1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors,'' dated July 2000.

Therefore, the separation of the MS Pathway from the other containment leakage pathways is warranted because a separate radiological consequence term has been provided for these pathways. The revised design-basis radiological consequences analyses address these pathways as individual factors, exclusive of the primary containment leakage. Therefore, the NRC staff finds the proposed exemption from Appendix J, to separate MS leakage from other containment leakage, to be acceptable.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. The licensee's exemption request was submitted with a license amendment request to use the alternative source term methodology for use in calculating the dose consequences of the design-basis loss-of-coolant accident analysis. The NRC staff will issue the proposed amendment in conjunction with the exemption. The exemption and amendment together would implement the alternative source term methodology. The special circumstances associated with the MS Pathway leakage testing are fully described in the licensee's application dated October 13, 2008, as supplemented by letters dated April 8, May 29, June 12, and September 1, 2009, and discussed below.

Authorized by Law

This exemption would permit exclusion of the MS Pathway leakage contribution from the overall integrated leakage rate Type A test measurement and from the sum of the leakage rates from Type B and Type C tests. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR Part 50. The NRC staff has determined that granting of the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

No Undue Risk to Public Health and Safety

The underlying purposes of 10 CFR Part 50, Appendix J, Option B, Sections III.A and III.B are to ensure that containment leak-tight integrity is maintained (a) as tight as reasonably achievable and (b) sufficiently tight so as to limit effluent release to values bounded by the analyses of radiological consequences of design-basis accidents. Based on the above, no new accident precursors are created by exclusion of the MS Pathway leakage contribution from the overall integrated leakage rate Type A test measurement and from the sum of the leakage rates from Type B and Type C tests, thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. Therefore, there is no undue risk to public health and safety.

Consistent With Common Defense and Security

The proposed exemption would exclude the MS Pathway leakage contribution from the overall integrated leakage rate Type A test measurement and from the sum of the leakage rates from Type B and Type C tests. This change to the operation of the plant has no relation to security issues. Therefore, the common defense and security is not impacted by this exemption.

Special Circumstances

Special circumstances include, in part, the special circumstances defined in 10 CFR 50.12(a)(2)(ii), which states, ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.''

The underlying purpose of 10 CFR Part 50, Appendix J, is to ensure that containment leak-tight integrity is maintained as tight as reasonably achievable and sufficiently tight so as to limit effluent release to values bounded by the analyses of radiological consequences of design-basis accidents. The intent of the rule is not compromised by the licensee's proposed action because the containment leak rates will continue to be limited by CNS's TSs. The proposed action will appropriately permit ALT pathway leakage to be independently grouped with its unique leakage limits and maintain the accident dose analyses consequences within the acceptance criteria of 10 CFR 50.67.

Therefore, since the underlying purposes of 10 CFR Part 50, Appendix J, is achieved, the special circumstances required by 10 CFR 50.12(a)(2)(ii) for the granting of an exemption from 10 CFR Part 50, Appendix J, Option B, Sections III.A and III.B exist.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants NPPD an exemption (1) from the requirements of 10 CFR Part 50, Appendix J, Option B, Section III.A, to allow exclusion of the MS Pathway leakage from the overall integrated leakage rate measured when performing a Type A test; and (2) from the requirements of 10 CFR Part 50, Appendix J, Option B, Section III.B, to allow exclusion of the MS Pathway leakage from the combined leakage rate of all penetrations and valves subject to Type B and C tests for CNS.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (74 FR 47030; September 14, 2009).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 14th day of September 2009.

For the Nuclear Regulatory Commission.

Joseph G. Giitter,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E9–22600 Filed 9–18–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: NRC will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on October 19–20, 2009. A sample of agenda items to be discussed during the public session includes: (1) International Commission on Radiological Protection (ICRP) Publication103 subcommittee report and discussion; (2) update on permanent prostate brachytherapy medical events; (3) update on results from the Society of Nuclear Medicine

(SNM) on the medical isotope shortage; (4) new security regulations in 10 Code of Federal Regulations (CFR) part 37; (5) potential changes to 10 CFR part 35; (6) medical uses of radium-223; (7) information on the regulatory responsibilities of the U.S. Food and Drug Administration; (8) summary of the enforcement process and enforcement actions against medical licensees; and (9) medical-related events. A copy of the agenda will be available at *http://www.nrc.gov/reading-rm/doc-collections/acmui/agenda* or by e-mailing Ms. Ashley Cockerham at the contact information below.

Purpose: Discuss issues related to 10 CFR part 35 Medical Use of Byproduct Material.

Date and Time for Closed Session: October 19, 2009, from 8 a.m. to 10 a.m. This session will be closed so that ACMUI can review and discuss evaluations, receive annual training, and discuss internal Committee business.

Date and Time for Open Sessions: October 19, 2009, from 10:15 a.m. to 4:45 p.m. and October 20, 2009, from 8 a.m. to 12 p.m.

Address for Public Meeting: U.S. Nuclear Regulatory Commission, Executive Boulevard Building (EBB01–B13/15), 6003 Executive Boulevard, Rockville, Maryland 20852.

Public Participation: Any member of the public who wishes to participate in the meeting should contact Ms. Cockerham using the information below.

Contact Information: Ashley M. Cockerham, e-mail: *ashley.cockerham@nrc.gov*, telephone: (240) 888–7129.

Conduct of the Meeting

Leon S. Malmud, M.D., will chair the meeting. Dr. Malmud will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Cockerham at the contact information listed above. All submittals must be received by October 9, 2009, and must pertain to the topic on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The draft transcript will be available on ACMUI's Web site (*http://www.nrc.gov/reading-rm/doc-collections/acmui/tr/*) on or about November 23, 2009. A meeting summary will be available on ACMUI's Web site (*http://www.nrc.gov/reading-rm/doc-collections/acmui/meeting-summaries/*) on or about December 2, 2009.

4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Cockerham of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations*, part 7.

Dated: September 16, 2009.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. E9–22599 Filed 9–18–09; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Week of September 21, 2009.

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

STATUS: Public and Closed.

ADDITIONAL ITEMS TO BE CONSIDERED:

Week of September 21, 2009

Tuesday, September 22, 2009

9:25 a.m. Affirmation Session (Public Meeting) (Tentative). b. Final Rule Related to Alternate Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events (10 CFR 50.61a) (RIN 3150–A101) (Tentative).

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: Rochelle Bavol, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html*.

* * * * *

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, Rohn Brown, at 301–492–2279, TDD: 301–415–2100, or by e-mail at *rohn.brown@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to 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), or send an e-mail to *darlene.wright@nrc.gov*.

Dated: September 15, 2009.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. E9–22775 Filed 9–17–09; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0414]

Withdrawal of Regulatory Guide 7.2

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal of Regulatory Guide 7.2

FOR FURTHER INFORMATION CONTACT: Thomas J. Herrity, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–251–7447 or e-mail to *Thomas.Herrity@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide (RG) 7.2, ''Packaging and Transportation of Radioactively Contaminated Biological Materials.'' Regulatory Guide 7.2 was published in June 1974. It provides guidance on meeting the Department of Transportation (DOT) requirements for Type A shipments of radioactively contaminated biological materials. It also recommends appropriate packaging and limits on the radioactive contents for any single package of this type of material, marking and labeling of packages, and limitations on storage of the packaged material before, during, and after transport. The NRC is withdrawing RG 7.2 because the guidance it provides is outdated.

The regulations for transport of hazardous materials are currently in 49 CFR Part 173 Subpart I. The DOT's