December 18, 2018

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
FLORIDA POWER & LIGHT COMPANY	)	Docket Nos. 50-250-SLR
	)	50-251-SLR
(Turkey Point Nuclear Generating,	)	
Unit Nos. 3 and 4)	)	

NRC STAFF'S CLARIFICATION OF ITS VIEWS REGARDING
THE ADMISSIBILITY OF JOINT PETITIONERS' CONTENTION 1-E
AND SACE CONTENTION 2 (ALTERNATIVE COOLING SYSTEMS)

Pursuant to the Atomic Safety and Licensing Board's ("Board") directive during Oral Argument on December 4, 2018,[1] the NRC Staff hereby clarifies its views regarding the admissibility of Joint Petitioners' Contention 1-E and SACE Contention 2, concerning alternative cooling systems. As more fully discussed below, the Staff submits that there is no statutory or regulatory requirement that alternative cooling systems be considered in Florida Power and Light Company's ("FPL" or "Applicant") Environmental Report ("ER") for the Turkey Point Units 3 and 4 subsequent license renewal ("SLR") application; rather, the consideration of such an alternative is governed by the rule of reason and the principle of proportionality. Further, the Staff did not oppose the admission of certain portions of the contentions, because those portions appeared to raise a litigable issue as to whether FPL's omission of a mechanical draft cooling tower alternative was reasonable, and because the Staff plans to evaluate alternative cooling systems in its Supplemental Environmental Impact Statement ("SEIS"), for informational purposes, given the expressions of interest in this issue that have been received by the Staff.

[1] *Florida Power and Light Co.* (Turkey Point Units 3 and 4), Official Transcript of Proceedings (Dec. 4, 2018), at Tr. 257-58.

BACKGROUND

On August 1, 2018, Friends of the Earth, Natural Resources Defense Council, and Miami Waterkeeper ("Joint Petitioners") and Southern Alliance for Clean Energy ("SACE") filed petitions to intervene and requests for hearing in this proceeding.[2] Therein, the petitioners proposed seven contentions, including two contentions (Joint Petitioners' Contention 1-E and SACE Contention 2) which asserted that the Applicant's ER improperly failed to consider a reasonable range of alternatives because it omitted consideration of mechanical draft cooling towers as an alternative to continued use of Turkey Point's Cooling Canal System ("CCS").[3] While the Applicant opposed the admission of these two contentions,[4] the Staff opposed the admission of portions of the contentions, but did not oppose the admission of the contentions' central assertion.[5] During oral argument on December 4, 2018, the Board directed the Staff to file a clarification of its views regarding the admissibility of these contentions.

DISCUSSION

A. Legal Requirements Governing the Consideration of Alternatives

The NRC's consideration of license renewal applications requires an evaluation of the environmental impacts of the requested action, pursuant to Section 102(2)(C) of the National

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[2] *See* (1) "Request for Hearing and Petition to Intervene Submitted by Friends of the Earth, Natural Resources Defense Council, and Miami Waterkeeper" ("Joint Petition") (Aug. 1, 2018), and (2) "Southern Alliance for Clean Energy's Request for Hearing and Petition to Intervene" ("SACE Petition") (Aug. 1, 2018).

[3] Joint Petition at 15-30 (Contention 1-E); SACE Petition at 29-32 (SACE Contention 2).

[4] *See* (1) "Applicant's Answer Opposing Request for Hearing and Petition to Intervene Submitted by Friends of the Earth, Natural Resources Defense Council, and Miami Waterkeeper" ("Applicant's Answer to Joint Petition") (Aug. 27, 2018), at 8-26; and (2) "Applicant's Answer Opposing Southern Alliance for Clean Energy's Request for Hearing and Petition to Intervene" ("Applicant's Answer to SACE Petition") (Aug. 27, 2018), at 45-51.

[5] *See* "NRC Staff's Corrected Response to Petitions to Intervene and Requests for Hearing Filed by (1) Friends of the Earth, Natural Resources Defense Council and Miami Waterkeeper and (2) Southern Alliance for Clean Energy" (Aug. 27, 2018) ("Staff Response"), at 28-31 (Joint Petitioners' Contention 1-E) and 67-69 (SACE Contention 2).

