

Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies of the hearing request also should be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania, and to the Licensee. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received. A

*request for hearing shall not stay the immediate effectiveness of this order.*

For the Nuclear Regulatory Commission.

Dated this 10th day of December 2004.

**Margaret V. Federline,**

*Acting Director, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 05-987 Filed 1-18-05; 8:45 am]

**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-155]

**Environmental Assessment and Finding of No Significant Impact for Consumers Energy's Request To Modify Existing § 20.2002 Authorization, for Big Rock Point, License DPR-006, Charlevoix County, MI**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Environmental Assessment and Finding of No Significant Impact.

**FOR FURTHER INFORMATION CONTACT:**

James Shepherd, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T7E18, Washington, DC 20555-0001. Telephone: (301) 415-6712; e-mail [jcs2@nrc.gov](mailto:jcs2@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering approval of a request to dispose of demolition debris contaminated with polychlorobiphenyl (PCB) in accordance with Title 10 of the Code of Federal Regulations (10 CFR) Section 20.2002 for Facility Operating License No. DPR-6, issued to Consumers Energy Company, ((CE) or the licensee), for the possession of the Big Rock Point (BRP) Plant, located in Charlevoix County, Michigan. This authorization will revise CE's existing authority to dispose of low-contamination material in a State of Michigan Type II landfill in accordance with 10 CFR 20.2002 by authorizing CE to dispose of such waste that also has PCB at a landfill licensed to accept PCBs. This proposed action would also exempt the low-contaminated material

authorized for disposal from further Atomic Energy Act (AEA) and NRC licensing requirements. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of 10 CFR part 51. Based upon the EA, the NRC has determined that a Finding of No Significant Impact (FONSI) is appropriate.

**II. Environmental Assessment**

*Background*

On March 14, 2001, in accordance with 10 CFR 20.2002, the licensee submitted a request to dispose of low-activity demolition debris from the Big Rock Point (BRP) Restoration Site in a Type II sanitary landfill approximately 100 km (60 mi) from the site, licensed by the State of Michigan, in accordance with 10 CFR 20.2002. The licensee later revised the request on May 18, 2001 and June 20, 2001. NRC approved the request in May, 2002, and BRP began shipping material to the landfill.

Subsequently, debris coated with polychlorobiphenyl (PCB)-contaminated paint, mainly structural steel, was identified during demolition. The State of Michigan Type II landfill that is currently accepting the debris contaminated with residual radioactivity does not accept PCB bulk product waste. Therefore, on September 15, 2004, the licensee submitted a revised request to dispose of about 1.4 million kilograms (three million pounds) of low-activity PCB bulk product waste in an alternate landfill, approximately 445 km (275 mi) from the site, licensed by the State of Michigan and the U.S. Environmental Protection Agency (EPA) to accept PCBs.

The licensee will continue to ship low-activity demolition debris that is not contaminated with PCB to the original Type II landfill.

A comparison of the estimates of waste to be disposed and the time for disposal is given in the table below. As discussed below, there will be lighter loads, thus a slightly lower dose rate for the drivers, but more total shipments than was estimated in the 2001 request. Because of the increase in total waste, there will also be slight increases in dose rate to the landfill workers and postulated resident farmer compared to the 2001 estimates.

TABLE 1.—COMPARISON OF WASTE ESTIMATES

Item	2001	2004
Total Waste .....	38.3 million kg (84.5 million lbs) .....	51.3 million kg (113 million lbs).
Rad Waste (remaining) .....	38.3 million kg 84.5 million lbs) .....	22.1 million kg (48.7 million lbs).

TABLE 1.—COMPARISON OF WASTE ESTIMATES—Continued

Item	2001	2004
PCB Waste .....	0 .....	1.4 million kg (3 million lbs).
Total shipping time .....	1 year .....	3 years.

