

request to OMB and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Policy Statement on Cooperation with States at Commercial Nuclear Power Plants and Other Production or Utilization Facilities.

2. *Current OMB approval number:* 3150-0163.

3. *How often the collection is required:* On occasion, when a State wishes to observe NRC inspections or perform inspections for NRC.

4. *Who is required or asked to report:* Those States interested in observing or performing inspections.

5. *The number of annual respondents:* 66 (50 nuclear facility + 16 materials security licensees).

6. *The number of hours needed annually to complete the requirement or request:* 1,540 hours (23.33 hours per respondent).

7. *Abstract:* States wishing to enter into an agreement with NRC to observe or participate in NRC inspections at nuclear power facilities or conduct materials security inspections against NRC Orders are requested to provide certain information to the NRC to ensure close cooperation and consistency with the NRC inspection program as specified by the Commission's Policy of Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities and section 274i of the Atomic Energy Act, as amended.

Submit, by July 21, 2006, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web

site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-7233, or by Internet electronic mail to [INFOCOLLECTS@NRC.GOV](mailto:INFOCOLLECTS@NRC.GOV).

Dated at Rockville, Maryland, this 12th day of May 2006.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. E6-7789 Filed 5-19-06; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 030-29288]**

### **Notice of Consideration of Amendment Request for Decommissioning of the Pennsylvania Department of Environmental Protection, Quehanna Site, Karthaus, Pennsylvania and Opportunity To Request a Hearing**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of amendment request and opportunity to request a hearing.

**DATE:** A request for a hearing must be filed by July 21, 2006.

#### **FOR FURTHER INFORMATION CONTACT:**

James Kottan, Project Manager, Decommissioning Branch, Division of Nuclear Materials Safety, Region I, U.S. Nuclear Regulatory Commission, King of Prussia, PA 19406. Telephone: (610) 337-5214; fax number: (610) 337-5269; or e-mail: [jjk@nrc.gov](mailto:jjk@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Introduction**

The Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to By-Product Material License No. 37-17860-02 issued to the Pennsylvania Department of Environmental Protection (the licensee), to authorize decommissioning of its Quehanna Facility in Karthaus, Pennsylvania under revision four of the licensee's Decommissioning Plan (DP).

The licensee had been decommissioning the Quehanna Site in accordance with the conditions described in License No. 37-17860-02, and in February 2005, after

decommissioning activities had been completed, the licensee submitted the Final Status Survey Report for the site. In May of 2005, the NRC conducted an independent confirmatory survey of the Quehanna Site and determined that the facility was contaminated in excess of the limits specified in the NRC approved DP. Since that time the licensee has determined that the facility contained concrete with volumetric radioactive contamination that migrated to the surface of the concrete resulting in the failure of the site to meet the limits for unrestricted release as described in the NRC approved DP. Because the NRC approved DP release limits were based on surface contamination, and volumetric contamination is present at the site, the NRC approved DP cannot be used to release the site for unrestricted release. Therefore, the licensee has submitted to the NRC a revised DP (revision 4) incorporating the dose based criteria of 10 CFR 20, Subpart E, Radiological Criteria for License Termination for release of the site for unrestricted use. An NRC administrative review, documented in a letter to the Pennsylvania Department of Environmental Protection dated April 21, 2006, found revision 4 of the DP acceptable to begin a technical review.

If the NRC approves the DP, the approval will be documented in an amendment to NRC License No. 37-17860-02. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment and/or an Environmental Impact Statement. The license will be terminated if this amendment is approved following completion of decommissioning activities and verification by the NRC that the radiological criteria for license termination have been met.

#### **II. Opportunity To Request a Hearing**

The NRC hereby provides notice that this is a proceeding on an application for a license amendment regarding decommissioning of the Quehanna Site located in Karthaus, Pennsylvania. In accordance with the general requirements in Subpart C of 10 CFR Part 2, as amended on January 14, 2004 (69 FR 2182), any person whose interest may be affected by this proceeding and who desires to participate as a party must file a written request for a hearing and a specification of the contentions which the person seeks to have litigated in the hearing.