Environmental Policy Act of 1969, as amended ("NEPA"), 42 U.S.C. § 4321 *et seq*.[6] NEPA's requirements serve two purposes: (a) that the agency will "consider every significant aspect of the environmental impact of a proposed action," and (b) that the agency will "inform the public that it has considered environmental concerns in its decisionmaking process."[7] In accordance with NEPA, Federal agencies must take a "hard look" at the environmental impacts of major federal actions,[8] and must consider "reasonable" and "feasible" alternatives to their proposed actions and the impacts thereof.[9] Further, "NEPA gives agencies broad discretion to keep their inquiries within appropriate and manageable boundaries."[10] As the Commission has observed, "NEPA requires consideration of 'reasonable' alternatives, not all conceivable ones."[11] Further, the Staff's EISs "need only discuss those alternatives that . . . will bring about the ends of the proposed action – a principle equally applicable to Environmental Reports."[12]

The Commission's regulations in 10 C.F.R. Part 51 establish the procedures by which the NRC implements and satisfies the requirements of NEPA.[13] These include requirements in

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[6] Section 102(2)(C) of NEPA requires that, to the fullest extent possible, Federal agencies must include in every recommendation or report on major Federal actions significantly affecting the quality of the human environment, a detailed statement addressing, *inter alia*, (i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, and (iii) alternatives to the proposed action. 42 U.S.C. § 4322.

[7] *Massachusetts v. NRC,* 708 F.3d at 67, *quoting Baltimore Gas & Electric Co. v. Natural Resources Defense Council*, *Inc.,* 462 U.S. 87, 97 (1983) (internal quotation marks and citations omitted); *accord, N.J. Dep't of Environmental Protection v. NRC,* 561 F.3d 132, 134 (3rd Cir. 2009).

[8] *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 339 (1989); *accord, Massachusetts v. NRC,* 708 F.3d 63, 67 (1st Cir. 2013).

[9] *Beyond Nuclear v. NRC,* 704 F.3d 12, 16 (1st Cir., 2013), *citing Natural Resources Defense Council, Inc. v. Morton*, 458 F.2d 827, 837 (D.C. Cir. 1972), and *Vt. Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc*., 435 U.S. 519, 551 (1978); *Louisiana Energy Services, L.P.* (Claiborne Enrichment Center), CLI-98-3, 47 NRC 77, 87-88 (1998).

[10] *Louisiana Energy Services*, CLI-98-3, 47 NRC at 103 (citation omitted).

[11] *NextEra Energy Seabrook, LLC* (Seabrook Station, Unit 1), CLI-12-5, 75 NRC 301, 338 (2012).

[12] *Id.* at 339 (footnotes and internal quotations omitted).

[13] *See* 10 C.F.R. § 51.2.

10 C.F.R. § 51.45 pertaining to an applicant's ER.[14] With respect to alternatives, 10 C.F.R. § 51.45 requires an ER to include a discussion of alternatives to the proposed action, the environmental impacts of those alternatives, and "alternatives available for reducing or avoiding adverse environmental effects." Likewise, pursuant to 10 C.F.R. § 51.53(c), an ER is required to discuss the environmental impacts of alternatives to the proposed action, and "alternatives available for reducing or avoiding adverse environmental effects."[15] Comparable requirements apply to the Staff's draft and final SEISs for license renewal, as set forth in 10 C.F.R. §§ 51.71(d) (draft SEIS) and 51.95(c)(2) (final SEIS).[16]

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[14] As stated in 10 C.F.R. § 54.23, license renewal applications "must include a supplement to the environmental report that complies with the requirements of subpart A of 10 CFR part 51." Further, 10 C.F.R. § 54.29(b) provides that a renewed license may be issued if the Commission finds that "[a]ny applicable requirements of Subpart A of 10 C.F.R. Part 51 have been satisfied."

[15] 10 C.F.R. § 51.53(c) provides, in pertinent part, as follows:

> (2) . . . [T]he applicant shall discuss in this report the environmental impacts of alternatives and any other matters described in § 51.45. . . .
>
> (3) For those applicants seeking an initial renewed license . . . , the environmental report shall include the information required in paragraph (c)(2) of this section subject to the following conditions and considerations:
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> * * *
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> (iii) The report must contain a consideration of alternatives for reducing adverse impacts, as required by § 51.45(c), for all Category 2 license renewal issues in Appendix B to subpart A of this part. No such consideration is required for Category 1 issues in Appendix B to subpart A of this part.

