

**NUCLEAR REGULATORY COMMISSION**

**[Docket No. 72-17; NRC-2016-0021]**

**Portland General Electric Company;**

**Trojan Independent Spent Fuel Storage Installation in Columbia County, Oregon**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Environmental assessment and finding of no significant impact; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for its review and approval of the decommissioning funding plan submitted by Portland General Electric Company (PGE), on December 13, 2012, for the Trojan independent spent fuel storage installation (ISFSI).

**ADDRESSES:** Please refer to Docket ID **NRC-2016-0021** when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2016-0021**. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public](#)

[Documents](#)” and then select “[Begin Web-based ADAMS Search.](#)” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the, “Availability of Documents” section of this document.

- **NRC’s PDR:** You may examine and purchase copies of public documents at the NRC’s PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Jose Cuadrado, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0606, e-mail: [Jose.Cuadrado@nrc.gov](mailto:Jose.Cuadrado@nrc.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. Introduction**

The NRC is considering the approval of the decommissioning funding plan (DFP) for the Trojan ISFSI. Portland General Electric Company (PGE), submitted its DFP for NRC’s review and approval by letter dated December 13, 2012 (ADAMS Accession No. ML12355A286). The NRC staff has prepared an EA (ADAMS Accession No. ML16029A242) in support of its review of PGE’s DFP, in accordance with the NRC’s regulations in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,” which implement the National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321 et seq.). Based on the EA, the NRC staff has determined that approval of the DFP for the Trojan ISFSI will not significantly affect the quality of the human

environment, and, accordingly, the staff has concluded that a FONSI is appropriate. The NRC staff further finds that preparation of an environmental impact statement (EIS) is not warranted.

## **II. Environmental Assessment Summary**

### *Background:*

The Trojan ISFSI is located on the Trojan Nuclear Plant site, in Columbia County, Oregon, approximately 42 miles north of the city of Portland, Oregon. Portland General Electric Company (PGE) is authorized by the NRC, under License No. SNM-2509, to store spent nuclear fuel at the Trojan ISFSI.

The NRC requires its licensees to plan for the eventual decommissioning of their licensed facilities prior to license termination. On June 17, 2011; 76 FR 35512, the NRC published a final rule in the *Federal Register* amending its decommissioning planning regulations. The final rule amended the NRC's regulation in 10 CFR 72.30, which concerns financial assurance and decommissioning for ISFSIs. This regulation now requires each holder of, or applicant for, a license under 10 CFR part 72 to submit, for NRC's review and approval, a DFP. The purpose of the DFP is to demonstrate the licensee's financial assurance, *i.e.*, that funds will be available to decommission the ISFSI. The NRC staff is reviewing the DFP submitted by PGE on December 13, 2012. Specifically, the NRC must determine whether PGE's DFP contains the information required by 10 CFR 72.30(b) and whether PGE has provided reasonable assurance that funds will be available to decommission the ISFSI.

### *Proposed Action:*

The proposed federal action is the NRC's review and approval of PGE's DFP submitted in accordance with 10 CFR 72.30(b). In order to approve the DFP, the NRC will evaluate (i) whether the decommissioning cost estimate (DCE) adequately estimates the cost to conduct

the required ISFSI decommissioning activities prior to license termination, including identification of the volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the license termination criteria in 10 CFR 20.1402 or 10 CFR 20.1403, and (ii) whether the aggregate dollar amount of PGE's financial instruments provide adequate financial assurance to cover the DCE and that the financial instruments meet the criteria of 10 CFR 72.30(e).

The proposed action does not require any changes to the ISFSI's licensed routine operations, maintenance activities, or monitoring programs, nor does it require any new construction or land disturbing activities. The scope of the proposed action concerns only the NRC's review and approval of the PGE's DFP. The scope of the proposed action does not include, and will not result in, the review and approval of any decontamination or decommissioning activity or license termination for the ISFSI.

*Purpose and Need for the Proposed Action:*

The proposed action provides a means for PGE to demonstrate that it will have sufficient funding to cover the costs of decommissioning the ISFSI, including the reduction of the residual radioactivity at the ISFSI to the level specified by the applicable NRC's license termination regulations concerning release of the property (10 CFR 20.1402 or 10 CFR 20.1403).