In accordance with 10 CFR 2.302 (a), a request for a hearing must be filed with the Commission either by:

1. First class mail addressed to: Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC., 20555-0001, Attention: Rulemakings and Adjudications;

2. Courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, Attention: Rulemakings and Adjudications Staff, between 7:45 a.m. and 4:15 p.m., Federal workdays;

3. E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission,

*HEARINGDOCKET@NRC.GOV*; or

4. By 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.

In accordance with 10 CFR 2.302 (b), all documents offered for filing must be accompanied by proof of service on all parties to the proceeding or their attorneys of record as required by law or by rule or order of the Commission, including:

1. The applicant, Pennsylvania Department of Environmental Protection, Bureau of Radiation Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA, 17105-2063, Attention: David J. Allard, CHP, Director; and

2. The NRC staff, by delivery to the Office of the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hearing requests should also be transmitted to the Office of the General Counsel, either by means of facsimile transmission to (301) 415-3725, or by email to *ogcmailcenter@nrc.gov*.

The formal requirements for documents contained in 10 CFR 2.304 (b), (c), (d), and (e), must be met. In accordance with 10 CFR 2.304 (f), a document filed by electronic mail or facsimile transmission need not comply with the formal requirements of 10 CFR 2.304 (b), (c), and (d), as long as an original and two (2) copies otherwise complying with all of the requirements of 10 CFR 2.304 (b), (c), and (d) are mailed within two (2) days thereafter to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

In accordance with 10 CFR 2.309 (b), a request for a hearing must be filed by July 21, 2006.

In addition to meeting other applicable requirements of 10 CFR 2.309, the general requirements involving a request for a hearing filed by a person other than an applicant must state:

1. The name, address, and telephone number of the requester;

2. The nature of the requester's right under the Act to be made a party to the proceeding;

3. The nature and extent of the requester's property, financial or other interest in the proceeding;

4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest; and

5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309 (b).

In accordance with 10 CFR 2.309 (f)(1), a request for hearing or petitions for leave to intervene must set forth with particularity the contentions sought to be raised. For each contention, the request or petition must:

1. Provide a specific statement of the issue of law or fact to be raised or controverted;

2. Provide a brief explanation of the basis for the contention;

3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;

4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;

5. Provide a concise statement of the alleged facts or expert opinions which support the requester's/petitioner's position on the issue and on which the requester/petitioner intends to rely to support its position on the issue; and

6. Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This information must include references to specific portions of the application (including the applicant's environmental report and safety report) that the requester/petitioner disputes and the supporting reasons for each dispute, or, if the requester/petitioner believes the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requester's/petitioner's belief.

In addition, in accordance with 10 CFR 2.309 (f)(2), contentions must be based on documents or other information available at the time the petition is to be filed, such as the

application, supporting safety analysis report, environmental report or other supporting document filed by an applicant or licensee, or otherwise available to the petitioner. On issues arising under the National Environmental Policy Act, the requester/petitioner shall file contentions based on the applicant's environmental report. The requester/petitioner may amend those contentions or file new contentions if there are data or conclusions in the NRC draft, or final environmental impact statement, environmental assessment, or any supplements relating thereto, that differ significantly from the data or conclusions in the applicant's documents. Otherwise, contentions may be amended or new contentions filed after the initial filing only with leave of the presiding officer.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical—primarily concerns issues relating to matters discussed or referenced in the Safety Evaluation Report for the proposed action.

2. Environmental—primarily concerns issues relating to matters discussed or referenced in the Environmental Report for the proposed action.

3. Emergency Planning—primarily concerns issues relating to matters discussed or referenced in the Emergency Plan as it relates to the proposed action.

4. Physical Security—primarily concerns issues relating to matters discussed or referenced in the Physical Security Plan as it relates to the proposed action.

5. Miscellaneous—does not fall into one of the categories outlined above.

If the requester/petitioner believes a contention raises issues that cannot be classified as primarily falling into one of these categories, the requester/petitioner must set forth the contention and supporting bases, in full, separately for each category into which the requester/petitioner asserts the contention belongs with a separate designation for that category.

Requesters/petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention, for which one of the co-sponsoring requesters/petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309 (f)(3), any requester/petitioner that wishes to adopt a contention proposed by another requester/petitioner must do so in writing within ten days of the date the contention is filed, and designate a representative who shall have the

authority to act for the requester/petitioner.

In accordance with 10 CFR 2.309 (g), a request for hearing and/or petition for leave to intervene may also address the selection of the hearing procedures, taking into account the provisions of 10 CFR 2.310.

