

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 050-133; NRC-2009-0541]

**Pacific Gas and Electric, Humboldt Bay Power Plant, Unit 3; Environmental Assessment and Finding of No Significant Impact for an Exemption From Certain Control and Tracking Requirements in 10 CFR Part 20 Appendix G Section III.E**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from certain control and tracking requirements in 10 CFR part 20 appendix G section III.E for Facility Operating License No. DPR-7 issued to Pacific Gas and Electric (PG&E or the licensee), for Humboldt Bay Power Plant (HBPP) Unit 3, located in Humboldt County, California.

**Environmental Assessment***Identification of Proposed Action*

The proposed action is in accordance with the licensee's application for an exemption dated September 4, 2009. The licensee has requested an exemption from certain control and tracking requirements in 10 CFR part 20 appendix G section III.E, which require the licensee to investigate, and file a report with the NRC, if shipments of low-level radioactive waste are not acknowledged by the intended recipient within 20 days after transfer to the shipper.

The proposed action would grant an exemption to extend the time period that can elapse during shipments of low-level radioactive waste before the licensee is required to investigate and file a report with the NRC. Specifically, the exemption would extend the time period for the licensee to receive acknowledgment that the low-level radioactive waste shipment has been received by the intended recipient from 20 days to 45 days.

*The Need for the Proposed Action*

PG&E is in the process of decommissioning HBPP Unit 3. During the decommissioning process, large volumes of slightly contaminated debris are generated and require disposal. PG&E transports low-level radioactive waste from HBPP Unit 3 to distant locations such as a waste disposal facility operated by Energy Solutions in Clive, Utah, and waste processors in Tennessee.

The licensee's request to extend the 20-day investigation and reporting requirements for shipments of low-level radioactive waste to 45 days is based on historical data derived from experience

at Southern California Edison Company's San Onofre Nuclear Generating Station (SONGS). That experience indicates that rail transportation time to waste disposal facilities frequently exceeded the 20-day reporting requirement. A review of the SONGS data indicates that transportation time for shipments by rail or truck/rail took over 16 days on average and, on occasion, took up to 57 days. HBPP is in a more remote location than SONGS and is not near a railhead. Shipping from HBPP may require a combination of truck/rail, barge/rail or barge/truck shipments. These mixed-mode shipments will be comprised of truck and barge shipments from HBPP to inland locations in California or nearby states, followed by rail shipments to the waste disposal facilities or processors. The additional step of transloading material at a remote railyard (e.g., unloading and loading, waiting for the train to depart) is expected to add to shipping delays that exceed the time of shipments from SONGS.

The licensee affirms that the low-level radioactive waste shipments will always be tracked throughout transportation until they arrive at their intended destination. The licensee believes, and the staff agrees, that the need to investigate, trace, and report to the NRC on the shipment of low-level waste packages not reaching their destination within 20 days does not serve the underlying purpose of the rule. Therefore, the NRC staff finds that granting an exemption to extend the time period from 20 days to 45 days for mixed-mode shipments of low-level radioactive waste will not result in an undue hazard to life or property.

*Environmental Impacts of the Proposed Action*

The NRC has reviewed the licensee's proposed exemption request and concluded that the proposed exemption is procedural and administrative in nature.

The proposed action 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 offsite, 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 has no other

environmental impact. 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.

*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 no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

*Agencies and Persons Contacted*

In accordance with NRC policy, on November 2, 2009, the staff consulted with a State of California official in the Radiologic Health Services, State Department of Health Services, regarding the environmental impact of the proposed action. The state official had no comments.

**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.

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

For the Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

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**NUCLEAR REGULATORY COMMISSION**

[NRC-2009-0536]

**Proposed Generic Communication; NRC Regulatory Issue Summary 2009-XX; Monitoring the Status of Regulated Activities During a Pandemic**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of opportunity for public comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is proposing to issue

this regulatory issue summary (RIS) to inform addressees of the NRC's desire for information on the evolving pandemic situations at licensee sites and the impact of a pandemic situation on operational decisions and requests for regulatory relief. The NRC intends to use this information to align NRC resources to be prepared to address potential safety and operational issues at affected licensee sites, and to support decision-making within the NRC. The NRC, therefore, is soliciting licensees to voluntarily provide information regarding the above.

The NRC is also sharing this RIS with the Agreement States via a separate communication and is encouraging the Agreement States to share it with their licensees.

