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Petitions for leave to intervene must be filed no later than 60 days from December 21, 2009. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

For further details with respect to this exigent license application, see the application for amendment dated December 15, 2009, which is available for public inspection at the Commission'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's (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).

Attorney for licensee: Mr. William C. Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

Dated at Rockville, Maryland, this 15th day of December 2009.

For the Nuclear Regulatory Commission.

**Nancy L. Salgado,**

*Chief, Plant Licensing Branch I-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-30232 Filed 12-18-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-133; NRC-2009-0560]

### Pacific Gas and Electric Company; Humboldt Bay Power Plant Unit 3 Exemption From Certain Low-Level Waste Shipment Tracking Requirements In 10 CFR Part 20 Appendix G

#### 1.0 Background

The Pacific Gas and Electric Company (PG&E) is the licensee and holder of Facility Operating License No. DPR-7 issued for Humboldt Bay Power Plant, Unit 3 (HBPP), located in Humboldt County, California. HBPP is a permanently shutdown nuclear reactor facility. PG&E is beginning the process of decommissioning HBPP and the amount of radioactive waste shipped from the site is expected to significantly increase. During the decommissioning process, large volumes of slightly contaminated concrete rubble and debris are generated that require shipment for disposal in offsite low-level radioactive waste disposal sites. Experience at other decommissioning nuclear power facilities has shown that, due primarily to the volume of radioactive waste, licensees have encountered an increase in the number of routine shipments that take longer than 20 days from transfer to the shipper to receipt acknowledgment from the disposal site. Each shipment with receipt notifications greater than 20 days requires a special investigation and report to the U.S. Nuclear Regulatory Commission (NRC or the Commission) which the licensee believes to be burdensome and unnecessary to meet the intent of the regulation.

#### 2.0 Request/Action

In a letter to the Commission dated September 4, 2009, PG&E requested an exemption from the requirements in 10 CFR part 20, appendix G, section III.E, to investigate and file a report to the NRC if shipments of low-level radioactive waste are not acknowledged by the intended recipient within 20 days after transfer to the shipper. This exemption would extend the time period that can elapse during shipments of low-level radioactive waste before PG&E is required to investigate and file a report to the NRC from 20 days to 45 days. The exemption would be applicable to mixed-mode shipments such as combination truck/rail, barge/rail and barge/truck shipping methods. The exemption request is based on an analysis of the historical data of low-level radioactive waste shipment times

from the Southern California Edison Company's San Onofre Nuclear Generating Station (SONGS) site to the disposal site.

#### 3.0 Discussion

The proposed action would grant an exemption to extend the 20-day investigation and reporting requirements for shipments of low-level radioactive waste to 45 days.

Historical data derived from experience at SONGS, 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. In addition, administrative processes at the disposal facilities and mail delivery times could add several additional 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. Therefore, HBPP is requesting an extension to 45 days.

Pursuant to 10 CFR 20.2301, the Commission may, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of regulations in 10 CFR part 20 if it determines the exemption is authorized by law and would not result in undue hazard to life or property. There are no provisions in the Atomic Energy Act (or in any other Federal statute) that impose a requirement to investigate and report on low-level radioactive waste shipments that have not been acknowledged by the recipient within 20 days of transfer. Therefore, the Commission concludes that there is no statutory prohibition on the issuance of the requested exemption and the Commission is authorized to grant the exemption by law.

The Commission acknowledges that, based on the statistical analysis of low-level radioactive waste shipments from the SONGS site, the need to investigate and report on shipments that take longer than 20 days could result in an excessive administrative burden on the

licensee. The Commission finds that the underlying purpose of the Appendix G timing provision at issue is to investigate a late shipment that may be lost, misdirected, or diverted. For mixed-mode shipments, PG&E contracts awarded to carriers will require electronic data tracking system interchange, or similar tracking systems that allow monitoring the progress of the shipments. The contracts will require a daily update be provided for the location of the conveyance via e-mail. Because of the oversight and monitoring of radioactive waste shipments throughout the entire journey from HBPP to the disposal site, it is unlikely that a shipment could be lost, misdirected, or diverted without the knowledge of the carrier or PG&E. Furthermore, by extending the elapsed time for receipt acknowledgment to 45 days before requiring investigations and reporting, a reasonable upper limit on shipment duration (based on historical analysis) is still maintained if a breakdown of normal tracking systems were to occur. Consequently, the Commission finds that there is no hazard to life or property by extending the investigation and reporting time for low-level radioactive waste shipments from 20 days to 45 days for mixed-mode shipments. Therefore, the Commission concludes that the underlying purpose of 10 CFR part 20, appendix G, section III.E will be met.

#### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.2301, the exemption requested by PG&E in its September 4, 2009, letter is authorized by law and will not result in undue hazards to life or property. Therefore, the Commission hereby grants PG&E an exemption to extend the 20-day investigation and reporting requirements for shipments of low-level radioactive waste, as required by 10 CFR part 20, appendix G, section III.E, to 45 days.

Pursuant to 10 CFR 51.31, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as documented in **Federal Register** (FR) notice 74 FR 65165 December 9, 2009.

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 11th 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.*  
 [FR Doc. E9-30316 Filed 12-18-09; 8:45 am]  
**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Sunshine Federal Register Notice

*Agency Holding the Meetings:* Nuclear Regulatory Commission.

**DATES:** Weeks of December 21, 28, 2009, January 4, 11, 18, 25, 2010.

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

**STATUS:** Public and closed.

#### Week of December 21, 2009

There are no meetings scheduled for the week of December 21, 2009.

#### Week of December 28, 2009—Tentative

There are no meetings scheduled for the week of December 28, 2009.

#### Week of January 4, 2010—Tentative

*Thursday, January 7, 2010*

12:15 p.m. Affirmation Session (Public Meeting) (Tentative).

- a. *PPL Bell Bend, LLC* (Combined License Application for Bell Bend Nuclear Power Plant), LBP-09-18 (Ruling on Standing and Contention Admissibility) (Tentative).
- b. *Shieldalloy Metallurgical Corp.* (License Amendment Request for Decommissioning the Newfield Site), Shieldalloy's Amended Motion for Stay Pending Judicial Review of Commission Action Transferring Regulatory Authority Over Newfield, New Jersey Site to the State of New Jersey (Oct. 14, 2009) (Tentative).

#### Week of January 11, 2010—Tentative

*Tuesday, January 12, 2010*

9:30 a.m. Briefing on Office of Nuclear Security and Incident Response—Programs, Performance, and Future Plans (Public Meeting) (*Contact:* Marshall Kohen, 301-415-5436).

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

1:30 p.m. Briefing on Threat Environment Assessment (Closed—Ex. 1).

#### Week of January 18, 2010—Tentative

*Tuesday, January 19, 2010*

9:30 a.m. Briefing on the NRC Enforcement and Allegations Programs (Public Meeting) (*Contact:* Shahram Ghasemian, 301-415-3591).

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

#### Week of January 25, 2010—Tentative

*Tuesday, January 26, 2010*

9:30 a.m. Briefing on Office of Nuclear Reactor Regulation—Programs, Performance, and Future Plans (Public Meeting) (*Contact:* Quynh Nguyen, 301-415-5844).

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

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\*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.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/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, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at [rohn.brown@nrc.gov](mailto:rohn.brown@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 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](mailto:darlene.wright@nrc.gov).

Dated: December 16, 2009.

**Rochelle C. Bavol**,

*Office of the Secretary.*

[FR Doc. E9-30381 Filed 12-17-09; 4:15 pm]

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