*Environmental Impacts of the Proposed Action:*

The NRC's approval of the DFP will not change the scope or nature of the operation of the ISFSI and will not authorize any changes to licensed operations or maintenance activities. The NRC's approval of the DFP will not result in any changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFP will not authorize any construction activity or facility modification. Therefore, the NRC staff concludes

that the approval of the DFP is a procedural and administrative action that will not result in any significant impact to the environment.

Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), requires Federal agencies to consider the effects of their undertakings on historic properties. In accordance with the NHPA implementing regulations at 36 CFR part 800, "Protection of Historic Properties," the NRC's approval of PGE's DFP constitutes a Federal undertaking. The NRC, however, has determined that the approval of the DFP is a type of undertaking that does not have the potential to cause effects on historic properties, assuming such historic properties were present, because the NRC's approval of PGE's DFP will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Therefore, in accordance with 36 CFR 800.3(a)(1), no consultation is required under Section 106 of the NHPA.

Under Section 7 of the Endangered Species Act of 1973, prior to taking a proposed action, a Federal agency must determine whether (i) endangered and threatened species or their critical habitats are known to be in the vicinity of the proposed action and if so, whether (ii) the proposed Federal action may affect listed species or critical habitats. If the proposed action may affect listed species or critical habitats, the federal agency is required to consult with the U.S. Fish and Wildlife Service (FWS) and/or the U.S. National Marine Fisheries Service. In accordance with 50 CFR 402.13, the NRC has engaged in informal consultation with the FWS. The NRC has determined that the proposed action is not likely to adversely affect listed species or their critical habitats because the NRC's approval of PGE's DFP will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. The FWS has

concluded with the NRC's determination that the proposed action is not likely to adversely affect listed species or critical habitat.

*Alternative to the Proposed Action:*

In addition to the proposed action, the NRC evaluated the no-action alternative. The no-action alternative is to deny PGE's DFP. A denial of a DFP that meets the criteria of 10 CFR 72.30(b) does not support the regulatory intent of the 2011 rulemaking. As noted in the rulemaking EA (ADAMS Accession No. ML090500648), not promulgating the 2011 final rule would have increased the likelihood of additional legacy sites. Thus, denying the licensee's DFP, which the NRC has found to meet the criteria of 10 CFR 72.30(b), will undermine the licensee's decommissioning planning. On this basis, the NRC has concluded that the no-action alternative is not a viable alternative.

*Agencies and Persons Consulted:*

The NRC staff consulted with other agencies and parties regarding the environmental impacts of the proposed action. The NRC provided a draft of its EA to the State of Oregon's Department of Nuclear Energy on June 24, 2015. The State responded via e-mail on June 29, 2015, stating that it had no comments on the proposed action. The NRC also consulted with the FWS. The FWS concurred with the NRC's determination that the proposed action is not likely to adversely affect listed species or critical habitat.

### **III. Finding of No Significant Impact**

The NRC staff has determined that the proposed action, the review and approval of the DFP, submitted in accordance with 10 CFR 72.30(b), will not authorize or result in changes to licensed operations or maintenance activities, or changes in the types, characteristics, or

quantities of radiological or non-radiological effluents released into the environment from the ISFSI, or result in the creation of any solid waste. Moreover, the approval of the DFP will not authorize any construction activity, facility modification, or any other land-disturbing activity. The NRC staff has concluded that the proposed action is a procedural and administrative action and as such, that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the NRC staff has determined not to prepare an EIS for the proposed action but will issue this FONSI. In accordance with 10 CFR 51.32(a)(4), the FONSI incorporates the EA by reference.

#### **IV. Availability of Documents**

The following documents, related to this document, can be found using any of the methods provided in the following table. Instructions for accessing ADAMS were provided under the ADDRESSES section of this document.

<b>Date</b>	<b>Document</b>	<b>ADAMS Accession No.</b>
December 13, 2012	Submission of PGE's decommissioning funding plan	ML12355A286
February 1, 2009	Environmental Assessment for Final Rule - Decommissioning Planning	ML090500648
January 20, 2016	NRC staff's EA for the approval of the decommissioning funding plan	ML16029A242

Dated at Rockville, Maryland, this 1<sup>st</sup> day of February, 2016.

For the Nuclear Regulatory Commission.

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