

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV); or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to Mr. Daniel F. Stenger, Ballard Spahr Andrews & Ingersoll, LLP, 601 13th Street, NW., Suite 1000 South, Washington, DC 20005, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated July 7, 2005, as supplemented on August 15, 2005, which are available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have

access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 15th day of September 2005.

For the Nuclear Regulatory Commission.

**Patrick D. Milano, Sr.,**

*Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 72-17]**

### **Portland General Electric Independent Spent Fuel Storage Installation Issuance of Environmental Assessment and Finding of No Significant Impact Regarding a Proposed Exemption**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact.

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Regan, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-1179; Fax number: (301) 415-8555; E-mail: [cmr1@nrc.gov](mailto:cmr1@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.44(d)(3), to the Portland General Electric Company (PGE, or the licensee). The requested exemption (in conjunction with a conforming license amendment) would relieve PGE from the requirement to submit an annual radioactive effluent report for the Trojan Independent Spent Fuel Storage Installation (ISFSI). PGE submitted the exemption request by letter dated July 6, 2005, in which it also requested an amendment to the Trojan ISFSI license. Specifically, the amendment requested the deletion of item c. and last sentence of item b., Section 5.5.2 of Technical Specification; "Radioactive Effluent Control Program" (Appendix A to License No. SNM-2509). The licensee is currently storing spent nuclear fuel at the Trojan ISFSI on

the site of the decommissioned Trojan Nuclear Power Plant in Rainier, Oregon.

## **Environmental Assessment (EA)**

### **I. Identification of Proposed Action**

Portland General Electric (PGE) has requested an exemption and a conforming license amendment to obtain relief from the requirement to submit an annual radioactive effluent release report for the Trojan ISFSI in accordance with 10 CFR 72.44(d). The regulation requires a licensee to include Technical Specifications (TS) regarding radioactive effluents. Specifically, 10 CFR 72.44(d)(3) requires that an annual report be submitted to the NRC specifying the quantity of each of the principal radionuclides released to the environment in liquid and in gaseous effluents during the previous 12 months of ISFSI operation. The proposed action before the NRC is whether to grant the exemption.

In addition to the exemption, PGE has requested a conforming license amendment which will make two deletions from the Trojan ISFSI TS, Appendix A to the Special Nuclear Material License No. 2509 (SNM-2509). Section 5.5.2, Radioactive Effluent Control Program, item c., requires an annual report to be submitted pursuant to 10 CFR 72.44(d)(3). Section 5.5.2, item b., in the last sentence, of the Appendix A to the License No. SNM-2509 states: "The Trojan ISFSI may be included in the environmental monitoring program for the Trojan Nuclear Plant." The amendment would delete these two TS.

The license amendment request is categorically excluded from the need for environmental review under 10 CFR 51.22(c)(10)(ii) and 10 CFR 51.22(c)(11).

### **II. Need for the Proposed Action**

The requirements of 10 CFR 72.44(d)(3) impose certain regulatory obligations, with associated costs, on the licensee. Granting the requested exemption will relieve the licensee from the requirement to submit an annual radioactive effluent release report pursuant to 10 CFR 72.44(d)(3). The requirement to submit an annual radioactive effluent monitoring report is not needed for this facility in its current configuration and is an unnecessary administrative burden. Thus, the licensee will not have to incur the costs associated with preparing and submitting an annual radioactive effluent release report.

### **III. Environmental Impacts of the Proposed Action**

In its Safety Evaluation Report related to the ISFSI license (Safety Evaluation

Report Amendment No. 2 to the SNM-2509 License, October 23, 2002), the staff found that there are no credible scenarios by which liquid or gaseous effluents could be released from the dry shielded canister. The licensee further stated that any concerns over small quantities of gaseous or liquid effluent that may be produced during cask loading and transfer decontamination activities are no longer relevant, since all the spent fuel has been transferred to the ISFSI, and that the Holtec International (Holtec) Multi-Purpose Canister (MPC) used at the Trojan ISFSI is a passive system which, by design, produces no gaseous or liquid effluent.

The staff has determined that the proposed action would not endanger life or property. Further, the staff concludes that there is reasonable assurance that the proposed exemption will have no impact on off-site doses.

The proposed action would not increase the probability or consequences of accidents, no changes would be made to the passive system design resulting in the generation of effluents during fuel storage, and there would be no increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. Additionally, the proposed action would have no significant non-radiological impacts.

#### *IV. Alternative to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the exemption (i.e., the "no-action" alternative). Approval or denial of the exemption would result in no change in the environmental impacts. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

#### *V. Agencies and Persons Consulted*

The NRC staff prepared this environmental assessment (EA); no other sources were used. On August 29, 2005, the staff discussed the EA by phone call with Mr. Adam Bless of the State of Oregon Department of Energy. The State of Oregon stated to the NRC that they had no comments related to the EA or the Finding of no Significant Impact. The NRC staff has determined that consultation under Section 7 of the Endangered Species Act is not required for this specific exemption, which will not affect listed species or critical habitat. The NRC staff has also determined that the proposed action is not a type of activity having the potential to cause effects on historic properties. Therefore, no consultation is

required under Section 106 of the National Historic Preservation Act.

#### *VI. Conclusions*

The staff has reviewed the exemption request submitted by PGE and has determined that relieving the licensee from the requirement to submit an annual radioactive effluent release report pursuant to 10 CFR 72.44(d)(3) would have no significant impact on the environment.

#### **Finding of No Significant Impact**

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the NRC finds that the proposed action of granting the exemption will not significantly impact the quality of the human environment. Accordingly, the NRC has determined that an environmental impact statement for the proposed exemption is not warranted.

#### **Further Information**

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," final NRC records and documents regarding this proposed action, including the exemption request dated July 6, 2005, are publically available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). These documents may be inspected at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 12th day of September 2005.

For the Nuclear Regulatory Commission.

**Robert J. Lewis,**

*Chief, Licensing Section, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-219]**

### **AmerGen Energy Company, LLC, Oyster Creek Nuclear Generating Station; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process**

AmerGen Energy Company, LLC (AmerGen) has submitted an application for renewal of Facility Operating License DPR-16 for an additional 20 years of operation at the Oyster Creek Nuclear Generating Station (OCNGS). OCNGS is located along the western shore of Barnegat Bay between the South Branch of Forked River and Oyster Creek, in Ocean County, New Jersey. The operating license for OCNGS expires April 9, 2009. The application for renewal, submitted pursuant to Title 10 of the Code of Federal Regulations Part 54 (10 CFR Part 54), was received on July 22, 2005. A notice of receipt and availability of the application, which included the environmental report (ER), was published in the **Federal Register** on August 4, 2005 (70 FR 44940). A notice of acceptance for docketing of the application for renewal of the facility operating licenses was published in the **Federal Register** on September 15, 2005, (70 FR 54585). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29. In addition, as outlined in 36 CFR 800.8, "Coordination with the National Environmental Policy Act," the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act in meeting the requirements of the National Environmental Policy Act of 1969 (NEPA).

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, AmerGen submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Part 51 and is available for public inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, which provides access through the Public Electronic Reading Room link. Persons