### Review Scope

The purpose of this EA is to assess the environmental impacts of CE's request to modify its existing authority to dispose of low-contaminated waste in a licensed landfill that would allow it to dispose of similar waste that is also contaminated with PCBs in another landfill licensed to receive PCBs. The scope of this EA is limited to evaluating potential environmental effects due to the longer shipping distance to the PCB-licensed landfill.

### Identification of the Proposed Action

The proposed action would approve the disposal of BRP Plant demolition debris that could contain trace quantities of licensed materials and PCB at a landfill licensed by the State of Michigan and the (EPA) to accept PCBs. An approval would also exempt the low-contamination material from further Atomic Energy Act (AEA) and NRC licensing requirements. The material comprises structural steel coated with PCB-contaminated paint, potentially including exterior steel from the containment building, classified by the EPA as PCB bulk product waste, originating from decommissioning activities. The existing radiological survey process will be used to determine if the debris is acceptable for landfill disposal. The licensed disposal site is located approximately 445 km (275 mi) from Big Rock Point. Landfill design and institutional controls for this facility are equal or more restrictive than the requirements placed on a State of Michigan licensed Type II landfill currently used.

The proposed action is in accordance with the licensee's application requesting approval dated September 15, 2004.

### The Need for the Proposed Action

The proposed action is needed to dispose of structural steel coated with PCB-contaminated paint, potentially including exterior steel from the containment building, classified by the EPA as PCB bulk product waste, that may contain trace quantities of licensed material in a landfill licensed by the State of Michigan and EPA to accept PCBs prior to license termination. Currently, the BRP Plant is authorized to dispose of material at a State of

Michigan Type II landfill. However, this landfill is not licensed to accept PCBs. Therefore, BRP is seeking to modify its existing § 20.2002 authorization granted in 2002, so it can dispose of materials with PCB-contaminated paint in a landfill licensed to receive it.

### Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action, and concludes that the environmental impacts of disposing up to 1.4 million kilograms (3 million pounds) of painted structural steel in which non-liquid PCBs are contained within the dried paint matrix, at a disposal facility licensed to accept PCB waste, are bounded by the previous EA (ADAMS Accession No. ML013370344). Adherence to the radiological survey process ensures that the potential radiological dose posed by the demolition debris to a transport worker, a landfill worker, or a member of the public is conservatively estimated at less than 10  $\mu\text{Sv}/\text{yr}$  (1 mrem/yr). The transportation worker scenario results in revised doses of 3.20  $\mu\text{Sv}/\text{yr}$  (0.320 mrem/yr), because of the lighter loads for a driver to the current State of Michigan licensed Type II landfill, and 1.78  $\mu\text{Sv}/\text{yr}$  (0.178 mrem/yr) for a driver to the alternate licensed PCB landfill. The landfill worker scenario results in revised doses of 2.91  $\mu\text{Sv}/\text{yr}$  (0.291 mrem/yr) for a worker at the current State of Michigan licensed Type II landfill, and 0.182  $\mu\text{Sv}/\text{yr}$  (0.0182 mrem/yr) for a worker at the alternate licensed PCB landfill because of the small amount of radioactive waste to be disposed at this landfill. The calculated doses for the landfills are 0.178  $\mu\text{Sv}/\text{yr}$  (0.0178 mrem/yr) for a resident living at the Type II landfill site, and 0.01  $\mu\text{Sv}/\text{yr}$  (0.001 mrem/yr) for a resident living at the licensed PCB landfill site. Disposal of the demolition debris in the manner proposed is protective of public health and safety, is consistent with as low as reasonably achievable, complies with EPA requirements, and is the most cost-effective alternative.

The proposed action and attendant exemption of the material from further AEA and NRC licensing requirements will not significantly increase the probability or consequences of accidents, no changes are being made in

the types of any effluents that may be released off site, and 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 nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and, because the waste will be disposed in a facility licensed to receive PCBs, it has no other environmental impacts. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

### Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in handling the debris as low level radioactive waste and shipping it to a low level waste facility. The environmental impacts of the proposed action and the alternative action are similar.