[16] 10 C.F.R. § 51.71 requires, in part, as follows:

> (d) *Analysis.* . . . [T]he draft [EIS] will include a preliminary analysis that considers and weighs the environmental effects . . . of the proposed action; the environmental impacts of alternatives to the proposed action; and alternatives available for reducing or avoiding adverse environmental effects. . . . [3]
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> * * *
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> (f) Preliminary recommendation. The draft [EIS] normally will include a preliminary recommendation by the NRC staff respecting the proposed action. This preliminary recommendation . . . will be reached after considering the environmental effects of the proposed action and reasonable alternatives[4] . . . .

[3] Compliance with the environmental quality standards and requirements of the Federal Water Pollution Control Act (imposed by EPA or designated permitting states) is not a substitute for, and does not negate the requirement for NRC to weigh all environmental effects of the proposed action, including the degradation, if any, of water

The NRC has provided guidance to applicants for the preparation of license renewal ERs, in NRC Regulatory Guide 4.2.[17] In pertinent part, Section 2.6 guides applicants, *inter alia*, to include in their ERs "a brief description of alternatives considered that would reduce or avoid adverse effects (e.g., conversion of the cooling system from once-through to closed loop or construction and operation of cooling towers to reduce adverse impacts to aquatic resources)."[18] Further, mitigation alternatives are to be considered "in proportion to the significance of the impact."[19] An impact's significance may be assessed in accordance with the NRC's impact

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> quality, and to consider alternatives to the proposed action that are available for reducing adverse effects. . . .
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> [4] The consideration of reasonable alternatives to a proposed action involving nuclear power reactors (e.g., alternative energy sources) is intended to assist the NRC in meeting its NEPA obligations and does not preclude any State authority from making separate determinations with respect to these alternatives and in no way preempts, displaces, or affects the authority of States or other Federal agencies to address these issues.

[17] Regulatory Guide 4.2, Supp. 1, Rev. 1, Preparation of Environmental Reports for Nuclear Power Plant License Renewal Applications (June 2013) (ML13067A354) ("Reg. Guide 4.2").

[18] *Id*. at 13. Similarly, other guidance instructs the Staff to consider the environmental impacts of alternatives, including impacts from energy resource alternatives and "alternatives to reduce or avoid adverse environmental impacts (e.g., constructing and operating a new cooling system)." NUREG-1555, Supp. 1, Rev. 1, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants, Operating License Renewal, Final Report" (June 2013) (ML13106A246), at 4.0-1.

[19] Reg. Guide 4.2, at 8-9. In this regard, Reg. Guide 4.2 states:

> In 10 CFR 51.45(c), the NRC requires the consideration of alternatives available for reducing or avoiding any adverse effects. In addition, applicants should identify any ongoing mitigation and discuss the potential need for additional mitigation. Mitigation alternatives should be considered in proportion to the significance of the impact. . . .
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> The applicant should identify all relevant, reasonable mitigation measures that could reduce or avoid adverse effects, even if they are outside the jurisdiction of the NRC. *Id.*

Reg. Guide 4.2, Section 4 states that "The applicant should identify and discuss possible mitigation measures in proportion to the significance of the adverse impact. If there is no adverse impact to be mitigated, the applicant should present the basis for that determination." *Id.* at 26. Likewise, Section 7.2 states, in part:

> As noted in 10 CFR 51.53(c)(3)(iii), "The report must contain a consideration of alternatives for reducing adverse impacts, as required by § 51.45(c), for all Category 2 license renewal issues in appendix B to subpart A of this part." . . . Typical alternatives considered in this section

categories, as set forth in the NRC's generic environmental impact statement for license renewal.[20]

In sum, NEPA requires the NRC to evaluate the environmental impacts of license renewal, and to include a discussion of the impacts of reasonable and feasible alternatives to the proposed action. In fulfilling its responsibilities under NEPA, the NRC requires license renewal applicants to evaluate such alternatives, including alternatives available for reducing or avoiding adverse environmental effects. Importantly, alternatives to reduce or avoid adverse impacts are to be considered in proportion to the significance of the impact. Consistent with this

> include closed-cycle cooling or intake modification options for nuclear power plants that currently use once-through cooling. . . .
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> [The ER] should describe the impacts of the alternatives for reducing adverse effects identified for detailed study. . . . The applicant should analyze each alternative on a site-specific basis and in proportion to its significance.

