

**NUCLEAR REGULATORY COMMISSION**

Docket No. NRC-2010-0348

**Agency Information Collection Activities: Proposed Collection; Comment Request**

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

**SUMMARY:** The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* "DOE/NRC Form 742C, Physical Inventory Listing."

2. *Current OMB approval number:* 3150-0058.

3. *How often the collection is required:* DOE/NRC Form 742C is submitted annually following a physical inventory of nuclear materials.

4. *Who is required or asked to report:* Persons licensed to possess specified quantities of special nuclear or source material.

5. *The number of annual respondents:* For DOE/NRC Form 742C, there are approximately 360 respondents annually.

6. *The number of hours needed annually to complete the requirement or request:* 1,440.

7. *Abstract:* Each licensee authorized to possess special nuclear material totaling more than one gram of contained uranium-235, uranium-233, or plutonium, or any combination thereof, is required to submit DOE/NRC Form 742C data. NRC uses this information to fulfill its responsibilities as a participant in US/IAEA Safeguards Agreement and various bilateral agreements with other countries and to satisfy its domestic safeguards responsibilities.

Submit, by February 28, 2011 comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC-2010-0348. You may submit your comments by any of the following methods. Electronic comments: Go to <http://www.regulations.gov> and search for Docket No. NRC-2010-0348. Mail comments to NRC Clearance Officer, Tremaine Donnell (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-6258, or by e-mail to [INFCOLLECTS.Resource@NRC.GOV](mailto:INFCOLLECTS.Resource@NRC.GOV).

Dated at Rockville, Maryland, this 22nd day of December 2010.

For the Nuclear Regulatory Commission.

**Kristen Benney,**

*Acting NRC Clearance Officer, Office of Information Services.*

[FR Doc. 2010-32919 Filed 12-29-10; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[Docket No. NRC-2010-0347]

**Agency Information Collection Activities: Proposed Collection; Comment Request**

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

**SUMMARY:** The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* "DOE/NRC Form 742, Material Balance Report and NUREG/BR-0007, Instructions for the Preparation and Distribution of Material Status Report."

2. *Current OMB approval number:* 3150-0004.

3. *How often the collection is required:* DOE/NRC Form 742 is submitted annually following a physical inventory of nuclear materials.

4. *Who is required or asked to report:* Persons licensed to possess specified quantities of special nuclear or source material.

5. *The number of annual respondents:* For DOE/NRC Form 742, there are approximately 360 respondents annually.

6. *The number of hours needed annually to complete the requirement or request:* 1,260.

7. *Abstract:* Each licensee authorized to possess special nuclear material totaling more than one gram of contained uranium-235, uranium-233, or plutonium, or any combination thereof, are required to submit DOE/NRC Forms 742 and 742C. In addition, any licensee authorized to possess 1,000 kilograms of source material is required to submit DOE/NRC Form 742. The NRC uses this information to fulfill its responsibilities as a participant in US/IAEA Safeguards Agreement and various bilateral agreements with other countries, and to satisfy its domestic safeguards responsibilities.

Submit, by February 28, 2011 comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized,

including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC-2010-0347. You may submit your comments by any of the following methods. Electronic comments: Go to <http://www.regulations.gov> and search for Docket No. NRC-2010-0347. Mail comments to NRC Clearance Officer, Tremaine Donnell (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-6258, or by e-mail to [INFOCOLLECTS.Resource@NRC.GOV](mailto:INFOCOLLECTS.Resource@NRC.GOV).

Dated at Rockville, Maryland, this 2nd day of December, 2010.

For the Nuclear Regulatory Commission.

**Kristen Benney,**

*Acting NRC Clearance Officer, Office of Information Services.*

[FR Doc. 2010-32920 Filed 12-29-10; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261; NRC-2010-0062]

### Carolina Power & Light Company; H. B. Robinson Steam Electric Plant, Unit No. 2; Exemption

#### 1.0 Background

Carolina Power & Light Company (CP&L, the licensee) is the holder of Renewed Facility Operating License No. DPR-23, which authorizes operation of the H.B. Robinson Steam Electric Plant, Unit 2 (HBRSEP). 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 one pressurized-water reactor located in New Hill, North Carolina.

#### 2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR) part 73, "Physical protection of plants and materials," Section 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," published as a final rule in the **Federal Register** on March 27, 2009, effective May 26, 2009, with a full implementation date of March 31, 2010, requires licensees to protect, with high assurance, against radiological sabotage by designing and implementing comprehensive site security plans. The amendments to 10 CFR 73.55 published on March 27, 2009 (74 FR 13926), establish and update generically applicable security requirements similar to those previously imposed by Commission orders issued after the terrorist attacks of September 11, 2001, and implemented by licensees. In addition, the amendments to 10 CFR 73.55 include additional requirements to further enhance site security based upon insights gained from implementation of the post-September 11, 2001, security orders.

By letter dated March 3, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML100082190), the NRC granted an exemption to the licensee for two specific items subject to the new rule in 10 CFR 73.55, allowing the implementation of these items to be extended until December 30, 2010. The licensee has implemented all other physical security requirements established by this rulemaking prior to March 31, 2010, the required implementation date.

By letter dated September 30, 2010, the licensee requested an exemption in accordance with 10 CFR 73.5, "Specific exemptions." Specifically, the licensee requested an extension of the implementation date for the remaining one item from December 30, 2010, to September 16, 2011. Portions of the licensee's September 30, 2010, letter contain security-related information and, accordingly, a redacted version of this letter is available for public review in the ADAMS No. ML103360283. The licensee requested this exemption to allow an additional extension from the current implementation date granted in the prior exemption to implement one remaining item of the requirements that

involves important physical modifications to the HBRSEP security system. The licensee has performed an extensive evaluation of the revised 10 CFR part 73 and has achieved compliance with a vast majority of the revised rule. However, the licensee has determined that implementation of one specific item of the rule will require more time to implement because it involves upgrades to the security system that require significant physical modifications (*e.g.*, the relocation of certain security assets to a new security building that will be constructed, and the addition of certain power supplies). Granting an exemption would allow the licensee time to complete the necessary security modifications to meet the regulatory requirements.

#### 3.0 Discussion of Part 73 Schedule Exemption From the March 31, 2010, Full Implementation Date

Pursuant to 10 CFR 73.55(a)(1), "By March 31, 2010, each nuclear power reactor licensee, licensed under 10 CFR Part 50, shall implement the requirements of this section through its Commission-approved Physical Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, and Cyber Security Plan referred to collectively hereafter as 'security plans.'" In accordance with 10 CFR 73.5, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 73 when the exemptions are authorized by law, and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

In the draft final rule provided to the Commission, the NRC staff proposed that the requirements of the new regulation be met within 180 days. The Commission directed a change from 180 days to approximately 1 year for licensees to fully implement the new requirements. This change was incorporated into the final rule.

As noted in the final rule, the Commission anticipated that licensees would have to conduct site-specific analyses to determine what changes were necessary to implement the rule's requirements, and that changes could be accomplished through a variety of licensing mechanisms, including exemptions. Since issuance of the final rule, the Commission has rejected a request to generically extend the rule's compliance date for all operating nuclear power plants, but noted that the Commission's regulations provide mechanisms for individual licensees, with good cause, to apply for relief from the compliance date (Reference: June 4,