### III. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are:

Revision 4 of the DP: ML060790152

Inspection Report 030-29288/2005-001:  
ML051610344, ML051610355,  
ML051610362

Confirmatory Survey Report:  
ML051610610

Public Meeting Notice: ML060060065

Public Meeting Summary:  
ML060450407

Public Meeting Attendance List:  
ML060450390

Public Meeting Summary Attachments:  
ML060450457

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by email 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 King of Prussia, Pennsylvania, this 12th day of May 2006.

For the Nuclear Regulatory Commission.

**Marie Miller,**

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

[FR Doc. E6-7788 Filed 5-19-06; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos: STN 50-456; STN 50-457; STN 50-454; STN 50-455; 50-461; 50-10; 50-237; 50-249; 50-373; 50-374; 50-352; 50-353; 50-219; 50-171; 50-277; 50-278; 50-254; 50-265; 50-289; 50-295; 50-304]

**Exelon Generation Company, LLC; Amergen Energy Company, LLC; Braidwood Station, Units 1 and 2; Byron Station, Units 1 and 2; Clinton Power Station, Unit 1; Dresden Nuclear Power Station, Units 1, 2, and 3; LaSalle County Station, Units 1 and 2; Limerick Generating Station, Units 1 And 2; Oyster Creek Nuclear Generating Station; Peach Bottom Atomic Power Station, Units 1, 2 and 3; Quad Cities Nuclear Power Station, Units 1 and 2; Three Mile Island Nuclear Station, Unit 1; and Zion Nuclear Power Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a scheduler exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, § 50.54(a)(3), for the following facility operating licenses issued to Exelon Generation Company, LLC, and AmerGen Energy Company, LLC (the licensees) for operation of Facility Operating License Nos. NPF-72 and NPF-77 for the Braidwood Station, Units 1 and 2, located in Will County, Illinois; NPF-37 and NPF-66 for the Byron Station, Units 1 and 2, located in Ogle County, Illinois; NPF-62 for the Clinton Power Station, Unit 1, located in DeWitt County, Illinois; DPR-2, DPR-19, and DPR-25 for the Dresden Nuclear Power Station, Units 1, 2, and 3, located in Grundy County, Illinois; NPF-11 and NPF-18 for the LaSalle County Station, Units 1 and 2, located in LaSalle County, Illinois; NPF-39 and NPF-85 for Limerick Generating Station, Units 1 and 2, located in Montgomery County, Pennsylvania; DPR-16 for Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey; DPR-12, DPR-44, and DPR-56 for Peach Bottom Atomic Power Station, Units 1, 2, and 3, located in York and Lancaster Counties, Pennsylvania; DPR-29 and DPR-30 for the Quad Cities Nuclear Power Station, Units 1 and 2, located in Rock Island County, Illinois; DPR-50 for the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania; and DPR-39 and DPR-48 for the Zion Nuclear Power Station, Units 1 and 2, located in Lake County, Illinois. Therefore, as required by 10 CFR 51.21, the NRC is issuing this

environmental assessment and finding of no significant impact.

### Environmental Assessment

#### *Identification of the Proposed Action*

The proposed action would exempt the licensees from the requirements of 10 CFR 50.54(a)(3), pertaining to submitting periodic quality assurance topical report (QATR) changes that do not reduce commitments. The schedule for submitting QATR changes is described in 10 CFR 50.71(e)(4), which requires that changes must be filed annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months. The licensees are proposing that changes to the common QATR that do not reduce commitments be submitted on a 24-month calendar schedule, not to exceed 24 months from the previous submittal. The proposed schedule for submitting changes to the common QATR will not be coincident with any plant's refueling outage schedule or Updated Final Safety Analysis Report periodic updates.

The proposed action is in accordance with the licensee's application dated December 14, 2005.

#### *The Need for the Proposed Action*

The proposed action is requested in order to eliminate a significant administrative and regulatory burden that would not serve the underlying purpose of the rule. The action relates to the periodic submittal of changes to the licensees' common QATR that do not reduce commitments, are strictly administrative changes, and which have no effect on the operation of the licensees' nuclear power facilities.

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

The NRC has completed its evaluation of the proposed action and concludes that the proposed exemption is administrative and would not affect any plant equipment, operation, or procedures.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect