

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC-2010-0236]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** Notice with a 60-day comment period on this information collection on July 9, 2010.

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* 10 CFR Part 19, Notices, Instructions, and Reports to Workers: Inspection and Investigations.
3. *Current OMB approval number:* 3150-0044.
4. *The form number if applicable:* N/A.
5. *How often the collection is required:* As necessary in order that adequate and timely reports of radiation exposure be made to individuals involved in NRC-licensed activities.
6. *Who will be required or asked to report:* Licensees authorized to receive, possess, use, or transfer material licensed by the NRC.
7. *An estimate of the number of annual responses:* 3,967 (123 responses + 3,844 recordkeepers).
8. *The estimated number of annual respondents:* 3,844.
9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 31,795.
10. *Abstract:* Title 10 of the *Code of Federal Regulations*, Part 19, requires licensees to advise workers on an annual basis of any radiation exposure in excess of 1 mSv (100 mrem) they may have received as a result of NRC-licensed activities or when certain conditions are met. These conditions apply during termination of the worker's employment, at the request of the workers, former workers, or when the worker's employer (the NRC

licensee) must report radiation exposure information on the worker to the NRC. Part 19 also establishes requirements for instructions by licensees to individuals participating in licensed activities and options available to these individuals in connection with Commission inspections of licensees to ascertain compliance with the provisions of the Atomic Energy Act of 1954, as amended. Title II of the Energy Reorganization Act of 1974, and regulations, orders and licenses there under regarding radiological working conditions.

The worker should be informed of the radiation dose he or she receives because: (a) That information is needed by both a new employer and the individual when the employee changes jobs in the nuclear industry; (b) the individual needs to know the radiation dose received as a result of the accident or incident (if this dose is in excess of the 10 CFR Part 20 limits) so that he or she can seek counseling about future work involving radiation, medical attention, or both, as desired; and (c) since long-term exposure to radiation may be an adverse health factor, the individual needs to know whether the accumulated dose is being controlled within NRC limits. The worker also needs to know about health risks from occupational exposure to radioactive materials or radiation, precautions or procedures to minimize exposure, worker responsibilities and options to report any licensee conditions which may lead to or cause a violation of Commission regulations, and individual radiation exposure reports which are available to him.

A copy of the final 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, Maryland 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 and questions should be directed to the OMB reviewer listed below by November 17, 2010. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Christine J. Kymn, Desk Officer, Office of Information and Regulatory Affairs (3150-0044), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to Christine.J.Kymn@omb.eop.gov or submitted by telephone at (202) 395-4638.

The NRC Clearance Officer is Tremaine Donnell, (301) 415-6258.

Dated at Rockville, Maryland, October 8, 2010.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2010-26150 Filed 10-15-10; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. NRC-2010-0322]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: 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:* 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material".
2. *Current OMB approval number:* 3150-0009.

3. *How often the collection is required:* Requires reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses and amendments may be submitted at any time. Generally, renewal applications are submitted every ten years and for major fuel cycle facilities updates of the safety demonstration section are submitted every two years. Nuclear material control and accounting information is submitted in accordance with specified instructions.

4. *Who is required or asked to report:* Applicants for and holders of specific NRC licenses to receive title to, own, acquire, deliver, receive, possess, use, or initially transfer special nuclear material.

5. *The number of annual respondents:* 372.

6. *The number of hours needed annually to complete the requirement or request:* 89,465 hours (81,785 reporting + 7,700 recordkeeping) or an average of 125 hours per response (81,765 reporting burden hours/655 responses) and an average of 13 hours per recordkeeper (7,700 recordkeeping burden hours/61 recordkeepers).

7. *Abstract:* 10 CFR Part 70 establishes requirements for licenses to won, acquire, receive, possess, use, and transfer special nuclear material. The information in the applications, reports, and records is used by NRC to make licensing and other regulatory determinations concerning the use of special nuclear material. The revised estimate of burden reflects the addition of requirements for documentation for termination or transfer of licensed activities, and modifying licenses.

Submit, by December 17, 2010, 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-2010-0322. 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-2010-0322. 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.

Dated at Rockville, Maryland, October 8, 2010.

For the Nuclear Regulatory Commission.
Tremaine Donnell,
NRC Clearance Officer, Office of Information Services.

[FR Doc. 2010-26151 Filed 10-15-10; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-16; NRC-2010-0328]

DTE Energy; Enrico Fermi Atomic Power Plant Unit 1, Exemption From Certain Security Requirements

1.0 Background

DTE Energy (DTE) is the licensee and holder of Facility Operating License No. DPR-9 issued for Enrico Fermi Atomic Power Plant, Unit 1 (Fermi 1), located in Monroe County, Michigan. Fermi 1 is a permanently shutdown nuclear reactor facility. The license provides, among other things, that the licensee is subject to the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

Fermi 1 was a fast breeder reactor power plant cooled by sodium and operated at essentially atmospheric pressure. In November 1972, the Power Reactor Development Company (PRDC), the licensee at that time, made the decision to decommission Fermi 1. The fuel and blanket subassemblies were shipped offsite in 1973. Most of the decommissioning of the Fermi 1 plant was completed in December 1975. The facility is permanently shut down and defueled and the licensee is no longer authorized to operate or place fuel in the reactor. The license for Fermi 1 expires in 2025.

Fuel for the Fermi 1 reactor was assigned to the project under an Atomic Energy Commission (AEC) lease agreement. At the time of decommissioning, consistent with the lease agreement, the AEC agreed to accept the fuel from Fermi 1 at its Savannah River Project (SRP) facility. The first shipment of fuel from the site was made on February 6, 1973. On May 15, 1973, the last shipment of fuel

arrived at the SRP. Disposal of all the blanket subassemblies, which contained special nuclear material (SNM), was accomplished by shipment to the Idaho Chemical Processing Plant. A letter dated November 6, 1975, from the PRDC, documented the completed removal from the site of the fuel and blanket material containing SNM.

By letter dated November 26, 1996, the licensee requested that the NRC clarify the applicability of certain recently revised NRC regulations to Fermi 1, including 10 CFR 50.54(p), which addresses the safeguards contingency plan. In the NRC's response, dated June 25, 1997, the staff determined that the physical protection for Fermi 1 was adequate without the safeguards contingency plan based on the prior removal of the SNM from the Fermi 1 site and the non-operational status of the facility, but the NRC did not specifically grant an exemption from 10 CFR 50.54(p).

Fermi 1 is currently licensed to possess not more than 15 grams of uranium-235, uranium-233 or plutonium, or any combination thereof, with plutonium activity totaling no more than 2 curies. The licensee is permitted to possess this nominal quantity of SNM due to material that may remain in plant systems or be associated with radioactive apparatus or equipment. The 15 gram and 2 curie limit was considered a minimal quantity and was below the criteria requiring emergency planning, criticality monitoring, or material status reports per 10 CFR Part 70 and 10 CFR Part 74.

2.0 Action

Section 50.54(p)(1) of Title 10 of the *Code of Federal Regulations* states, "The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix C of Part 73 of this chapter for affecting the actions and decisions contained in the Responsibility Matrix of the safeguards contingency plan."

Part 73 of Title 10 of the *Code of Federal Regulations*, "Physical Protection of Plant and Materials," provides, "This part prescribes requirements for the establishment and maintenance of a physical protection system which will have capabilities for the protection of special nuclear material at fixed sites and in transit and of plants in which special nuclear material is used." In Section 73.55, entitled "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," paragraph (b)(1) states, "The licensee shall establish and maintain a physical protection program,