This RIS is available through the NRC's Agencywide Documents Access and Management System (ADAMS) under accession number ML093210234.

**DATES:** Comment period expires January 25, 2010. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

**ADDRESSES:** Submit written comments to the Chief, Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Mail Stop TWB-05-B01M, Washington, DC 20555-0001, and cite the publication date and page number of this **Federal Register** notice.

**FOR FURTHER INFORMATION CONTACT:** Thomas Alexion at 301-415-1326 or by e-mail at [Thomas.Alexion@NRC.gov](mailto:Thomas.Alexion@NRC.gov) or Joseph Golla at 301-415-1002 or by e-mail at [Joe.Golla@NRC.gov](mailto:Joe.Golla@NRC.gov).

**SUPPLEMENTARY INFORMATION:**

**NRC Regulatory Issue Summary 2009-XX; Monitoring the Status of Regulated Activities During a Pandemic**

*Addressees*

All holders of operating licenses for nuclear power reactors and research and test reactors (RTRs) under the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," except those that have ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

All U.S. Nuclear Regulatory Commission (NRC) fuel cycle facilities licensed under 10 CFR Part 40 or 70 and gaseous diffusion plants certified under 10 CFR Part 76.

All 10 CFR Part 72 specific licensees and certificate holders and holders of

operating licenses for nuclear power reactors who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel that are not 10 CFR Part 72 specific licensees.

All holders of radioactive materials licenses under the provisions of 10 CFR Parts 30, 40, and 70, regarding Rules of General Applicability to Domestic Licensing of Byproduct, Source, and Special Nuclear Material with Category 1 and 2 sources.

**Intent**

The NRC is issuing this regulatory issue summary (RIS) to inform addressees of the NRC's desire for information on the evolving pandemic situations at licensee sites and the impact of a pandemic situation on operational decisions and requests for regulatory relief. The NRC intends to use this information to align NRC resources to be prepared to address potential safety and operational issues at affected licensee sites, and to support decision-making within the NRC. The NRC, therefore, is soliciting licensees to voluntarily provide information regarding the above.

The NRC is also sharing this RIS with the Agreement States via a separate communication and is encouraging the Agreement States to share it with their licensees.

**Background**

The NRC's overarching mission is to license and regulate the nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment.

Across the spectrum of government operations, there has been a concerted effort to prepare for and respond to pandemic outbreaks, including the H1N1 influenza virus. All government agencies have or are preparing pandemic plans to ensure the operation of the government during a pandemic. Part of this preparation and planning is an effort by the federal government to ensure the U.S. infrastructure is maintained to the fullest extent possible.

The Homeland Security Council, in the *National Framework for 2009-H1N1 Influenza Preparedness and Response*, described surveillance as the first of the pillars of preparedness and further defined the term to mean "enhanced efforts to achieve timely and accurate situational awareness of evolving disease and the impact on critical sectors to inform policy and operational decisions." Under that definition, the

NRC is in a "situational awareness" mode at all times when there is a threat of a pandemic, because: (1) Of the agency's need to be ready to respond quickly to any emergency that could threaten the agency's mission or the nuclear activities that it regulates, and (2) impacts to the electric grid may have an impact on plant safety.

**Summary of Issues**

The NRC is interested in maintaining situational awareness of licensees' ability to cope with the challenges associated with a pandemic. This information will serve two functions:

1. The NRC must be prepared to respond quickly if a safety or security event develops.
2. The NRC is obligated to keep its stakeholders informed.

*Information of Interest*

The NRC is interested in maintaining situational awareness of the status of its regulated activities during a pandemic and requests that licensees voluntarily inform the staff of any potential impacts on those activities. Accordingly, answers to the following two questions should be considered during routine business contacts with NRC staff (*e.g.*, during routine communications with the NRC licensing project manager or resident inspector or during inspections conducted by the NRC), or as licensees desire to report information:

1. Does the licensee anticipate operational challenges at the facility or in the conduct of activities in the next 48 hours in the following areas as a result of the pandemic?
  - a. Safety.
  - b. Security.
  - c. Safeguards.
  - d. Emergency preparedness.
2. Does the licensee anticipate the need to request regulatory action as a result of the pandemic in the next 48 hours?

Responses to these questions will be voluntary. If either question results in a "yes" answer, the NRC expects the licensee to provide additional information specific to the needs of the licensee, as soon as possible. In such cases, the appropriate NRC staff will follow-up with the licensee. It should be noted that this RIS does not eliminate the need for licensees to meet the reporting requirements contained in applicable regulations. Further, there are no information collection expectations other than information that is typically exchanged through routine business activities or is already required by NRC regulations. The information provided will enable the NRC to

effectively respond to licensees with potential challenges.

