

November 9, 2005

Mr. Stephen M. Quennoz
Vice President, Power Supply/Generation
Portland General Electric Company
Trojan Nuclear Power Plant
71760 Columbia River Highway
Rainier, OR 97048

SUBJECT: EXEMPTION AND CONFORMING LICENSE AMENDMENT FOR THE TROJAN
INDEPENDENT SPENT FUEL STORAGE INSTALLATION

Dear Mr. Quennoz:

By letter dated July 6, 2005, Portland General Electric (PGE) submitted an application to the U.S. Nuclear Regulatory Commission, in accordance with 10 CFR Part 72, for exemption from the requirement of 10 CFR 72.44(d)(3) for submitting an annual radioactive effluent report. Also, PGE requested an amendment to the Trojan Independent Spent Fuel Storage Installation (ISFSI) Special Nuclear Materials License No. 2509 (SNM-2509) to delete certain portions of Technical Specification (TS) Section 5.5.2, "Radioactive Effluent Control Program." These items are: the sentence from TS 5.5.2.b. that reads, "The Trojan ISFSI may be included in the environmental monitoring program for the Trojan Nuclear Plant," and TS 5.5.2.c. in its entirety, which requires an annual report to be submitted pursuant to 10 CFR 72.44(d)(3).

As a result of our review of your application for an exemption and conforming license amendment, as supplemented, the staff has concluded that the exemption request with conforming amendment is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Accordingly, the exemption is granted and effective immediately, and the license amendment is granted, and is to be implemented within 30 days from publication in the Federal Register. Copies of the Amended License No. SNM-2509, TS, and Safety Evaluation Report, are enclosed. Also, enclosed is a copy of the Notice of Issuance of the conforming license amendment, which has been forwarded to the Office of the Federal Register for publication.

By letter dated September 12, 2005, the staff forwarded to you an environmental assessment (EA) and finding of no significant impact regarding your proposed exemption. The EA was published in the Federal Register on September 22, 2005 (70 FR 55634).

In connection with the issuance of the conforming license amendment, due to the nature of the administrative changes being proposed, the amendment satisfies the criteria specified in 10 CFR 51.22(c)(10)(ii) and 10 CFR 51.22(c)(11) for a categorical exclusion from the requirements to perform an environmental assessment or to prepare an environmental impact statement.

S. Quennoz

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Please reference Docket No. 72-17, and TAC Nos. L23878 (for the exemption) and L23879 (for the amendment) in future correspondence related to these licensing actions. If you have any questions regarding this matter, you may contact me at (301) 415-8500.

Sincerely,

/RA/

William H. Ruland, Deputy Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72-17

TAC Nos.: L23878, L23879

Enclosures:

1. Materials License No. SNM-2509
2. Safety Evaluation Report
3. Federal Register Notice of Issuance

cc: Mailing List

S. Quennoz

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PORTLAND GENERAL ELECTRIC COMPANY
DOCKET NO. 72-17
TROJAN INDEPENDENT SPENT FUEL STORAGE INSTALLATION
AMENDMENT TO MATERIALS LICENSE NO. SNM-2509

Amendment 5
License No. SNM-2509

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The amendment application dated July 6, 2005, complies with the standards of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I;
 - B. The Trojan Independent Spent Fuel Storage Installation will continue to operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance that (i) the activities authorized by this amendment can be conducted without endangering public health and safety, and (ii) such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of the amendment will not be inimical to the common defense and security or to public health and safety; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, based on the foregoing findings, the license is amended by the enclosed changes to Materials License SNM-2509.
3. This license amendment is effective as of the date of its issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Robert Nelson, Chief
Licensing Section
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Enclosed: (1) Revised License Pages
(2) Revised Technical Specification Pages

Date of Issuance: November 9, 2005

SAFETY EVALUATION REPORT
Docket No. 72-17
Portland General Electric Company
Trojan Independent Spent Fuel Storage Installation
Revision No. 5

1.0 Summary

This Safety Evaluation Report (SER) documents the review and evaluation of a request for exemption from the requirement to submit an annual radioactive effluent report and the conforming amendment to the Technical Specifications (TS) for the Portland General Electric (PGE) Company for the Trojan Independent Spent Fuel Storage Installation (ISFSI) Special Nuclear Materials License No. 2509 (SNM-2509). By application dated July 6, 2005, PGE requested an exemption from the requirement to submit an annual radioactive effluent report pursuant to 72.44(d)(3) in Title 10 of the Code of Federal Regulation (10 CFR). In addition, in accordance with 10 CFR 72.56, "Application for Amendment of License," PGE proposed Amendment No. 5 to the Trojan ISFSI License and Technical Specification (TS), to delete the requirement to submit this annual radioactive effluent report and the language stating that the Trojan ISFSI may be included in the Trojan Nuclear Plant environmental monitoring program.

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the application and evaluated the information provided by PGE to support its request for the exemption and conforming amendment. The NRC staff concluded in the discussion below that the proposed exemption with the conforming amendment is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Furthermore, the proposed changes to the SNM-2509 license meet the requirements of 10 CFR Part 72.