Id. at 53-54. *See Entergy Nuclear Operations, Inc.* (Indian Point, Units 2 and 3), CLI-16-7, 83 NRC 293, 323 n.156 (2016) ("Under basic NEPA principles, it is reasonable to tailor the degree of mitigation analyses to the significance of the impact to be mitigated").

[20] NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," Rev. 1 (June 2013), Vols. 1-3 (ML13106A241, ML13106A242, and ML13106A244). With respect to significance, the GEIS states, in pertinent part, as follows:

> The NRC's standard of significance for impacts uses the Council on Environmental Quality (CEQ) terminology for "significantly" (40 CFR 1508.27), which requires consideration of both "context" and "intensity." Based on this, the NRC established three levels of significance for potential impacts: SMALL, MODERATE, and LARGE. The definitions of the three significance levels, which are presented in the footnotes to Table B-1 of 10 CFR Part 51, Subpart A, Appendix B, follow:
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> - SMALL impact: Environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource. . . .
> - MODERATE impact: Environmental effects are sufficient to alter noticeably, but not to destabilize, important attributes of the resource.
> - LARGE impact: Environmental effects are clearly noticeable and are sufficient to destabilize important attributes of the resource.

NUREG-1437, Rev. 1, Vol. 1, at S-6.

principle, a license renewal applicant may properly afford little or no consideration to mitigation measures or alternatives for impacts which it has determined to be of little or no significance.[21]

B. Clarification of the Staff's Views on the Admissibility of Joint Petitioners' Contention 1-E and SACE Contention 2

In Contention 1-E, the Joint Petitioners asserted, in part, that the Applicant's ER improperly failed to consider mechanical draft cooling towers as a reasonable and feasible alternative to the continued operation of the CCS for subsequent license renewal of Turkey Point Units 3 and 4; SACE Contention 2 contained similar assertions.[22] The Staff opposed the admission of portions of Joint Petitioners' Contention 1-E and SACE Contention 2, but did not oppose the admission of the contentions' central assertion that the ER was deficient for not considering mechanical draft cooling towers.[23] The Staff stated its views, in part, as follows:

> The Staff recognizes that NEPA requires the NRC to consider "reasonable" alternatives to the proposed Federal action, and the Staff's SEIS is required to consider "the environmental impacts of alternatives to the proposed action,[111] and alternatives available for reducing or avoiding adverse environmental effects."[112] Accordingly, the Staff does not oppose the admission of Contention 1-E, as a contention of omission.
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> [111] *Seabrook,* CLI-12-5, 75 NRC at 338.

[21] *See* discussion *infra* at 8.

[22] Joint Petitioners' Contention 1-E asserted, in part, that the Applicant's ER "fails to consider a reasonable range of alternatives to the proposed action, as required by NEPA and NRC implementing regulations," in that the ER did not consider replacing the CCS with mechanical draft cooling towers, to reduce the adverse environmental impacts of CCS operation. *See* Joint Petition at 16, 19, and 26. Similarly, SACE Contention 2 asserted, in part, that "FPL has failed to consider the reasonable alternative of cooling the Turkey Point Units 3 and 4 reactors with mechanical draft cooling towers, in violation of NEPA and 10 C.F.R. § 51.53(c)(2) . . ." SACE Petition at 29.

[23] To be admissible, contentions must satisfy the contention admissibility requirements of 10 C.F.R. § 2.309(f)(1)(i)-(vi) and Commission case law. *See* Staff Response at 11-16. In assessing these two contentions, the Staff concluded that the contentions' central assertion, *i.e.,* that mechanical draft cooling towers were a reasonable and feasible alternative to CCS operation, appeared to satisfy the contention admissibility requirements in 10 C.F.R. § 2.309(f)(1). *See* Tr. at 159-60. The Staff opposed other portions of the contentions which sought to litigate (a) cooling system alternatives other than mechanical draft cooling towers, for which insufficient basis and specificity had been provided as required by 10 C.F.R. § 2.309(f)(1)(ii) and (iv); and (b) the impacts of CCS operation, as those assertions duplicated the assertions in other contentions, were not necessary for litigation of this contention, and did not demonstrate a genuine dispute of material fact with the application, as required by 10 C.F.R. § 2.309(f)(1)(vi). *See* Staff Response at 30-31 and 69.

> [112] 10 C.F.R. § 51.71(d); *see* 10 C.F.R § 51.95(c)(1) and (2). The Staff notes that it will consider a cooling tower alternative in its Supplemental Environmental Impact Statement ("SEIS") for subsequent license renewal of Turkey Point Units 3 and 4. In undertaking an evaluation of a cooling tower alternative, the Staff expresses no position regarding the environmental impacts of CCS operation or the need for further mitigation of those impacts beyond the measures currently in place or mandated by State and local regulatory authorities.[24]

During oral argument, Staff Counsel reiterated the Staff's position, clarifying that the Staff did not believe that the Applicant was remiss for not evaluating a cooling tower alternative in its ER;[25] rather, Staff Counsel pointed to the statement in footnote 112 of the Staff's Response, which stated that the Staff "expresses no position regarding the environmental impacts of CCS operation or the need for further mitigation of those impacts beyond the measures currently in place or mandated by State and local regulatory authorities."[26] In other words, the Staff believes the contentions appear to satisfy the requirements of 10 C.F.R. § 2.309(f)(1) and to raise a litigable issue as to whether mechanical draft cooling towers constitute a "reasonable" mitigation measure that should be considered under NEPA;[27] the Staff did not state or imply that the impacts of CCS operation would be so significant as to require the consideration of cooling towers under NEPA or the principle of proportionality.[28] Further,

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[24] Staff Response at 30; emphasis added. The Staff stated a similar position with regard to the admissibility of certain portions of SACE Contention 2. *See* Staff Response at 68-69 and n.282 (*citing* Staff Response at 29-31).

[25] Tr. at 219.

[26] Tr. at 256-57, *citing* Staff Response at 30 n.112.

[27] *See* Tr. at 159-60.

[28] *See* Tr. at 219. As the Staff stated previously, the NRC recognizes a presumption of administrative regularity, whereby it presumes that other regulatory authorities will continue to regulate the Applicant's activities and will take enforcement action, as necessary, to ensure that the Applicant complies with their requirements for the protection of groundwater at the site. *See* Tr. at 128-33; Staff Response at 56 and 65 (citing *Florida Power & Light Co.* (Turkey Point Units 6 and 7), LBP-17-5, 86 NRC 1, 29 (2017).

In addition, as the Staff observed, the ER concluded that "the cumulative impacts to groundwater would be small and are managed because 'FPL continues to comply with its permits for groundwater withdrawals and injection, the FDEP [consent order] for freshening of the cooling canals, and the [consent

inasmuch as the Staff plans to evaluate the environmental impacts of mechanical draft cooling towers in its SEIS for informational purposes, due to the expressions of interest the Staff has received concerning this issue, the Staff did not oppose the admission of these contentions.[29]

Finally, the Staff's decision to evaluate the environmental impacts of a cooling tower alternative, to mitigate the impacts of CCS operation, does not mean that the Staff believes such an alternative must be implemented. To the contrary, NEPA does not require the mitigation of potential impacts, or that any particular outcome be recommended or adopted. As the Supreme Court has stated, "NEPA itself does not mandate particular results, but simply prescribes the necessary process."[30] The Court identified a "fundamental distinction . . . between a requirement that mitigation be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated on the one hand, and a substantive requirement that a complete mitigation plan be actually formulated and adopted on the other."[31] Rather, NEPA's requirements serve two purposes: (a) that the agency will "consider every

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agreement] with Miami-Dade County for remediation of the hypersaline plume.'" Staff Response at 39, *citing* ER at 4-69; emphasis added. In view of the Applicant's conclusion that the impacts of CCS operation are "small," due to its compliance with State and County requirements, the ER's omission of a cooling tower alternative may have been reasonable under the principle of proportionality. *See* Tr. at 158 ("If . . . the impacts of the cooling canal system are small, then there would be no [m]itigation required, and that's the approach that FP&L took. We can't say that they are wrong . . . .").

