

III. Additional Information

During the 711th meeting of the Advisory Committee on Reactor Safeguards (ACRS), December 6–7, 2023, the ACRS, the NRC staff, and representatives of other stakeholders discussed guidance documents related to the ARCAP and the TICAP. On December 20, 2023, the ACRS issued a report documenting its review of these guidance documents (ADAMS Accession No. ML23348A182). The conclusions and recommendations in the ACRS report apply to all the ARCAP and TICAP guidance documents. In its December 2023 report, the ACRS did not recommend any specific changes to DANU–ISG–2022–04.

Draft DANU–ISG–2022–04, Chapter 10, “Control of Occupational Dose,” was published in the **Federal Register** for public comment on May 25, 2023, (88 FR 33936) with a 45-day comment period. Subsequently, the comment period was extended by 30 days as noted in the **Federal Register** dated June 28, 2023 (88 FR 41985). The NRC staff received two public comments from stakeholders. The NRC staff’s evaluation and resolution of the public comments can be found in a document located in ADAMS under Accession No. ML23277A151.

IV. Congressional Review Act

DANU–ISG–2022–04, Chapter 10, “Control of Occupational Dose,” is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

V. Backfitting, Forward Fitting, and Issue Finality

DANU–ISG–2022–04 does not constitute backfitting as defined in 10 CFR 50.109, “Backfitting,” and as described in Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”; does not constitute forward fitting as that term is defined and described in MD 8.4; and does not affect the issue finality of any approval issued under 10 CFR part 52. The guidance would not apply to any current licensees or applicants or existing or requested approvals under 10 CFR part 52, and therefore its issuance cannot be a backfit or forward fit or affect issue finality. Further, as explained in DANU–ISG–2022–04, applicants and licensees would not be required to comply with the positions set forth in DANU–ISG–2022–04.

Dated: March 28, 2024.

For the Nuclear Regulatory Commission.

Steven T. Lynch,

*Chief, Advanced Reactor Policy Branch,
Division of Advanced Reactors and Non-
Power Production and Utilization Facilities,
Office of Nuclear Reactor Regulation.*

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NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–263, 50–260, and 50–296;
NRC–2024–0030]**

Notice of Intent To Conduct Scoping Process and Prepare Environmental Impact Statement; Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; public scoping meeting and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will conduct a scoping process to gather information necessary to prepare an environmental impact statement (EIS) to evaluate the environmental impacts for an application for the subsequent license renewal (SLR) of the Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68 for Browns Ferry Nuclear Plant, Units 1, 2, and 3 (Browns Ferry). The NRC is seeking public comment on this action and has scheduled two virtual public scoping meetings.

DATES: The NRC will hold two virtual public scoping meetings on April 11, 2024, at 1 p.m. eastern time (ET) and on April 18, 2024, at 6 p.m. ET. Details on both meetings can be found on the NRC’s Public Meeting Schedule at <https://www.nrc.gov/pmns/mtg>. Submit comments on the scope of the EIS by May 3, 2024. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. See Section IV, “Public Scoping Meeting,” of this notice for additional information.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://regulations.gov> and search for Docket ID NRC–2024–0030. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email:

Stacy.Schumann@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* BrownsFerryEnvironmental@nrc.gov.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jessica Umaña, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5207, email: Jessica.Umana@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0030 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://regulations.gov> and search for Docket ID NRC–2024–0030.
- *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, at 301–415–4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if it is available in ADAMS) is provided the first time that it is referenced.

- *NRC’s PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. ET, Monday through Friday, except Federal holidays.

- *Public Library:* A copy of the SLR application for Browns Ferry, including

the environmental report (ER), is available for public review at the following public library location: Athens-Limestone County Public Library, 603 S Jefferson Street, Athens, AL 35611.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2024-0030 in the subject line of your comment submission to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

By letter dated January 19, 2024 (ADAMS Package Accession No. ML24019A009), Tennessee Valley Authority, submitted to the NRC an application for subsequent license renewal of Renewed Facility Operating License No. DPR-33, DPR-52, and DPR-68, for Units 1, 2, and 3, for an additional 20 years of operation. This submission initiated the NRC's proposed action of determining whether to grant the SLR application. Browns Ferry Units 1, 2, and 3 are boiling water reactors designed by General Electric and are located on the north shore of Wheeler Reservoir in Limestone County Alabama at the Tennessee River Mile 294. The current renewed facility operating license for Units 1, 2, and 3, expire at midnight on December 20, 2033, June 28, 2034, and July 2, 2036, respectively. The SLR application was submitted pursuant to part 54 of title 10 of the *Code of Federal Regulations* (10 CFR), "Requirements for Renewal of Operating Licenses for Nuclear Power

Plants," and seeks to extend the renewed facility operating licenses for Units 1, 2, and 3, to midnight on December 20, 2053, June 28, 2054, and July 2, 2056, respectively. A notice of receipt and availability of the application was published in the **Federal Register** on February 8, 2024 (89 FR 8725). A notice of acceptance for docketing of the application and of opportunity to request a hearing was published in the **Federal Register** on March 21, 2024 (89 FR 20254) and is available on the Federal rulemaking website (<https://www.regulations.gov>) by searching for Docket ID NRC-2024-0030.

