

who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 1 to this Order summarizes the general target schedule

for processing and resolving requests under these procedures.  
*It is so ordered.*

Dated at Rockville, Maryland, this 3rd day of September, 2009.

For the Nuclear Regulatory Commission.  
**Annette L. Vietti-Cook,**  
*Secretary of the Commission.*

**ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION (SUNSI) AND SAFEGUARDS INFORMATION (SGI) IN THIS PROCEEDING**

| Day     | Event/activity   |
|---------|--|
| 0       | Publication of <b>Federal Register</b> notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.  |
| 10      | Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and/or Safeguards Information (SGI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding; demonstrating that access should be granted ( <i>e.g.</i> , showing technical competence for access to SGI); and, for SGI, including application fee for fingerprint/background check.   |
| 20      | Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows (1) need for SUNSI or (2) need to know for SGI. (For SUNSI, NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents). If NRC staff makes the finding of need to know for SGI and likelihood of standing, NRC staff begins background check (including fingerprinting for a criminal history records check), information processing (preparation of redactions or review of redacted documents), and readiness inspections. |
| 25      | If NRC staff finds no "need," no "need to know," or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.  |
| 30      | Deadline for NRC staff reply to motions to reverse NRC staff determination(s).   |
| 40      | (Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.   |
| 60      | Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI and/or SGI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).   |
| 190     | (Receipt +180) If NRC staff finds standing, need to know for SGI, and trustworthiness and reliability, deadline for NRC staff to file motion for Protective Order and draft Non-disclosure Affidavit (or to make a determination that the proposed recipient of SGI is not trustworthy or reliable). Note: Before the Office of Administration makes an adverse determination regarding access to SGI, the proposed recipient must be provided an opportunity to correct or explain information.   |
| 205     | Deadline for petitioner to seek reversal of a final adverse NRC staff determination either before the presiding officer or another designated officer.   |
| A       | If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.   |
| A + 3   | Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI and/or SGI consistent with decision issuing the protective order.   |
| A + 28  | Deadline for submission of contentions whose development depends upon access to SUNSI and/or SGI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI or SGI contentions by that later deadline.   |
| A + 53  | (Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI and/or SGI.   |
| A + 60  | (Answer receipt +7) Petitioner/Intervenor reply to answers.  |
| >A + 60 | Decision on contention admission.  |

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**NUCLEAR REGULATORY COMMISSION**

[NRC-2009-0296]

**Exelon Corporation and NRG South Texas LP; Notice of Withdrawal of Application for Indirect Transfer of Control of Facility Operating Licenses South Texas Project, Units 1 and 2**

The U.S. Nuclear Regulatory Commission (the Commission, NRC) has granted the request of Exelon Corporation (the applicant, Exelon) to withdraw its January 29, 2009,

application, as supplemented by letter dated March 18, 2009, for the proposed indirect transfer of control of the following Facility Operating Licenses:

- NRG South Texas LP (NRG South Texas) Units:*
  - South Texas Project (STP), Units 1 and 2, Facility Operating License Nos. NPF-76 and NPF-80.
- Exelon Generation Company, LLC (Exelon Generation Company) Units:*
  - Braidwood Station, Units 1 and 2, Facility Operating License Nos. NPF-72 and NPF-77;

Byron Station, Units 1 and 2, Facility Operating License Nos. NPF-37 and NPF-66;

Clinton Power Station, Facility Operating License No. NPF-62;

Dresden Nuclear Power Station, Units 1, 2 and 3, Facility Operating License No. DPR-2 and Renewed Facility Operating License Nos. DPR-19 and DPR-25;

LaSalle County Station, Units 1 and 2, Facility Operating License Nos. NPF-11 and NPF-18;

Limerick Generating Station, Units 1 and 2, Facility Operating License No. NPF-39 and NPF-85;

Oyster Creek Generating Station, Facility Operating License No. DPR-16;

Peach Bottom Atomic Power Station, Units 1, 2 and 3, Facility Operating License No. DPR-12 and Renewed Facility Operating License Nos. DPR-44 and DPR-56;

Quad Cities Nuclear Power Station, Units 1 and 2, Renewed Facility Operating License Nos. DPR-29 and DPR-30;

Salem Generating Station, Units 1 and 2, Facility Operating License Nos. DPR-70 and DPR-75;

Three Mile Island Nuclear Station, Unit 1, Facility Operating License No. DPR-50; and

Zion Nuclear Power Station, Units 1 and 2, Facility Operating License Nos. DPR-39 and DPR-48.