[29] Tr. at 219, 220. As Staff Counsel stated during oral argument, while the Staff has issued renewed licenses for 91 nuclear power plants to date, it has only evaluated the impacts of alternative cooling systems three times in its (published) SEISs for license renewal – for Oyster Creek Nuclear Generating Station, Seabrook Station Unit 1, and Indian Point Units 2 and 3. *See* Tr. at 218. In each of those three instances, the Staff evaluated cooling system alternatives for informational purposes, given the interest in alternative cooling systems that had been expressed by members of the public or by other regulatory authorities. *Id.* at 218-19.

[30] *Methow Valley,* at 350, *citing Stryker's Bay Neighborhood Council, Inc. v. Karlen*, 444 U.S. 223, 227-28 (1980) and *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council*, 435 U.S. 519, 558 (1978). As the Court stated, "If the adverse environmental effects of the proposed action are adequately identified and evaluated, the agency is not constrained by NEPA from deciding that other values outweigh the environmental costs.'" *Id.; accord, Massachusetts v. NRC*, 708 F.3d at 79 and 81 n.27; *Louisiana Energy Services,* CLI-98-3, 47 NRC at 87-88 (same); *see also Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 23 (2008) ("NEPA imposes only procedural requirements" and does not mandate any particular results).

[31] *Methow Valley,* 490 U.S. at 352-53 (internal quotations omitted)

significant aspect of the environmental impact of a proposed action," and (b) that the agency will "inform the public that it has considered environmental concerns in its decisionmaking process."[32] Consistent with NEPA's second principle, the Staff plans to evaluate the impacts of an alternative cooling system in its SEIS, for informational purposes, recognizing that NEPA does not confer authority on the NRC to require that an alternative cooling system be built and operated at Turkey Point.[33]

CONCLUSION

As more fully stated in the Staff's Response, as clarified above, the Staff does not oppose the admission of certain portions of Joint Petitioners' Contention 1-E and SACE Contention 2, with respect to their claim that the Applicant's ER was deficient for failing to consider mechanical draft cooling towers as a reasonable and feasible alternative to continued operation of the CCS for subsequent license renewal of Turkey Point Units 3 and 4. All other portions of the contentions should be excluded for the reasons set forth in the Staff's Response.

Respectfully submitted,

/Signed (electronically) by/

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Dated at Rockville, Maryland
this 18th day of December 2018

[32] *Massachusetts v. NRC,* 708 F.3d at 67, *quoting Baltimore Gas & Electric Co. v. Natural Resources Defense Council, Inc.,* 462 U.S. 87, 97 (1983) (internal quotation marks and citations omitted); *accord, N.J. Dep't of Environmental Protection v. NRC,* 561 F.3d 132, 134 (3rd Cir. 2009).

[33] The Staff notes that issuance of the draft SEIS, with its anticipated evaluation of mechanical draft cooling towers, will effectively moot these two contentions of omission.

UNITED STATES OF AMERICA
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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FLORIDA POWER & LIGHT COMPANY	)	Docket Nos. 50-250-SLR
	)	50-251-SLR
(Turkey Point Nuclear Generating,	)	
Unit Nos. 3 and 4	)	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305, I hereby certify that copies of the foregoing "NRC STAFF'S CLARIFICATION OF ITS VIEWS REGARDING THE ADMISSIBILITY OF JOINT PETITIONERS' CONTENTION 1-E AND SACE CONTENTION 2 (ALTERNATIVE COOLING SYSTEMS)," dated December 18, 2018, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above-captioned proceeding, this 18th day of December, 2018.

Copies of the foregoing have also been sent by E-mail to Mr. Albert Gomez at albert@icassemblies.com, and to Richard E. Ayres, Esq. (for Friends of the Earth) at ayresr@ayreslawgroup.com, this 18th day of December, 2018.

/Signed (electronically) by/

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