III. Request for Comment

This notice informs the public of the NRC's intention to conduct environmental scoping and prepare an EIS related to the SLR application for Browns Ferry, and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29, "Scoping-environmental impact statement and supplement to environmental impact statement," and 10 CFR 51.116, "Notice of intent."

The regulations in 36 CFR 800.8, "Coordination with the National Environmental Policy Act," allow agencies to use their National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) (NEPA) process to fulfill the requirements of Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 300101, *et seq.*) (NHPA). Therefore, pursuant to 36 CFR 800.8(c), the NRC intends to use its process and documentation required for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth at 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, Tennessee Valley Authority submitted an ER as part of the SLR application. The ER was prepared pursuant to 10 CFR part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," and is available in ADAMS under Accession No. ML24023A476. The ER will also be available for viewing at <https://www.nrc.gov/reactors/operating/licensing/renewal/applications/browns-ferry-subsequent.html>.

In addition, the SLR application, including the ER, is available for public review at the Athens-Limestone County Public Library, 603 S Jefferson Street, Athens, AL 35611.

The NRC intends to gather the information necessary to prepare a site-

specific EIS related to the SLR application for Browns Ferry. The site-specific EIS will evaluate the environmental impacts of subsequent license renewal for Browns Ferry and reasonable alternatives thereto. Possible alternatives to the proposed action include the no action alternative and reasonable alternative energy sources. This notice is being published in accordance with NEPA and the NRC's regulations at 10 CFR part 51.

As part of its environmental review, the NRC will first conduct a scoping process for the site-specific EIS and, as soon as practicable thereafter, will prepare a draft site-specific EIS for public comment. Participation in this scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the site-specific EIS will be used to accomplish the following:

a. Define the proposed action that is to be the subject of the site-specific EIS;

b. Determine the scope of the site-specific EIS and identify the significant issues to be analyzed in depth;

c. Identify and eliminate from detailed study those issues that are peripheral or are not significant or that have been covered by prior environmental review;

d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to, but are not part of, the scope of the site-specific EIS under consideration;

e. Identify other environmental review and consultation requirements related to the proposed action;

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the NRC's tentative planning and decision-making schedule;

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the site-specific EIS to the NRC and any cooperating agencies; and

h. Describe how the site-specific EIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, Tennessee Valley Authority;

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;

c. Affected State and local government agencies, including those

authorized to develop and enforce relevant environmental standards;

d. Any affected Indian Tribe;

e. Any person who requests or has requested an opportunity to participate in the scoping process; and

f. Any person who has petitioned or intends to petition for leave to intervene under 10 CFR 2.309.

IV. Public Scoping Meeting

In accordance with 10 CFR 51.26(b), the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to the proposed action and to determine the scope of issues to be addressed in the EIS.

The NRC is announcing that it will hold two virtual public scoping meetings for the Browns Ferry SLR site-specific EIS. A court reporter will transcribe all comments received during the public scoping meeting. To be considered, comments must be provided either at a transcribed public meeting or in writing, as discussed in the **ADDRESSES** section of this notice. The NRC will hold two virtual public scoping meetings on April 11, 2024, at 1 p.m. ET and on April 18, 2024, at 6 p.m. ET.

Persons interested in attending this meeting should monitor the NRC's Public Meeting Schedule website at <https://www.nrc.gov/pmns/mtg> for additional information and the agenda for the meeting. Please contact Ms. Jessica Umana no later than April 6, 2024, for the meeting on April 11, 2024, and April 13, 2024, for the meeting on April 18, 2024, if accommodations or special equipment is needed to attend or to provide comments, so that the NRC staff can determine whether the request can be accommodated.

The public scoping meeting will include: (1) an overview by the NRC staff of the environmental and safety review processes, the proposed scope of the site-specific EIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on environmental issues or the proposed scope of the Browns Ferry SLR site-specific EIS.

Participation in the scoping process for the Browns Ferry SLR site-specific EIS does not entitle participants to become parties to the proceeding to which the site-specific EIS relates. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

Dated: March 28, 2024.

