

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

who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). The application may also be viewed on the Internet at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/oystercreek.html>. In addition, the Lacey Public Library, 10 East Lacey Road, Forked River, NJ 08731 has made the ER available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's "Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants" (NUREG-1437), in support of the review of the application for renewal of the OCNCS operating license for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with the National Environmental Policy Act of 1969 (NEPA) and the NRC's regulations found in 10 CFR Part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

- a. Define the proposed action which is to be the subject of the supplement to the GEIS.
- b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.
- c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant.
- 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 supplement to the GEIS being considered.
- 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

Commission's tentative planning and decision-making schedule.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies.

h. Describe how the supplement to the GEIS will be prepared, and include any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

- a. The applicant, AmerGen Energy Company, LLC.
- 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.
- f. Any person who has petitioned or intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the OCNCS license renewal supplement to the GEIS. The scoping meetings will be held at the Quality Inn located at 815 Route 37 in Toms River, New Jersey, on Tuesday, November 1, 2005. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. Both meetings will be transcribed and will include: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour before the start of each session at the Quality Inn in Toms River. No formal comments on the proposed scope of the

supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below.

Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting NRC Senior Environmental Project Manager, Dr. Michael Masnik, at 1-800-368-5642, extension 1191, or by e-mail to the NRC at [OysterCreekEIS@nrc.gov](mailto:OysterCreekEIS@nrc.gov) no later than October 24, 2005. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Dr. Masnik will need to be contacted no later than October 24, 2005, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the OCNCS license renewal review to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T-6D59, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to the NRC, Room T-6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852-2738, from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by November 25, 2005. Electronic comments may be sent by e-mail to the NRC at [OysterCreekEIS@nrc.gov](mailto:OysterCreekEIS@nrc.gov) and should be sent no later than November 25, 2005, to be considered in the scoping process. Comments will be available electronically and accessible through ADAMS at <http://www.nrc.gov/reading-rm/adams.html>.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal application was the subject of the aforementioned **Federal Register** notice (70 FR 54585). Matters related to participation in any hearing are outside

the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection in ADAMS at <http://www.nrc.gov/reading-rm/adams.html>. The NRC staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and separate public meetings at a later time. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Dr. Masnik at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 16th day of September 2005.

For the Nuclear Regulatory Commission.

**Samson S. Lee,**

*Acting Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on October 6-8, 2005, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Wednesday, November 24, 2004 (69 FR 68412).

#### Thursday, October 6, 2005, Conference Room T-2B3, Two White Flint North, Rockville, Maryland

*8:30 a.m.-8:35 a.m.: Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*8:35 a.m.-10 a.m.: Interim Review of the License Renewal Application for the Browns Ferry Nuclear Plant, Units 1, 2, and 3* (Open)—The Committee will hear presentations by and hold discussions with representatives of the Tennessee Valley Authority and the NRC staff regarding the license renewal application for the Browns Ferry Nuclear Plant, Units 1, 2, and 3 and the NRC staff's Safety Evaluation Report with Open Items.

*10:15 a.m.-11:45 a.m.: Proposed Recommendations for Resolving Generic Safety Issue (GSI)-80, "Pipe Break Effects on Control Rod Drive Hydraulic Lines in the Drywells of Boiling Water Reactor Mark I and II Containments"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the recommendations proposed by the NRC Office of Nuclear Regulatory Research for resolving GSI-80.

*12:45 p.m.-2:15 p.m.: Resolution of ACRS Comments on the Draft Final Regulatory Guide, "Risk-Informed, Performance-Based Fire Protection for Existing Light Water Nuclear Power Plants"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Nuclear Energy Institute (NEI) regarding the changes made to this Guide and to NEI 04-02, "Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program Under 10 CFR 50.48(c)," in response to the ACRS comments and recommendations included in its June 14, 2005 letter.

*2:30 p.m.-4 p.m.: Davis-Besse Reactor Pressure Vessel Head Integrity Calculations* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the expert elicitation and calculations performed for the reactor pressure vessel head integrity of the Davis-Besse Nuclear Power Plant.

*4:15 p.m.-5:15 p.m.: Quality Assessment of the Selected NRC Research Program* (Open)—The Committee will discuss the results of the cognizant ACRS panel's assessment of the quality of the NRC research projects on: Standardized Plant Analysis Risk (SPAR) Models Development Program; Steam Generator Tube Integrity Program at the Argonne National Laboratory; and the Thermal-Hydraulic Test Program at the Penn State University.

*5:30 p.m.-7 p.m.: Preparation of ACRS Reports* (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting.

#### Friday, October 7, 2005, Conference Room T-2B3, Two White Flint North, Rockville, Maryland

*8:30 a.m.-8:35 a.m.: Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*8:35 a.m.-10 a.m.: Licensees' Responses to the Bulletin on, "Emergency Preparedness and Response Actions for Security-Based Events"* (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding licensees' responses to the Bulletin related to Emergency Preparedness and Response Actions for Security-Based Events.

*10:15 a.m.-11:15 a.m.: NRC Staff's Response to the ACRS Letter on the Proposed Revision 4 to Regulatory Guide 1.82, "Water Sources for Long-Term Recirculation Cooling Following a Loss-of-Coolant Accident"* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the staff's response to the ACRS letter on the Proposed Revision 4 to Regulatory Guide 1.82.

*11:15 a.m.-12:15 p.m.: Format and Content of the NRC Safety Research Program Report to the Commission* (Open)—The Committee will hear a report by and hold discussions with the Chairman of the ACRS Subcommittee on Safety Research Program regarding the format and content of the ACRS report to the Commission on the NRC Safety Research Program as well as assignments for the ACRS members.

*1:15 p.m.-2:15 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee* (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings. Also, it will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, including anticipated workload and member assignments.

*2:15 p.m.-2:30 p.m.: Reconciliation of ACRS Comments and Recommendations* (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

*2:30 p.m.-3 p.m.: Subcommittee Report* (Open)—The Committee will hear a report by and hold discussions with the Chairmen of the ACRS Subcommittees on Plant Operations and