### Alternative Use of Resources

This action does not involve the use of any resources not previously considered in BRP's Environmental Report for Decommissioning, dated February 27, 1995, or in the "Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities" (NUREG-0586, Supplement 1).

### Agencies and Persons Consulted

On December 29, 2004, the staff consulted with the Michigan State official, Mr. Pete Quackenbush of the Michigan Department of Environmental Quality, Waste and Hazardous Materials Division regarding the environmental impact of the proposed action. The State official had no comments.

### III. Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the

human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

#### IV. Further Information

For further details with respect to the proposed action, see the licensee's letter dated September 15, 2004 (ADAMS Accession No. ML042640208). As of October 25, 2004, the NRC initiated an additional security review of publicly available documents to ensure that potentially information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Documents Room is located at NRC Headquarters in Rockville, MD, and can be contacted at (800) 397-4209. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Library component on the NRC Web site, <http://www.nrc.gov> (the Public Electronic Reading Room). 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 at [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 11th day of January, 2005.

For the Nuclear Regulatory Commission.

#### Daniel M. Gillen,

Deputy Director, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 05-988 Filed 1-18-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATES:** Weeks of January 17, 24, 31, February 7, 14, 21, 2005.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and closed.

**MATTERS TO BE CONSIDERED:**

### Week of January 17, 2005

*Tuesday, January 18, 2005*

9:55 a.m., Affirmation Session (Public Meeting) (Tentative).

- a. System Energy Resources Inc. (Early Site Permit for Grand Gulf Nuclear Site), Docket Number 52-009, Appeal by National Association for the Advancement of Colored People—Claiborne County, Mississippi Branch, Nuclear Information Service, Public Citizen, and Mississippi Chapter of the Sierra Club from LBP-04-19 (Tentative).
- b. Louisiana Energy Services, L.P. (National Enrichment Facility) (Tentative).

### Week of January 24, 2005—Tentative

*Monday, January 24, 2005*

9:30 a.m., Discussion of Security Issues (Closed—Ex. 1).

1:30 p.m., Discussion of Security Issues (Closed—Ex. 1, 2, 3, & 4).

*Tuesday, January 25, 2005*

9:30 a.m., Discussion of Security Issues (Closed—Ex. 1).

### Week of January 31, 2005—Tentative

*Thursday, February 3, 2005*

9:30 a.m., Briefing on Human Capital Initiatives (Closed—Ex. 2).

### Week of February 7, 2005—Tentative

There are no meetings scheduled for the week of February 7, 2005.

### Week of February 14, 2005—Tentative

*Tuesday, February 15, 2005*

9:30 a.m., Briefing on Office of Nuclear Material Safety and Safeguards Programs, Performance, and Plans—Waste Safety (Public Meeting) (Contact: Jessica Shin, (301) 415-8117).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

1:30 p.m., Briefing on Emergency Preparedness Program Initiatives (Closed—Ex. 1).

### Week of February 21, 2005—Tentative

*Tuesday, February 22, 2005*

9:30 a.m., Briefing on Status of Office of the Chief Information Officer (OCIO) Programs, Performance, and Plans (Public Meeting) (Contact: Patricia Wolfe, (301) 415-6031).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

*Wednesday, February 23, 2005*

9:30 a.m., Briefing on Status of Office of the Chief Financial Officer (OCFO)

Programs, Performance, and Plans (Public Meeting) (Contact: Edward New, (301) 415-5646).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

*Thursday, February 24, 2005*

1 p.m., Briefing on Nuclear Fuel Performance (Public Meeting) (Contact: Frank Akstulewicz, (301) 415-1136).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

\*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: Dave Gamberoni, (301) 415-1651.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/what-we-do/policy-making/schedule.html>.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify the NRC's Disability Program Coordinator, August Spector, at (301) 415-7080, TDD: (301) 415-2100, or by e-mail at [aks@nrc.gov](mailto:aks@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301) 415-1969. In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: January 13, 2005.

**Dave Gamberoni,**

Office of the Secretary.

[FR Doc. 05-1087 Filed 1-14-05; 9:47 am]

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