2.0 Discussion

In accordance with the provision of 10 CFR 72.7, "the Commission may, upon application by any interested person or upon its own initiative, grant such exemption from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest." By application dated July 6, 2005, PGE requested an exemption from the requirement to submit an annual radioactive effluent report pursuant to 10 CFR 72.44(d)(3). In addition, in accordance with 10 CFR 72.56, "Application for Amendment of License," PGE proposed Amendment No. 5, to delete two items from the Trojan ISFSI TS (Appendix A to License No. SNM-2509). TS 5.5.2, "Radioactive Effluent Control Program," item c., requires an annual report to be submitted pursuant to 10 CFR 72.44(d)(3). TS 5.5.2, item b., in the last sentence, states: "The Trojan ISFSI may be included in the environmental monitoring program for the Trojan Nuclear Plant." The amendment would delete TS 5.5.2.c., and the last sentence in TS 5.5.2.b.

In accordance with the requirement of 10 CFR 51.21, the NRC staff performed an environmental assessment (EA) of the effects of granting this exemption request.

The staff's EA and the Finding of No Significant Impact were published in the *Federal Register* on September 22, 2005 (70 FR 55634). The staff has determined that the proposed actions would be administrative actions that will not endanger life or property. Further, the staff concludes that there is reasonable assurance that the proposed exemption and conforming amendment will have no impact on offsite doses.

2.1 Radioactive Effluent Reporting

The licensee is requesting NRC approval to be relieved from the requirement to submit an annual report to the NRC specifying the quantity of principal radionuclides released to the environment in liquid and gaseous effluent due to operation of the Trojan ISFSI. The NRC staff has evaluated the impact to the public safety that would result in granting the requested exemption. Allowing PGE to not submit an annual report specifying the principal radionuclides released to the environment in liquid and gaseous effluents does not impact public safety because the design basis for the Trojan ISFSI is such that it is a passive system that generates no effluents during fuel storage. Thus, there should be no releases to the environment of either liquid or gaseous effluents from normal operations of the Trojan ISFSI.

The proposed action will not increase the probability or consequences of accidents, no changes will be made to the passive system design that could result 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. The proposed action would have no significant non-radiological impacts. Additionally, no reduction in radiation safety will occur if an exemption from this requirement is granted, based on the continued compliance with 10 CFR Part 20 requirements. These regulations require licensees to control the receipt, possession, use, transfer, and disposal of licensed material in such a manner that the total dose to an individual (including doses resulting from licensed and unlicensed radioactive material and from radiation sources other than background radiation) does not exceed the standards for protection against radiation prescribed in 10 CFR Part 20.

2.2 Technical Specifications Proposed Changes

PGE requested the deletion of item c. of Technical Specification (TS) 5.5.2, "Radioactive Effluent Control Program," for the Trojan ISFSI, which requires an annual effluent report to be submitted pursuant to 10 CFR 72.44(d)(3). This request constitutes an administrative change to the license. As previously stated in the Trojan ISFSI Safety Analysis Report, Section 3.3.2.1, "Principal Design Criteria," the Multi-Purpose Canister is designed to be leak tight under all normal, off-normal, and accident conditions of storage. The staff has determined in its previous licensing actions that there will be no liquid or gaseous effluents resulting from the operation of the Trojan ISFSI. Therefore, the requirement for preparing an annual effluent report constitutes an unnecessary administrative burden for the licensee.

In addition, PGE requested the deletion of the last sentence of TS 5.5.2.b., which reads, "The Trojan ISFSI may be included in the environmental monitoring program for the Trojan Nuclear Plant." With the Trojan Nuclear Plant license terminated and the loading of the Trojan ISFSI completed, the deletion of this sentence is administrative in nature and the staff concludes that it is no longer required to be included in the Trojan ISFSI TS.

3.0 Requirements for Noticing Proposed Action

The staff considered the amendment's potential impact on the health and safety of the public. The staff finds that this license amendment does not involve any changes in the scope or type of operations presently authorized by the license. The staff has determined that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected.

Accordingly, pursuant to 10 CFR 72.46(b)(2), immediate action on this amendment may be taken without notice of the proposed action or notice of opportunity for hearing.

4.0 Conclusions and Findings

The NRC staff, based on its review, has determined that the requirement of 10 CFR 72.44(d)(3) is an unnecessarily prescriptive requirement for the Trojan ISFSI because the design basis of the casks stored in the ISFSI results in no radioactive effluents in a liquid or gaseous state. As stated by the licensee, no measurable radioactive effluent release from the Trojan ISFSI has been detected from the routine quarterly surveys. Also, since the loading of casks is completed in the Trojan ISFSI, any concern of radioactive effluent release due to loading is no longer applicable. Thus, granting the requested exemption and amendment to PGE will not impact the public health and safety.

Also, granting the exemption and incorporating these changes in the Trojan ISFSI license and TS will not endanger life or property or the common defense and security and is otherwise in the public interest.

Issued with Special Nuclear Materials License No. 2509, Amendment No. 5, on November 9, 2005.