The application sought NRC's consent to the indirect transfer of control of the NRC licenses for NRG South Texas' 44 percent ownership interest in STP, Units 1 and 2, and to the extent required, the Exelon Generation Company facilities' licenses as described in Exelon's January 29, 2009, application and supplemental letter dated March 18, 2009. As described in the application, the indirect transfer of STP would have occurred in connection with Exelon's plan to acquire control of NRG South Texas' parent, NRG Energy, Inc. (NRG), through a tender offer. A Notice of Hearing has not been issued subject to the application. This action relates to application for indirect transfer of control of licenses of STP, Units 1 and 2. The action related to Exelon's application for indirect transfer of Exelon Generation Company's units listed above is addressed in a separate action.

The Commission had previously issued Notice of Consideration of Approval of Application regarding proposed merger of NRG Energy, Inc. and Exelon Corporation published in the **Federal Register** on July 9, 2009 (74 FR 32967). However, by letter dated July

30, 2009, the applicant withdrew its application.

For further details with respect to this action, see the application dated January 29, 2009, as supplemented by letter dated March 18, 2009, the licensee's letter dated July 30, 2009, which withdrew the application, and the Commission's separate action for Exelon Generation Company's units, which is being published in the **Federal Register** in parallel with this action.

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 O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (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.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, this 1st day of September 2009.

For the Nuclear Regulatory Commission.

**Mohan C. Thadani,**

*Senior Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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**BILLING CODE 7590-01-P**

## SMALL BUSINESS ADMINISTRATION

### Dealer Floor Plan Pilot Initiative

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Notice of re-opening of comment period.

**SUMMARY:** On July 6, 2009, SBA published a notice in the **Federal Register** creating a new pilot loan initiative called the Dealer Floor Plan Pilot Initiative. This pilot initiative gives SBA the ability to offer 7(a) guaranties to participating lenders on floor plan lines of credit when structured under SBA requirements from July 1, 2009 through September 30, 2010. The Agency provided for a 30-day comment period when it published the Notice. This comment period closed August 5, 2009. SBA is re-opening the comment period for an additional 45 days.

**DATES:** Comments must be received on or before October 26, 2009.

**ADDRESSES:** You may submit comments, identified by SBA docket number SBA-2009-0009, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Dealer Floor Plan Pilot Initiative Comments—Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street, SW., Suite 8300, Washington, DC 20416.

*Hand Delivery/Courier:* Grady Hedgespeth, Director, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street, SW., Suite 8300, Washington, DC 20416.

SBA will post all comments on <http://www.regulations.gov>. If you wish to submit confidential business information (CBI) as defined in the User Notice at <http://www.regulations.gov>, please submit the information to Grady Hedgespeth, Director, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street, SW., Suite 8300, Washington, DC 20416, or send an e-mail to [dealerfloorplancomments@sba.gov](mailto:dealerfloorplancomments@sba.gov). Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination whether it will publish the information.

### FOR FURTHER INFORMATION CONTACT:

Sloan Coleman, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street, SW., Suite 8300, Washington, DC 20416; (202) 205-7737; [w.coleman@sba.gov](mailto:w.coleman@sba.gov).

**SUPPLEMENTARY INFORMATION:** On July 6, 2009, SBA published a notice in the **Federal Register** announcing the creation of the Dealer Floor Plan Pilot Initiative. (74 FR 32006) The announcement of this pilot initiative generated a significant level of interest among those small businesses and lenders that traditionally utilize floor plan financing. Given the scope of the proposal and the nature of the issues raised by the comments received to date, SBA believes that affected parties need more time to review the proposal and prepare their comments. As a result, SBA is re-opening the comment period for an additional 45 days.

Questions on the Dealer Floor Plan Pilot Initiative may be directed to the Lender Relations Specialist in the local SBA district office.