

## NATIONAL TRANSPORTATION SAFETY BOARD

### Sunshine Act Meeting

**TIME AND DATE:** 9:30 a.m., Tuesday, June 10, 2008.

**PLACE:** NTSB Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594.

**STATUS:** The three items are open to the public.

#### MATTERS TO BE CONSIDERED:

- 8015 Aircraft Accident Report—Runway Overrun During Landing, Pinnacle Airlines Flight 4712, Bombardier/Canadair Regional Jet CL600-2B19, N8905F, Traverse City, Michigan, April 12, 2007.
- 8013 Safety Recommendation Letter to the Federal Aviation Administration regarding Aviation Fatigue Management Systems.
- 8014 Highway Accident Brief—Commuter Train Highway—Railroad Grade Crossing Accident in Elmwood Park, Illinois, November 23, 2005 (HWY-06-MH-007).

**NEWS MEDIA CONTACT:** Telephone: (202) 314-6100.

Individuals requesting specific accommodations should contact Carol Bowling at (202) 314-6238 by Friday, June 6, 2008.

The public may view the meeting via a live or archived webcast by accessing a link under "News & Events" on the NTSB home page at <http://www.nts.gov>.

**FOR MORE INFORMATION CONTACT:** Vicky D'Onofrio, (202) 314-6410.

Dated: May 30, 2008.

**Vicky D'Onofrio,**

*Federal Register Liaison Officer.*

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**BILLING CODE** 7533-01-M

## NUCLEAR REGULATORY COMMISSION

### Notice of Availability of Regulatory Issue Summary 2008-12 Considerations for Extended Interim Storage of Low-Level Radioactive Waste by Fuel Cycle and Materials Licensees

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** The NRC staff has issued Regulatory Issue Summary (RIS) 2008-12; Considerations for Extended Interim Storage of Low-Level Radioactive Waste by Fuel Cycle and Materials Licensees. The RIS is intended to update and replace information provided in

Information Notice 90-09, "Extended Interim Storage of Low-Level Radioactive Waste by Fuel Cycle and Materials Licensees," February 5, 1990. The RIS is dated May 9, 2008.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Shaffner, Project Manager, Low-Level Waste Branch, Environmental Protection and Performance Assessment Directorate, Division of Waste Management and Environmental Protection (DWMEP), U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-5496; fax number (301) 415-5397; e-mail [james.shaffner@nrc.gov](mailto:james.shaffner@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

In its annual report (SECY 06-193, "Annual Review of the Need for Rulemaking and/or Regulatory Guidance on Low-Level Radioactive Waste Storage," September 6, 2006) to the Commission on the need for rulemaking or guidance related to extended interim storage of Low-Level Radioactive Waste (LLRW), the NRC staff reported its intention to review and revise, as necessary, guidance to NRC licensees faced with the prospect of mandatory extended interim storage of low-level radioactive waste. Staff stated that the emphasis of the effort would be directed toward the needs of fuel cycle and radioactive materials licenses that may be required to store waste classified as Class B or C waste, in accordance with 10 CFR part 61, "Licensing Land Disposal of Radioactive Waste," after June 30, 2008, because of the limitation of access to the Barnwell Low-Level Radioactive Waste Disposal Facility. In its follow-up report on the topic, SECY 07-083, dated October 22, 2007, staff outlined the process and timeline for accomplishment of the guidance update. The emphasis on fuel cycle and radioactive materials licensees was based on the understanding that 10 CFR part 50 licensees (production and utilization facilities) were more likely to have pre-existing technical, physical, and financial infrastructure to adequately manage any required extended interim storage of LLRW.

##### II. Background

The limitation of disposal access at the Barnwell disposal facility to States that comprise the Atlantic LLRW Compact (South Carolina, Connecticut, and New Jersey) as of July 1, 2008 is likely to require many radioactive materials licensees outside of that compact that generate Class B and C LLRW to store such waste. In anticipation of this circumstance, NRC

staff reviewed and updated information related to extended interim storage of LLRW by fuel cycle and radioactive materials licensees. In SECY-07-083, staff determined that the most efficient and transparent means to accomplish this was to revise IN 90-09. However, in consultation with other NRC offices it was later determined that the most appropriate form of generic communication for imparting the information was a RIS. Although the RIS does not impose any additional regulatory requirements on NRC licensees, staff considered that it also may be of some interest to Agreement State radiation control programs and their licensees.

##### III. Need for the Revision

NRC staff considered the need for the revision of IN 90-09 based on changes in regulatory circumstances that have occurred since 1990. These include, but are not limited to, the changing nature of and access to permanent disposal capacity, emerging technologies related to the processing, treatment and handling of radioactive waste, and changed security considerations based on the circumstances of September 11, 2001.