For materials licensees that have less frequent contact with NRC, the NRC regional offices are establishing an e-mail address that can be used to voluntarily submit the information discussed above. Materials licensees will receive a separate communication, by e-mail or phone, identifying the appropriate e-mail address for submitting information concerning potential pandemic impacts.

NRC recognizes that during a pandemic, licensees' resources may be strained. Therefore, NRC understands that licensees will provide information to the best of their ability, given the circumstances.

#### Backfit Discussion

This RIS requests that addressees voluntarily provide information as appropriate to assist the NRC staff in managing the impacts of a pandemic on regulated activities. This effort by the NRC is a part of the continuing federal effort in pandemic planning, and it supports situational awareness of potential issues at NRC-licensed facilities.

The staff is not imposing any new positions nor is it imposing any new regulatory requirements on licensees. Any information provided by a licensee is strictly voluntary. No action is required on the part of any licensee; therefore, this document does not constitute a backfit under applicable backfit regulations. Consequently, the staff did not perform a backfit analysis.

#### Federal Register Notification

To be done after the public comment period.

#### Paperwork Reduction Act Statement

This RIS does not contain new or amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing information collection requirements were approved by the Office of Management and Budget, control numbers 3150-0011 and 3150-0012.

#### Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a current valid Office of Management and Budget control number.

#### Contacts

*Technical Contacts—Office of Nuclear Reactor Regulation (NRR)*

Joseph Golla, NRR, (301) 415-1002,  
E-mail: [joseph.golla@nrc.gov](mailto:joseph.golla@nrc.gov).  
Thomas Alexion, NRR, (301) 415-1326,  
E-mail: [thomas.alexion@nrc.gov](mailto:thomas.alexion@nrc.gov).

*Technical Contacts—Office of Nuclear Material Safety and Safeguards (NMSS)*

Steven Ward, NMSS, (301) 492-3426,  
E-mail: [steven.ward@nrc.gov](mailto:steven.ward@nrc.gov).  
Kevin Witt, NMSS, (301) 492-3323,  
E-mail: [kevin.witt@nrc.gov](mailto:kevin.witt@nrc.gov).

*Technical Material Contacts—Office of Federal and State Materials and Environmental Management Programs (FSME) and the Regions*

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E-mail: [art.howell@nrc.gov](mailto:art.howell@nrc.gov).

#### End of Draft Regulatory Issue Summary

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room 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 (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/NRC/ADAMS/index.html>. If you do not have access to ADAMS or if you have problems in accessing the documents in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1-800-397-4209 or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 30th day of November 2009.

For the Nuclear Regulatory Commission.

**Martin C. Murphy,**

*Chief, Generic Communications Branch,  
Division of Policy and Rulemaking, Office  
of Nuclear Reactor Regulation.*

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#### PENSION BENEFIT GUARANTY CORPORATION

#### Proposed Submission of Information Collection for OMB Review; Comment Request; Administrative Appeals

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of intent to request extension of OMB approval of information collection.

**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") intends to request the Office of Management and Budget ("OMB") to extend approval, under the Paperwork Reduction Act, of a collection of information under its regulation on Rules for Administrative Review of Agency Decisions. This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by February 8, 2010.

**ADDRESSES:** Comments may be submitted by any of the following methods:

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

*E-mail:* [paperwork.comments@pbgc.gov](mailto:paperwork.comments@pbgc.gov).

*Fax:* 202-326-4224.

*Mail or Hand Delivery:* Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026.

PBGC will make all comments available on its Web site, <http://www.pbgc.gov>.

Copies of the collection of information may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address or by visiting the Disclosure Division or calling 202-326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.) PBGC's regulation on Administrative Appeals may be accessed on PBGC's Web site at <http://www.pbgc.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Catherine B. Klion, Manager, or Donald McCabe, Attorney, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4024. (For TTY and TDD, call 800-877-8339 and request connection to 202-326-4024).

**SUPPLEMENTARY INFORMATION:** PBGC's regulation on Rules for Administrative Review of Agency Decisions (29 CFR part 4003) prescribes rules governing the issuance of initial determinations by PBGC and the procedures for requesting and obtaining administrative review of initial determinations. Certain types of initial determinations are subject to administrative appeals, which are