

**ACTION:** Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections 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 140, "Financial Protection Requirements and Indemnity Agreements."

2. *Current OMB approval number:* 3150-0039.

3. *How often the collection is required:* As necessary in order for NRC to meet its responsibilities called for in sections 170 and 193 of the Atomic Energy Act of 1954, as amended (the Act).

4. *Who is required or asked to report:* Licensees authorized to operate reactor facilities in accordance with 10 CFR part 50 and licensees authorized to construct and operate a uranium enrichment facility in accordance with 10 CFR parts 40 and 70.

5. *The number of annual respondents:* 91.

6. *The number of hours needed annually to complete the requirement or request:* 1,307.

7. *Abstract:* 10 CFR part 140 of the NRC's regulations specifies information to be submitted by licensees to enable the NRC to assess (a) the financial protection required of licensees and for the indemnification and limitation of liability of certain licensees and other persons pursuant to section 170 of the Atomic Energy Act of 1954, as amended, and (b) the liability insurance required of uranium enrichment facility licensees pursuant to section 193 of the Atomic Energy Act of 1954, as amended.

Submit, by May 16, 2006, 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 and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-7233, or by Internet electronic mail to [INFOCOLLECTS@NRC.GOV](mailto:INFOCOLLECTS@NRC.GOV).

Dated at Rockville, Maryland, this 10th day of March 2006.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-390]

### Tennessee Valley Authority; Watts Bar Nuclear Plant, Unit 1; Exemption

#### 1.0 Background

Tennessee Valley Authority (TVA, the licensee) is the holder of Facility Operating License No. NPF-90, which authorizes operation of Watts Bar Nuclear Plant (WBN), Unit 1. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC) now or hereafter in effect. The facility consists of one pressurized-water reactor located in Rhea County, Tennessee.

#### 2.0 Request/Action

Sections IV.F.2.b and c of Appendix E to Title 10 of the Code of Federal Regulations (10 CFR) Part 50 require the licensee at each site to conduct an exercise of its onsite emergency plan and of its offsite emergency plans biennially with full or partial participation by each offsite authority having a role under the plan. During such biennial exercises, the NRC evaluates onsite and the Federal Emergency Management Agency (FEMA) evaluates offsite emergency preparedness activities, including interaction with the various State and local emergency management agencies. TVA successfully conducted an exercise at WBN during the week of November 5, 2003.

The licensee had scheduled a plume exposure pathway exercise for November 2, 2005, however, due to Hurricane Katrina, the Tennessee Emergency Management Agency (TEMA) was unable to support the exercise. Under the current regulations, the licensee would have had until December 31, 2005, to complete their next exercise. Instead, the licensee will conduct an evaluated exercise on June 7, 2006. Future exercises will be scheduled biennially from the year 2005.

The Commission, pursuant to 10 CFR 50.12(a)(1), may grant exemptions from the requirements of 10 CFR Part 50 that are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security. The Commission, however, pursuant to 10 CFR 50.12(a)(2), will not consider granting an exemption unless special circumstances are present. Under 10 CFR 50.12(a)(2)(ii), special circumstances are present when application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

#### 3.0 Discussion

The underlying purpose for conducting a biennial exercise is to ensure that emergency organization personnel are familiar with their duties and to test the adequacy of emergency plans. In order to accommodate the scheduling of exercises, the NRC has allowed licensees to schedule the exercises at any time during the calendar biennium. Conducting the WBN exercise in calendar year 2006 places the exercise past the previously scheduled biennial calendar year of 2005.

Since the last exercise conducted at WBN on November 5, 2003, WBN has conducted four training drills, a full scale plume phase off-year exercise on November 3, 2004, and an integrated training drill on September 28, 2005. The NRC staff considers the intent of this requirement is met by having conducted these series of exercises and drills. The NRC staff considers that these measures are adequate to maintain an acceptable level of emergency preparedness during this period, satisfying the underlying purpose of the

rule. Therefore, the special circumstances of 10 CFR 50.12(a)(2)(ii) are satisfied.

Only temporary relief from the regulation is provided by the requested exemption since WBN will resume their normal biennial exercise schedule in 2007. The licensee has made a good faith effort to comply with the regulation. The exemption is being sought by the licensee in response to a request by TEMA to postpone the exercise. TEMA was unable to support the original schedule for the exercise due to a series of severe weather events. FEMA stated, "Based on the impact that the response to Hurricane Katrina had on the State of Tennessee, we are agreeing to the postponement of the Watts Bar Nuclear Plant exercise until June 2006."

