

leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestors/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 the John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated September 9, 2005, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (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 12th day of September, 2005.

For the Nuclear Regulatory Commission.

**Jack Donohew,**

*Senior Project Manager, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket Number 030-04781]**

### **Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Pharmacia & Upjohn Company, Kalamazoo, Michigan**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**FOR FURTHER INFORMATION CONTACT:** Dr. Peter J. Lee, Decommissioning Branch, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region III, 2443 Warrenton Road, Lisle, Illinois 60532-4352. Telephone: (630) 829-9870; fax number: (630) 515-1259; e-mail: [pjl2@nrc.gov](mailto:pjl2@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuing a license amendment of Material License No. 21-00182-03 issued to Pharmacia & Upjohn Company (the licensee), to authorize release of its 200 Portage Road facility for unrestricted use.

The NRC staff has prepared an Environmental Assessment (EA) in

support of this amendment in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

## II. EA Summary

The purpose of the proposed action is to amend the licensee's byproduct material license and release its 200 Portage Road facility for unrestricted use. On April 24, 1958, the Atomic Energy Commission authorized the licensee to conduct the radiological operations. The primary radioactive materials used at 200 Portage Road facility were hydrogen-3, carbon-14, phosphorus-32, phosphorus-33, sulfur-35, and iodine-125. On June 20, 2005, the licensee submitted a license amendment request to amend its license to release its 200 Portage Road facility for unrestricted use. The licensee has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in 10 CFR 20.1402, "Radiological Criteria for Unrestricted Use."

The staff has examined the licensee's request and the information provided in support of its request, including the surveys performed to demonstrate compliance with the release criteria. The staff has found that the environmental impacts from the proposed action are bounded by the impacts evaluated in the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (NUREG-1496). Based on its review, the staff has determined that there are no additional remediation activities necessary to complete the proposed action and a Finding of No Significant Impact is appropriate.

## III. Finding of No Significant Impact

On the basis of the EA, the NRC concluded that there are no significant environmental impacts from the proposed amendment and determined not to prepare an environmental impact statement.

## IV. Further Information

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," documents related to this action, including the application for amendment and supporting documentation, will be available electronically for public inspection and copying from the Publicly Available

Records (PARS) of NRC's document system (ADAMS) accessible from the NRC's Web site at <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS accession numbers for the documents related to this notice are: ML051740182 for the June 20, 2005, amendment request, and ML052520086 for the EA summarized above. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Lisle, Illinois, this 9th day of September, 2005.

For the Nuclear Regulatory Commission.

**James L. Cameron,**

*Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region III.*

[FR Doc. E5-5085 Filed 9-15-05; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 040-07455]

### Notice of Availability of Environmental Assessment and Fining of No Significant Impact for License Amendment for Whittaker Corporation's Facility in Greenville, PA

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

#### FOR FURTHER INFORMATION CONTACT:

Marjorie McLaughlin, Decommissioning Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337-5240, fax (610) 337-5269; or by e-mail: [mmm3@nrc.gov](mailto:mmm3@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license renewal and amendment to Whittaker Corporation for Materials License No. SMA-1018. The proposed action would allow for the continued decontamination and decommissioning of the Whittaker waste storage facility in the Reynolds Industrial Park near Greenville, Pennsylvania. The proposed action also includes NRC approval of site-specific

dose concentration guideline levels (DCGLs) for use in developing the Decommissioning Plan for the site. NRC has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate.

## II. EA Summary

The purpose of the action is to renew and amend the NRC license for decontamination and decommissioning (D&D) of the Whittaker waste storage facility in Greenville, Pennsylvania. This action allows for the continued characterization and other decommissioning activities at this site, and approves site-specific DCGLs which will define the cleanup criteria for radioactive contaminants. Whittaker Corporation was authorized by NRC from December 15, 1969, to use radioactive materials for minerals processing purposes at the site. Some of the raw materials used in these processes contained licensable quantities of natural thorium or uranium which were concentrated in the waste byproduct. Processing operations utilizing licensable materials ceased in 1975, and decommissioning activities began. A portion of the site was released for unconditional use in 1985. Whittaker Corporation has been maintaining control over the radioactive materials at the remaining site, while developing a plan for remediation. On May 28, 2004, Whittaker Corporation requested renewal of NRC License No. SMA-1018 to allow for the continued D&D of the site. On August 10, 2004, Whittaker Corporation submitted a Dose Assessment of the site to support the use of proposed DCGLs for site contaminants. The dose assessment shows that the site will meet the dose-based License Termination Rule criteria in 10 CFR 20 Subpart E if the contaminants are remediated to the proposed DCGLs. The DCGLs will be incorporated into the Decommissioning Plan being developed by Whittaker Corporation to describe final site remediation activities. The Decommissioning Plan will also be submitted for approval by the NRC, and will be noticed in the **Federal Register** separately.

The NRC staff has prepared an EA in support of the license amendment. The NRC staff has reviewed the dose assessment and the procedures and controls submitted by Whittaker Corporation. Based on its review, the staff has determined that the affected environment associated with D&D at the