

licensee's letter dated September 9, 2005, which withdrew the application for the license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (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, or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 14th day of September 2005.

For the Nuclear Regulatory Commission.

**Alan B. Wang,**

*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 No. 50-244]

### **R.E. Ginna Nuclear Power Plant, LLC, R.E. Ginna Nuclear Power Plant; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-18, issued to R.E. Ginna Nuclear Power Plant, LLC (the licensee), for operation of the R.E. Ginna Nuclear Power Plant (Ginna) located in Wayne County, New York.

The proposed amendment would revise the facility operating license and technical specifications (TSs) to authorize an increase in the maximum steady-state thermal power level at Ginna from 1520 megawatts thermal (MWt) to 1775 MWt, which is a 16.8 percent increase. This increase in power level is generally referred to as an extended power uprate. Specifically, the proposed amendment would change the TSs to revise: (1) The Definition of Rated Thermal Power (RTP), (2) the RTP for the Required Action for Condition O in Limiting Condition for Operation

(LCO) 3.3.1, "Reactor Trip System," (3) the Power Range Neutron Flux—High Limiting Safety System Setting, (4) the Reactor Trip System Interlocks—Power Range Neutron Flux, P-8 Limiting Safety System Setting, (5) the RTP reference in Table 3.3.1-1, Footnote (h), (6) the Steam Line Isolation High Steam Flow Limiting Safety System Setting, (7) the Steam Line Isolation High—High Steam Flow Limiting Safety System Setting, (8) decrease the upper lift setting in LCO 3.4.10, "Pressurizer Safety Valves," (9) the required volume in surveillance requirement (SR) 3.7.6.1 for TS 3.7.6, "Condensate Storage Tanks (CSTs)." In addition, the proposed amendment would change the TSs to provide margin improvement, but are not part of the extended power uprate (EPU), to revise: (1) The Safety Injection Pressurizer Pressure—Low Limiting Safety System Setting, (2) the Containment Spray Containment Pressure—High High Limiting Safety System Settings for narrow range and wide range, and (3) the Steam Line Isolation Coincident with Tavg-Low Limiting Safety System Setting. The proposed amendment also includes a change to the licensing basis for control room dose for the loss-of-coolant accident and the rod ejection accident dose consequences because of the EPU conditions.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's public document room (PDR), located at One White Flint North, Public File Area 01F21, 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, [\*collections/cfr/\*. If a request for a hearing or petition for 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.](http://www.nrc.gov/reading-rm/doc-</a></p>
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As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner/requestor 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 requestor's/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 basis 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 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/requestor 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.

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