The NRC staff, having considered the schedule and resource issues with those agencies that participate in and evaluate the offsite portion of the exercises, concludes that the licensee made a good faith effort to meet the requirements of the regulation. The NRC staff, therefore, concludes that the exemption request meets the special circumstances of 10 CFR 50.12(a)(2)(v) and should be granted.

#### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants TVA an exemption from the requirements of 10 CFR Part 50, Appendix E, Sections IV.F.2.b and c for WBN, Unit 1.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (70 FR 76470).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of December, 2005.

For the Nuclear Regulatory Commission.

**Catherine Haney,**

*Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Licensing.*

[FR Doc. E6-3924 Filed 3-16-06; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-04794]

### Notice of Environmental Assessment Related to the Issuance of a License Amendment to Byproduct Material License No. 21-01443-06, for Unrestricted Release of a Former Facility for Warner-Lambert, LLC., Ann Arbor, MI

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

#### FOR FURTHER INFORMATION CONTACT:

William Snell, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829-9871; fax number: (630) 515-1259; or by e-mail at [wgs@nrc.gov](mailto:wgs@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to NRC Byproduct Materials License No. 21-01443-06, which is held by Warner-Lambert, LLC (licensee), which is a wholly-owned subsidiary of Pfizer, Inc. The amendment would authorize the unrestricted release of the licensee's former facility located at Building V, Domino Farms, 24 Frank Lloyd Wright Drive, Ann Arbor, Michigan. The NRC has prepared an Environmental Assessment in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the Environmental Assessment, the NRC has determined that a Finding of No Significant Impact is appropriate. The amendment to Warner-Lambert's license will be issued following the publication of this Environmental Assessment and Finding of No Significant Impact.

#### I. Environmental Assessment

##### Identification of Proposed Action

The proposed action would approve Warner-Lambert's request to amend its license and release the licensee's former facility for unrestricted use in accordance with 10 CFR Part 20, Subpart E. The proposed action is in accordance with Pfizer's request to the U.S. Nuclear Regulatory Commission (NRC) to amend the Warner-Lambert NRC Byproduct Material License by letters dated January 19, 2006 (ADAMS Accession No. ML060240154), and February 14, 2006 (ADAMS Accession

No. ML060480083). Warner-Lambert was first licensed to use byproduct materials at its Domino Farms facility on May 29, 1991. The licensee is authorized to use byproduct materials for activities involving in-vitro biochemical research. The majority of the licensee's operations involved the use of phosphorous-32 and iodine-125 in maximum quantities of 30 and 25 millicuries, respectively. Over the last several years hydrogen-3 and carbon-14 were used more frequently, in maximum concentrations of 100 millicuries. On January 31, 2006, Warner-Lambert completed removal of licensed radioactive material from the Building V, Domino Farms facility located at 24 Frank Lloyd Wright Drive, Ann Arbor.

The licensee conducted surveys of the facility and provided this information to the NRC to demonstrate that the radiological condition of the Building V, Domino Farms facility is consistent with radiological criteria for unrestricted use in 10 CFR Part 20, Subpart E. No radiological remediation activities are required to complete the proposed action.

##### Need for the Proposed Action

The licensee is requesting this license amendment because it has moved out of the Building V facility located at 24 Frank Lloyd Wright Drive, and is conducting licensed activities at another location. The NRC is fulfilling its responsibilities under the Atomic Energy Act to make a decision on the proposed action for decommissioning that ensures that residual radioactivity is reduced to a level that is protective of the public health and safety and the environment, and allows the facility to be released for unrestricted use.

##### Environmental Impacts of the Proposed Action

The NRC staff reviewed the information provided and surveys performed by the licensee to demonstrate that the release of the Building V, Domino Farms facility is consistent with the radiological criteria for unrestricted use specified in 10 CFR 20.1402. Based on its review, the staff determined that there were no radiological impacts associated with the proposed action because no radiological remediation activities were required to complete the proposed action, and that the radiological criteria for unrestricted use in § 20.1402 have been met.

Based on its review, the staff determined that the radiological environmental impacts from the proposed action for the Building V, Domino Farms facility are bounded by