposed Action*

The proposed action provides a means for the NRC to confirm that PG&E will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

*Environmental Impacts of the Proposed Action*

The NRC's approval of the DFPs will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFPs will not result in any changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes that the approval of PG&E's DFPs is a procedural and administrative action that will not result in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 30618) (NHPA), requires Federal agencies to consider the effects of their undertakings on historic

properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, "Protection of Historic Properties," the NRC's approval of PG&E's DFPs constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFPs is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of PG&E's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA), prior to taking a proposed action, a Federal agency must determine whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. The NRC has determined that the proposed action will have no effect on any listed species or their critical habitats because the NRC's approval of PG&E's DFPs will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste.

*Alternative to the Proposed Action*

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny PG&E's DFPs. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) or 72.30(c) does not support the regulatory intent of the 2011 rulemaking. As noted in the EA for the 2011 rulemaking (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying PG&E's DFPs, which the NRC has found to meet the criteria of 10 CFR 72.30(b)

and 72.30(c), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

*Agencies and Persons Consulted*

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the California Energy Commission (State) by letter dated April 25, 2016 (ADAMS Accession No. ML17083A015), and gave the State 30 days to respond. The State did not respond. The NRC also consulted with the Fish and Wildlife Service by letter dated April 25, 2016 (ADAMS Accession No. ML16118A221). However, the NRC staff has determined that consultation under ESA Section 7 is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat (ADAMS Accession No. ML17135A062).

**III. Finding of No Significant Impact**

The NRC staff has determined that the proposed action, the review and approval of PG&E's initial and updated DFPs, submitted in accordance with 10 CFR 72.30(b) and 72.30(c), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFPs will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI.

**IV. Availability of Documents**

The following documents, related to this notice, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the **ADDRESSES** section of this document.

Date	Document	ADAMS Accession No.
December 17, 2012 .....	Submission of PG&E decommissioning funding plan .....	ML12353A316
December 17, 2015 .....	Submission of PG&E triennial decommissioning funding plan .....	ML15351A510
February 1, 2009 .....	Environmental Assessment for Final Rule—Decommissioning Planning .....	ML090500648
May 15, 2017 .....	Note to File re Sect 7 Consultations for ISFSI DFPs .....	ML17135A062

Date	Document	ADAMS Accession No.
April 25, 2016 .....	Consultation Letter: ML16120A553–RLSO .....	ML17083A015
April 25, 2016 .....	Letter to M. Fris re: U.S. Nuclear Regulatory Commission Preliminary Determination of No Effects Regarding the Humboldt Bay Independent Spent Fuel Storage Installation Decommissioning Funding Plan.	ML16118A221
April 26, 2019 .....	NRC staff's Final EA for the approval of the decommissioning funding plan .....	ML19120A216

Dated at Rockville, Maryland, this 15th day of May 2019.

For the Nuclear Regulatory Commission.

**John McKirgan,**

*Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.*

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## OFFICE OF PERSONNEL MANAGEMENT

### Federal Employees' Retirement System; Normal Cost Percentages

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** The Office of Personnel Management (OPM) is providing notice of revised normal cost percentages for employees covered by the Federal Employees' Retirement System (FERS) Act of 1986.

**DATES:** The revised normal cost percentages are effective at the beginning of the first pay period commencing on or after October 1, 2019. Agency appeals of the normal cost percentages must be filed no later than November 19, 2019.

**ADDRESSES:** Send or deliver agency appeals of the normal cost percentages and requests for actuarial assumptions and data to the Board of Actuaries, care of Gregory Kissel, Senior Actuary, Office of Healthcare and Insurance, Office of Personnel Management, Room 4316, 1900 E Street NW, Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Karla Yeakle, (202) 606–0299.

**SUPPLEMENTARY INFORMATION:** The FERS Act of 1986, Public Law 99–335, created a new retirement system intended to cover most Federal employees hired after 1983. Most Federal employees hired before 1984 are under the older Civil Service Retirement System (CSRS). Section 8423 of title 5, United States Code, as added by the FERS Act of 1986, provides for the payment of the Government's share of the cost of the retirement system under FERS. Employees' contributions are

established by law and constitute only a portion of the cost of funding the retirement system; employing agencies are required to pay the remaining costs. The amount of funding required, known as "normal cost," is the entry age normal cost of the provisions of FERS that relate to the Civil Service Retirement and Disability Fund (Fund). The normal cost must be computed by OPM in accordance with generally accepted actuarial practices and standards (using dynamic assumptions). The normal cost calculations depend on economic and demographic assumptions. Subpart D of part 841 of title 5, Code of Federal Regulations, regulates how normal costs are determined.

In its meeting on June 1, 2017, the Board of Actuaries of the Civil Service Retirement System (the Board) recommended revisions to the long term economic assumptions and recommended changes to the demographic assumptions used in the actuarial valuations of CSRS and FERS. The economic assumptions have decreased from the previous long term economic assumptions. The demographic assumptions include assumed rates of mortality, employee withdrawal, retirement, and merit and longevity pay increases. The revised demographic assumptions are generally based on the recent ten-year or twenty-year experience under the retirement systems, modified to reflect expected future experience where applicable. OPM has adopted the Board's recommendations.

On October 25, 2017, OPM published revised regulations related to the calculation of the FERS normal cost percentages. These regulations clarified the employee categories OPM uses to compute the FERS normal cost percentages and added a category of normal cost percentage for employees of the U.S. Postal Service. Because these revised regulations had not been published when the Board met on June 1, 2017, the recommended demographic assumptions reflect expected government-wide experience rather than separate postal-specific and non-postal specific experience. For non-postal employees, the normal cost percentage will reflect the economic assumptions

and government-wide demographic assumptions determined by the Board at its June 1, 2017, meeting. The normal cost percentages for employees of the Postal Service will also reflect the economic assumptions determined by the Board at its June 1, 2017, meeting but will use demographic assumptions that are based on assumptions specific to the expected experience of postal employees.

With regard to the economic assumptions described under section 841.402 of title 5, Code of Federal Regulations, used in the actuarial valuations of FERS, the Board concluded that it would be appropriate to assume a rate of investment return of 4.50 percent, a reduction of 0.75 percent from the existing rate of 5.25 percent. In addition, the Board determined that the assumed inflation rate should be reduced 0.50 percent from 3.00 percent to 2.50 percent, that the assumed rate of FERS annuitant Cost of Living Adjustments should remain at 80 percent of the assumed rate of inflation, and that the projected rate of General Schedule salary increases should be reduced 0.50 percent from 3.25 percent to 2.75 percent. These salary increases are in addition to assumed within-grade increases. These assumptions are intended to reflect the long term expected future experience of the Systems.

The demographic assumptions are determined separately for each of a number of special groups, in cases where separate experience data is available. Based on the demographic and economic assumptions described above, OPM has determined the normal cost percentage for each category of employees under section 841.403 of title 5, Code of Federal Regulations.

Section 5001 of Public Law 112–96, The Middle Class Tax Relief and Jobs Creation Act of 2012, established provisions for FERS Revised Annuity Employees (FERS–RAE). The law permanently increases the retirement contributions by 2.30 percent of pay for these employees. Subsequently, Section 401 of Public Law 113–67, the Bipartisan Budget Act of 2013, created another class of FERS coverage, FERS–Further Revised Annuity Employee (FERS–FRAE). Employees subject to