For the Nuclear Regulatory Commission.

Ashley N. Waldron,

Acting Chief, Environmental Project Management Branch 1, Division of Rulemaking, Environment, and Financial Support, Office of Nuclear Material Safety, and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-269-SLR-2; 50-270-SLR-2; 50-287-SLR-2]

In the Matter of Duke Energy Carolinas, LLC, (Oconee Nuclear Station Units 1, 2, and 3); Order

On February 13, 2024, the Nuclear Regulatory Commission issued a notice in the **Federal Register** providing an opportunity to request a hearing and petition for leave to intervene with respect to the Draft Supplemental Environmental Impact Statement for Duke Energy Carolinas, LLC's subsequent license renewal application for Oconee Nuclear Station, Units 1, 2, and 3.¹ The **Federal Register** notice set a deadline of April 15, 2024, for filing a hearing request.

Subsequently, on March 18, 2024, Beyond Nuclear and Sierra Club (together, Petitioners) filed a motion to extend by two weeks, until April 29, 2024, the deadline for Petitioners to request a hearing in this proceeding.² The Petitioners represent that the applicant has agreed not to oppose this extension request provided that its deadline to respond to such a hearing request is also extended by seven days, to May 31, 2024.³ In addition, the Petitioners state in the motion that the NRC Staff has not taken a position on the extension request.⁴

As good cause for the requested extension, the Petitioners cite conflicting litigation obligations, a personal commitment, and that they "reasonably anticipated" that the Commission would withdraw the hearing request in light of the circumstances in two other subsequent license renewal proceedings.⁵ Under

¹ Duke Energy Carolinas, LLC; Oconee Nuclear Station, Units 1, 2, and 3; Draft Supplemental Environmental Impact Statement, 89 FR10,107 (Feb. 13, 2024) (Hearing Notice).

² Motion by Beyond Nuclear and Sierra Club for Extension of Time to Submit Hearing Request (Mar. 18, 2024) (ADAMS Accession no. ML24078A146).

³ *Id.* at 1.

⁴ *Id.* at 2.

⁵ *Id.* at 1-2. The Petitioners cite subsequent license renewal proceedings for North Anna Power Station, Units 1 and 2, and Turkey Point Nuclear Generating, Units 3 and 4, the draft supplemental

Commission precedent litigation burden is not good cause for an extension.⁶

Nevertheless, in this instance, the participants have consulted, the Petitioners and the applicant have reached agreement, and the motion is unopposed. Therefore, pursuant to my authority under 10CFR 2.346(b), I extend the deadline for all persons to file a hearing request in this proceeding until April 29, 2024. The deadline for answers to timely hearing requests shall be May 31, 2024, and the deadline for any replies shall be June 7, 2024. Petitions to intervene and requests for hearing shall be filed consistent with the instructions set out in the Electronic Submissions (E-Filing) section of the Hearing Notice.

It is so ordered.

For the Commission.

Dated at Rockville, Maryland, This 28th of March 2024.

Carrie Safford,

Secretary of the Commission.

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NUCLEAR REGULATORY COMMISSION

[NRC-2022-0076]

Interim Staff Guidance: Advanced Reactor Content of Application Project Chapter 9, Control of Routine Plant Radioactive Effluents, Plant Contamination and Solid Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Final guidance; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Interim Staff Guidance (ISG) DANU-ISG-2022-03, Chapter 9, "Control of Routine Plant

environmental impact statements of which were similarly noticed for hearing opportunities in accordance with Commission direction. CLI-22-3, 95 NRC 40, 42 (2022). In the *Turkey Point* proceeding, the Atomic Safety and Licensing Board certified a question to the Commission concerning language in CLI-22-3, specifically, whether the Staff should have waited to issue the notice of opportunity for hearing until the completion of the final supplemental environmental impact statement. *Florida Power & Light Co.* (Turkey Point Nuclear Generating Units 3 and 4), LBP-24-1, 99 NRC __, __ (Jan. 31, 2024) (slip op. at 4). The Commission recently issued an order in which it accepted the Board's certification and found the Staff's interpretation of CLI-22-3 with respect to the timing of the hearing notice acceptable. *Florida Power & Light Co.* (Turkey Point Nuclear Generating Units 3 and 4), CLI-24-1, 99 NRC __, __ (Mar. 7, 2024) (slip op. at 6).

⁶ See *Consolidated Edison Co. of New York* (Indian Point, Units 1 and 2), CLI-01-8, 53 NRC 225, 229-30 (2001) (quoting *Niagara Mohawk Power Corp.* (Nine Mile Point, Units 1 & 2), 50 NRC 333, 343 (1999)).