



[Docket Nos. 50-70, 50-73, 50-183 and 70-754; NRC-2026-1288]

NorthStar Vallecitos, LLC;

Vallecitos Nuclear Center;

Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption to NorthStar Vallecitos, LLC (NSV), for Vallecitos Nuclear Center (VNC), from the requirement to investigate and report to the NRC when NSV does not receive notification of a receipt of a shipment, or part of a shipment, of low level radioactive waste within 20 days after transfer from the VNC. NSV requested that the time period for it to receive acknowledgement that the shipment has been received by the intended recipient be extended from 20 to 45 days to avoid an excessive administrative burden as operational experience indicates that shipments may take more than 20 days to reach their destination.

DATES: The exemption was issued on March 23, 2026.

ADDRESSES: Please refer to Docket ID NRC-2026-1288 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2026-1288. Address questions about Docket IDs in Regulations.gov to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the "For Further Information Contact" section of this document.

- **NRC's Agencywide Documents Access and Management System**

(ADAMS): You may obtain publicly available documents online in the ADAMS Public

Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chris Allen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6877, email: William.Allen@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: March 27, 2026

For the Nuclear Regulatory Commission.

Theodore Smith, Acting Director,
Division of Decommissioning, Uranium
Recovery, and Waste Programs,
Office of Nuclear Material Safety
and Safeguards.

Attachment – Exemption

NUCLEAR REGULATORY COMMISSION

Docket Nos. 50-70, 50-73, 50-183 and 70-754

NorthStar Vallecitos, LLC

Vallecitos Nuclear Center

Exemption From Certain Low-Level Waste Shipment Tracking Requirements

I. Background

The Vallecitos Nuclear Center (VNC) is in Sunol, California, near the center of the Pleasanton quadrangle of Alameda County. VNC is east of San Francisco Bay, approximately 35 miles east-southeast of San Francisco and 20 miles north of San Jose. One power reactor, the Empire State Atomic Development Associates (ESADA) Experimental Vallecitos Superheat Reactor (EVESR) (License No. DR-10) and two research and test reactors, the General Electric Test Reactor (GETR) (License No. TR-1) and the Nuclear Test Reactor (NTR) (License No. R-33), are located at VNC. The Hillside Storage Facility (or Hillside Bunker) (License No. SNM-960) is also located at VNC.

The NRC authorized the transfer of the EVESR, GETR, NTR and SNM licenses to NorthStar Vallecitos (NSV) by Order issued April 25, 2024 (ADAMS Accession No. ML24039A011). Soon after implementation of the license transfer on March 14, 2025 (ADAMS Accession No. ML24053A060), NSV commenced dismantlement and decommissioning activities at the VNC site for the EVESR, the GETR and certain buildings associated with the Hillside Storage Facility. These decommissioning activities generate large volumes of low-level radioactive waste which will be transported to the waste disposal facility operated by Waste Control Specialist (WCS) in Andrews, Texas.

II. Request/Action

By letter dated October 9, 2025 (ADAMS Accession No. ML25282A062), NSV requested an exemption from 10 CFR Part 20, appendix G, "Requirements for Transfers

of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests,” Section III.E. for disposals from the VNC facility. Section III.E requires that the shipper of any low-level radioactive waste to a licensed land disposal facility must investigate and trace the shipment if the shipper has not received notification of the shipment’s receipt by the disposal facility within 20 days after transfer. In addition, Section III.E requires a licensee to report missing shipments to the NRC. Specifically, NSV is requesting an exemption from the requirements in 10 CFR Part 20, Appendix G, Section III.E, under the provisions of 10 CFR 20.2301, “Applications for exemptions,” sought to extend the length of time for NSV to receive acknowledgement of shipment receipt from the intended recipient from 20 to 45 days for VNC rail, road or mixed mode shipments (i.e., shipments utilizing a combination of road and rail carriers).

III. Discussion

A. The Exemption is Authorized by Law.

The regulations in 10 CFR 20.2301 allow the Commission, upon application by a licensee or upon its own initiative, to grant exemptions from the requirements of the regulations in 10 CFR Part 20 if it determines the exemption would be authorized by law and would not result in undue hazard to life or property. There are no provisions in the Atomic Energy Act of 1954, as amended (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 NRC concludes that there is no statutory prohibition on the issuance of the requested exemption and the NRC is authorized to grant the exemption by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

Section III.E of 10 CFR Part 20, Appendix G requires licensees to investigate, trace, and report radioactive shipments that have not reached their destination, as scheduled, for unknown reasons. Historical data from three VNC investigation reports pursuant to 10 CFR Part 20, Appendix G (ADAMS Accession Nos. ML23331A996, ML25350C106 and ML26013A277) found the time from shipment from VNC to

acceptance of shipment from a disposal facility took longer than 20 days due to the complexities of mix mode shipment and administrative delays. Two of the shipments exceeded 20 days in transit, with transit times of 22 and 25 days; and the other shipment while having a documented 19 day transit time, exceeded the 20 days for receipt acknowledgement as the administrative steps of accepting the shipment took additional time. All three reports indicated mix mode transport where the waste was shipped by truck to a transload facility, readied for transport by the Sierra Northern Railroad, and subsequently reached Andrews, Texas, after being transported by the Union Pacific, as well as the Texas & New Mexico Railway.

