

The Licensing Boards, which shall also be referred to as Construction Authorization Boards (CABs), are comprised of the following Administrative Judges:

CAB 01

William J. Froehlich, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Thomas S. Moore, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Richard E. Wardwell, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

CAB 02

Michael M. Gibson, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Lawrence G. McDade, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Nicholas G. Trikouros, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

CAB 03

Paul S. Ryerson, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Michael C. Farrar, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Mark O. Barnett, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

The allocation among the CABs of the Petitions to Intervene and/or the proffered contentions, as well as the Requests to Participate, will be announced at a later date. Until further order, all pleadings, correspondence, documents, and other materials shall be filed with all three CABs in accordance with 10 CFR 2.1013(c).

Issued at Rockville, Maryland, this 16th day of January 2009.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E9-1577 Filed 1-23-09; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-282-LR and 50-306-LR; ASLBP No. 08-871-01-LR]

Atomic Safety and Licensing Board; Before Administrative Judges: William J. Froehlich, Chairman, Dr. Gary S. Arnold, Dr. Thomas J. Hiron; In the Matter of: Northern States Power Co. (Formerly Nuclear Management Company, LLC) (Prairie Island Nuclear Generating Plant, Units 1 and 2); Notice of Hearing (Application for 20-Year License Renewal)

January 16, 2009.

This proceeding concerns the application filed April 11, 2008 by Nuclear Management Company, LLC¹ to renew Operating License Nos. DPR-042 and DPR-060 for the Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2, for an additional 20 years.² The PINGP is located near the city of Red Wing, in Goodhue County, Minnesota. The current licenses expire on August 9, 2013 for Unit 1 and on October 29, 2014 for Unit 2.

On June 17, 2008, the Nuclear Regulatory Commission (NRC or Commission) published a notice of opportunity for hearing regarding this license renewal application (Application or LRA).³ The hearing notice permitted any person whose interest might be affected by the license renewal to file a request for hearing and petition for leave to intervene within 60 days of the hearing notice. On August 18, 2008, PIIC filed a petition to intervene containing eleven proposed contentions and requesting an adjudicatory hearing.⁴ The Board heard oral arguments on Petitioner's standing and contentions as well as on a motion to strike on October 29, 2008 in Hastings, Minnesota.⁵

On December 5, 2008, the Licensing Board issued a Memorandum and Order,⁶ which granted PIIC party status

¹ Since the Application was filed, the NRC has approved the transfer of operating authority over Prairie Island Nuclear Generating Station, Units 1 and 2, from Nuclear Management Company, LLC (NMC) to Northern States Power Company. Order Approving Transfer of License and Conforming Amendment (Sept. 15, 2008) (ADAMS Accession No. ML082521182).

² Application for Renewed Operating Licenses (Apr. 2008) (ADAMS Accession No. ML081130673).

³ 73 FR 34,335 (June 17, 2008).

⁴ Prairie Island Indian Community Notice of Intent to Participate and Petition to Intervene (Aug. 18, 2008).

⁵ See Tr. at 1-162.

⁶ Northern States Power Co. (Prairie Island Nuclear Generating Plant), LBP-08-26, 68 NRC (Dec. 5, 2008).

and admitted seven contentions. The admitted contentions are as follows:

1. Contention 1—The ER in the LRA does not provide an adequate analysis of historical and archaeological resources that may be affected by the proposed license renewal. The LRA does not include information concerning pitfalls that could adversely affect the plan to avoid damage to Historical and Archaeological Resources.

2. Contention 2—The SAMA analysis in the LRA does not accurately reflect the site restoration costs for the area surrounding the PINGP, including the PIIC and its associated Treasure Island complex. The Site Restoration Study methodology should be used to develop more appropriate input for the analysis.

3. Contention 5—Applicant's environmental report contains a seriously flawed environmental justice analysis that does not adequately assess the impacts of the PINGP on the adjacent minority population.

4. Contention 6—The LRA does not include an adequate plan to monitor and manage the effects of aging for containment coatings, whose integrity is directly related to plant safety and the performance of the emergency core cooling systems.

5. Contention 7—The LRA does not contain an adequate plan to monitor and manage the effects of aging due to embrittlement of the reactor vessel internals.

6. Contention 8—Section B2.1.27 of the LRA does not contain an adequate plan to monitor the effects of primary water stress corrosion cracking of nickel-alloy components.

7. Contention 11—The LRA fails to supply sufficient details of the aging management program for flow accelerated corrosion to demonstrate that its effects will be adequately managed.

The Board also ruled that the procedures of Subpart L shall be used for these admitted contentions.⁷ On December 15, 2008, Northern States Power Company (Applicant) filed a motion for reconsideration of LBP-08-26 regarding Contention 5 or in the alternative, for referral to the Commission. The Board denied this motion on January 16, 2009.