The updated information in the form of RIS 2008-12 is responsive to both licensees who will be able to store LLRW in accordance with terms and conditions of existing licenses as well as those whose circumstances may have changed such that a license amendment is required. The RIS includes a number of major considerations related to extended interim storage. These include reaffirmations of two considerations, related to storage time limit and suitable waste forms for storage, formerly addressed but never finalized by NRC staff in SECY 94-198, "Review of Existing Guidance Concerning Extended Storage of Low-Level Radioactive Waste" (August 1, 1994).

The RIS includes four enclosures to inform its contents and facilitate its use. The enclosures include licensing considerations, updated State and compact contacts, additional references, and recently issued generic communications.

##### IV. Intended Use

RIS 2008-12 provides updated information related to extended interim storage of LLRW by fuel cycle and materials licensees. It imposes no additional regulatory requirements. The RIS is intended to replace the IN 90-09 dated February 5, 1990. Further, any references to IN 90-09 contained in other NRC guidance or technical

references should now be interpreted to refer to RIS 2008–12.

#### V. Agencies and Persons Consulted

The RIS was developed in accordance with the requirements of NRC Inspection Manual Chapter 0730, “Generic Communications Regarding Materials and Fuel Cycle Issues.” In the process of preparing RIS 2008–12, FSME staff consulted with other NRC Headquarters offices, NRC regional offices, State officials in both Agreement States and non-Agreement States and territories, the Organization of Agreement States, the Conference of Radiation Control Program Directors and several licensees licensed by either NRC or Agreement State Radiation Control Programs.

#### VI. Further Information

Documents related to this action are available electronically in the NRC’s Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access NRC’s Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC’s public documents. The package which contains RIS 2008–12 and four enclosures can be found in ADAMS at accession number ML073330609. If you do not have access to ADAMS, or if there are problems accessing documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference Staff at 1–800–397–4209, 301–415–4737, or e-mail [pdr@nrc.gov](mailto:pdr@nrc.gov). These documents may also be viewed electronically on the public computers located at the NRC’s PDR, O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 29th day of May 2008.

For the Nuclear Regulatory Commission.

**Scott C. Flanders,**

*Deputy Director, Environmental Protection and Performance Assessment Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. E8–12575 Filed 6–4–08; 8:45 am]

**BILLING CODE 7590–01–P**

### NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–282, 50–306 and 72–10]

**Nuclear Management Company, LLC; Prairie Island Nuclear Generating Plant (PINGP), Units 1 And 2, and PINGP Independent Spent Fuel Storage Installation (ISFSI); Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Materials License and Conforming Amendments, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 and 10 CFR 72.50 approving the direct transfer of Facility Operating Licenses, which are numbered DPR–42 and DPR–60 for the Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2 and Material License No. SNM–2506 (the licenses) for the PINGP Independent Spent Fuel Storage Installation (ISFSI), to the extent currently held by Nuclear Management Company, LLC (NMC) as operator of PINGP Units 1 and 2, and PINGP ISFSI. The transfer would be to Northern States Power Company (NSPM), an Xcel Energy company, and current licensed owner of PINGP, Units 1 and 2 and PINGP ISFSI. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to an application for approval dated April 16, 2008, filed by NMC, NSPM would acquire operating authority of the facilities following approval of the proposed license transfer, and would be responsible for the operation and maintenance of PINGP Units 1 and 2, and PINGP ISFSI. NMC would be integrated into the current NSPM organization which would combine the ownership and operating authority into a single organization.

No physical changes to the PINGP Units 1 and 2, or PINGP ISFSI facility or operational changes are being proposed in the application.

The proposed amendment would delete references to NMC, and authorize NSPM to operate PINGP and the PINGP ISFSI, and to receive, possess, or use related licensed materials under the applicable conditions and authorizations included in the licenses. This request to transfer operating authority and the conforming license amendments involve no change in plant ownership.

Pursuant to 10 CFR 50.80 and 10 CFR 72.50, no license, or any right thereunder, shall be transferred, directly

or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the direct transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission’s regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility, or to the license of an ISFSI, which does no more than conform the license to reflect the transfer action involves no significant hazards consideration, and no genuine issue as to whether the health and safety of the public will be significantly affected. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

Within 20 days from the date of publication of this notice, any person(s) whose interest may be affected by the Commission’s action on the application may request a hearing and intervention via electronic submission through the NRC E-filing system. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission’s rules of practice set forth in Subpart C “Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings,” of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309. Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c)(1), unless good cause for failure to file on time is established. In addition, an untimely