Although none of the VNC reports indicated shipment transit times exceeding 30 days, NSV supported its request for an extension to 45 days. Specifically, NSV provided information in their application noting that rail shipments from other sites have been known to sit at the waste facilities railyard awaiting receipt for periods exceeding 30 days. NSV cited an example which occurred with waste shipments from Vermont Yankee to WCS by NorthStar Nuclear Decommissioning Co., LLC, with transit times of 33 and 40 days. In addition, NSV indicated that administrative processes at the disposal facility and mail delivery times could add several additional days beyond the times in transit before the licensee receives notification of receipt.

In further support of the exemption request, NSV also provided information regarding the tracking mechanisms employed by the licensee during shipments. For road and rail shipments, NSV utilizes an electronic data tracking system interchange, or similar tracking systems, to monitor the progress of shipments daily. NSV also requests a daily update be provided for the location of the conveyance from the appropriate carriers.

After reviewing the application, the NRC has determined that extending the time for receipt acknowledgement to 45 days is reasonable. Because the VNC waste shipments utilize three railroads, there are multiple opportunities for delays outside of the control of the shipper, as supported by Enclosure 1 of SECY-18-0055 (ADAMS

Accession Nos. ML18012A022). Additionally, as demonstrated by VNC 10 CFR Part 20, historical Appendix G investigation reports, administrative processes at the disposal facility and mail delivery times could add several additional days to the transit times beyond the delays likely given the mixed mode transport.

The NRC has also concluded that, because of the oversight and monitoring of radioactive waste shipments throughout the entire journey from VNC to the disposal site, it is unlikely that a shipment could be lost, misdirected, or diverted without the knowledge of the carrier or NSV. Furthermore, by extending the elapsed time for receipt acknowledgement to 45 days before requiring investigations, tracing, and reporting, a reasonable upper limit on shipment duration is still maintained if a breakdown of normal tracking systems were to occur. Consequently, the NRC determined that extending the receipt of notification period would not result in an undue hazard to life or property.

C. Categorical Exclusion Evaluation

With respect to compliance with Section 102(2) of the National Environmental Policy Act, 42 U.S.C. 4332(2) (NEPA), the NRC staff has determined that the proposed action, namely, the approval of the NSV exemption request, is within the scope of the two categorical exclusions listed at 10 CFR 51.22(c)(25)(vi)(B) and 10 CFR 51.22(c)(25)(vi)(C). The categorical exclusion listed at 10 CFR 51.22(c)(25)(vi)(B) concerns approval of exemption requests from reporting requirements and the categorical exclusion listed at 10 CFR 51.22(c)(25)(vi)(C) concerns approval of exemption requests from inspection or surveillance requirements.

In order to meet these categorical exclusion categories, the proposed exemption would also need to satisfy sections 10 CFR 51.22(c)(25)(vi)(i)-(v). After evaluating the request, staff determined that the proposed exemption satisfies sections 51.22(c)(25)(vi)(i)-(v), as the exemption would only extend certain reporting and inspection and surveillance requirements and does not impact the facility or operations. Specifically, with respect to this exemption the staff determined that there is no significant hazards consideration because there is no impact to the facility; structures,

systems or components of the facility; or operations of the facility. Because the proposed exemption only extends certain reporting and inspection and surveillance requirements, and does not authorize changes to the facility or operations at the facility, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; no significant increase in individual or cumulative public or occupational radiation exposure; no significant construction impact; and no significant increase in the potential for or consequences from radiological accidents.

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.2301, the exemption is authorized by law and will not result in undue hazard to life or property. Therefore, the Commission hereby grants NSV an exemption from 10 CFR Part 20, Appendix G, Section III.E to extend the receipt of notification period from 20 days to 45 days after transfer for rail or mixed-mode shipments of low-level radioactive waste from the VNC facility to a licensed land disposal facility.

Dated at Rockville, Maryland, this 23rd day of March 2026.

For the Nuclear Regulatory Commission.

/RA by Theodore Smith for/

Jane E. Marshall, Director
Division of Decommissioning, Uranium Recovery,
and Waste Programs,
Office of Nuclear Material Safety
and Safeguards.

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