In light of the foregoing, please take notice that a hearing will be conducted in this proceeding. The Board may conduct an oral argument,⁸ may hold pre-hearing conferences,⁹ and may conduct evidentiary hearings.¹⁰ In that

⁷ *Id.*, at (slip op. at 61); see also 10 CFR 2.1200-1.213.

⁸ 10 CFR 2.331.

⁹ *Id.* § 2.329.

¹⁰ *Id.* § 2.1207.

regard, the parties to this proceeding will be contacted in the near future by the Board's law clerk for purposes of setting up a scheduling conference.¹¹ The public is invited to attend any oral argument, pre-hearing conference, or evidentiary hearing unless otherwise ordered by the Commission.¹² Notices of these sessions will be published in the **Federal Register** and/or made available to the public at the NRC Public Document Room, located at One White Flint, 11555 Rockville Pike (first floor), Rockville, Maryland, and through the NRC Web site, <http://www.nrc.gov>.

The Administrative Dispute Resolution Act of 1996 (ADR Act)¹³ encourages the use of alternative dispute resolution by Federal agencies.¹⁴ The parties are encouraged to explore voluntary processes, including settlement talks with or without a neutral, to resolve the issues in this case. Upon request, a settlement judge from the ASLBP could be appointed.¹⁵

Additionally, as provided in 10 CFR 2.315(a), any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issues in this proceeding. These statements do not constitute evidence but may assist the Board and/or parties in defining the issues being considered. Persons wishing to submit a written limited appearance statement should send it by mail to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. A copy of the statement should also be served on the Chairman of this Atomic Safety and Licensing Board by mail to the Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. At a later date, the Board may entertain oral limited appearance statements at a location or locations in the vicinity of the Prairie Island facility. Notice of any oral limited appearance sessions will be published in the **Federal Register** and/or made available to the public at the NRC Public Document Room and on the NRC Web site, <http://www.nrc.gov>.

Documents relating to this proceeding are available for public inspection at the NRC's Public Document Room or electronically from the publicly

available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <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 may contact the NRC Public Document Room reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr@nrc.gov.

Rockville, Maryland, January 16, 2009.

It is so ordered.

For the Atomic Safety and Licensing Board¹⁶

William J. Froehlich,

Chairman Administrative Judge.

[FR Doc. E9-1578 Filed 1-23-09; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-362; NRC-2009-0023]

Southern California Edison Company; San Onofre Nuclear Generating Station, Unit 3; Exemption

1.0 Background

Southern California Edison Company (SCE, the licensee) is the holder of Facility Operating License No. NPF-15, which authorizes operation of San Onofre Nuclear Generating Station, Unit 3 (SONGS 3). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor located in San Diego County, California.

2.0 Request/Action

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 74, Section 74.19(c), requires that each licensee who is authorized to possess special nuclear material (SNM), at any one time and site location, in a quantity greater than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall conduct a physical inventory of all SNM in its possession under license at intervals not to exceed 12 months.

By application dated January 14, 2008, the licensee requested an exemption from certain requirements in Section 74.19(c) for SONGS 3. The

exemption would allow SCE not to perform the physical inventory for 12 irradiated fission chambers removed from SONGS 3 that are stored in the plant.

3.0 Discussion

Pursuant to 10 CFR 74.7, the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part, when (1) the exemptions are authorized by law, will not present undue risk to public health and safety, and, will not endanger life or property or the common defense and security, and (2) when special circumstances are present. These special circumstances include actions to maintain exposures to radiation as low as is reasonably achievable (ALARA).

Authorized by Law

This exemption would exempt the licensee from the requirements of 10 CFR 74.19(c) for the physical inventory requirements of 12 irradiated fission chambers removed from SONGS 3 in 1995 and in storage. As stated above, 10 CFR 74.7 allows the NRC to grant exemptions from the requirements of 10 CFR part 74. 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 74.19 is for licensees to conduct a physical inventory of special nuclear material in its possession at periodic intervals and to retain records associated with each physical inventory. No changes in the physical or administrative controls are associated with the special nuclear materials related to this request. The licensee will continue to conduct an annual inventory of the 12 fission chambers by visual verification to confirm that the high integrity container (HIC), where the 12 fission chambers are stored, remains in its storage location and the container is structurally intact. In addition, the visual inventory will be augmented to include verification that the tamper-indicating device installed in November 2007 on the HIC has not been disturbed. Based on the above, no new accident precursors are created with the exemption from this requirement. Thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated

¹¹ *Id.* § 2.332; see also 10 CFR Part 2, App. B (II) (Model Milestones for Hearings Conducted under 10 CFR Part 2, Subpart L).

¹² 10 CFR 2.328.

¹³ 5 U.S.C. 571-584.

¹⁴ Public Law No. 104-320, § 4(a), 110 Stat. 3871 (1996).

¹⁵ See 10 CFR 2.338(b).

¹⁶ Copies of this order were sent this date by the agency's E-Filing system to counsel for (1) Applicant, Northern States Power Company, (2) Petitioner, Prairie Island Indian Community, and (3) NRC Staff.