

comments concerning the proposed use of this new form to the NTSB Desk Officer at the OMB.

**DATES:** Submit written comments regarding this proposed collection of information by May 28, 2010.

**ADDRESSES:** Respondents may submit written comments on the collection of information to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the National Transportation Safety Board, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Scott Dunham, NTSB Office of Aviation Safety, at (202) 314-6387.

**SUPPLEMENTARY INFORMATION:** In accordance with OMB regulations that require this Notice for proposed ICRs, the NTSB seeks to notify the public that it may submit comments on this proposed ICR to OMB. 5 CFR 1320.10(a).

The proposed form that the NTSB seeks to use will obtain information from operators who, had they not complied with an RA, would have encountered a substantial risk of collision with another aircraft, or who received an RA while operating in class A airspace. The NTSB's purpose in proposing to use a new form is to allow operators to avoid completing the NTSB's lengthier form in which the NTSB obtains a variety of information concerning an accident or incident (Form 6120.1), when completion of the lengthier form is unnecessary. The proposed new form will solicit the following information: (1) Confirmation that the incident to be reported falls under the scope of the rule; (2) contact information, such as the submitter's name, company (if any), e-mail address, and telephone number; (3) information about the flight and aircraft, such as the call sign, type of aircraft, location and time of the occurrence, and altitude at which the aircraft experienced the RA; (4) information about the ATC services being provided to the aircraft when the RA occurred, such as the ATC facility name and communications frequency in use; and (5) a brief description of the RA type and circumstances of the incident.

For the convenience of operators who submit reports of RAs, the NTSB plans to provide the form on the NTSB Web site. The NTSB's purpose in creating this Web-based form is to provide a convenient way in which submitters may comply with a portion of the NTSB's new regulations, which became effective on March 8, 2010, 75 FR 922-01 (Jan. 7, 2010). In particular, 49 CFR 830.5(a)(10) now requires reports of the following: "Airborne Collision and

Avoidance System (ACAS) resolution advisories issued either: When an aircraft is being operated on an instrument flight rules flight plan and compliance with the advisory is necessary to avert a substantial risk of collision between two or more aircraft; or to an aircraft operating in class A airspace." The NTSB notes that this new regulation does not require reports of RAs unless compliance with the RA is necessary to avoid a substantial risk of collision between two or more aircraft, or unless an aircraft receives an RA while operating in class A airspace. Therefore, before being allowed to continue, the submitter will be asked to confirm that the proposed report involves an incident that falls within the scope of the rule. Once a submitter completes the form, the NTSB may contact the submitter and may consider asking the submitter to complete NTSB Form 6120.1, if the NTSB determines that it needs additional information.

The NTSB also notes that respondents' completion of the form is optional, because respondents may call the NTSB Communications Center or an NTSB field office if they prefer to notify the NTSB via telephone. The form will only be available on the NTSB Web site, and the NTSB has carefully reviewed the form to ensure that it has used plain, coherent, and unambiguous terminology in its requests for information. The form is not duplicative of another agency's collection of information. The NTSB believes this proposed form, given its brevity, will impose a minimal burden on respondents: the NTSB estimates that respondents will spend approximately 10 minutes in completing the form. The NTSB estimates that approximately 20 respondents per year will complete the form.

Dated: March 23, 2010.

**Candi Bing,**

*Federal Register Liaison Officer.*

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. NRC-2010-0113]

### **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:* NRC Form 314, Certificate of Disposition of Materials.

2. *Current OMB approval number:* 3150-0028.

3. *How often the collection is required:* This form is submitted once, when a licensee terminates its license.

4. *Who is required or asked to report:* Persons holding a NRC license for the possession and use of radioactive byproduct, source, or special nuclear material that are ceasing licensed activities and terminating the license.

5. *The number of annual respondents:* 136.

6. *The number of hours needed annually to complete the requirement or request:* 68.

7. *Abstract:* The NRC Form 314 furnishes information to the NRC regarding transfer or other disposition of radioactive material by licensees who wish to terminate their licenses. The information is used by the NRC as part of the basis for its determination that the facility has been cleared of radioactive material before the facility is released for unrestricted use.

Submit, by May 28, 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, 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 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-2010-0113. 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-2010-0113. 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 17th day of March 2010.

For the Nuclear Regulatory Commission.

**Tremaine Donnell,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. 2010-6883 Filed 3-26-10; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-387 and 50-388; NRC-2010-0109]

**PPL Susquehanna, LLC; Susquehanna Steam Electric Station, Units 1 and 2; Exemption**

**1.0 Background**

PPL Susquehanna, LLC (PPL or the licensee) is the holder of Renewed Facility Operating License Nos. NPF-14 and NPF-22, which authorize operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2. The licenses provide, 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 two boiling-water reactors located in Luzerne County, Commonwealth of Pennsylvania.

**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 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 programs. The amendments to 10 CFR 73.55 published on March 27, 2009, 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. It is from three of these new requirements that PPL now seeks an exemption from the March 31, 2010, implementation date. All other physical security requirements established by this recent rulemaking have already been or will be implemented by the licensee by March 31, 2010.

By letter dated December 3, 2009, as supplemented by letters dated January 8 and 29, 2010, the licensee requested an exemption in accordance with 10 CFR 73.5, "Specific exemptions." The portions of the licensee's letters dated December 3, 2009, as supplemented by letters dated January 8 and 29, 2010, contain sensitive security information and accordingly are withheld from public disclosure in accordance with 10 CFR 2.390. The licensee has requested an exemption from the March 31, 2010, compliance date, stating that it must complete a number of significant modifications to the current site security configuration before all requirements can be met. Specifically, the request is to extend the compliance date for one specific requirement to October 29, 2010, and until July 31, 2011, for two other requirements from the current March 31, 2010, deadline. Being granted this exemption for the three items would allow the licensee to complete the modifications designed to update aging equipment and incorporate state-of-the-art technology to meet or exceed the noted regulatory requirements.

**3.0 Discussion of Part 73 Schedule Exemptions 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.'" Pursuant to 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.

This NRC approval of the exemption as noted above, would allow an extension of implementation date in the new rule from March 31, 2010, to October 29, 2010, for one specific requirement and until July 31, 2011, for two other requirements. As stated above, 10 CFR 73.5 allows the NRC to grant exemptions from the requirements of 10 CFR part 73. The NRC staff has determined that granting of the licensee's proposed exemption would not result in a violation of the Atomic Energy Act of 1954, as amended or the Commission's regulations. Therefore, the NRC approval of the licensee's exemption request is authorized by law.

In the draft final power reactor security 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. From this, it is clear that the Commission wanted to provide a reasonable timeframe for licensees to achieve full compliance.

As noted in the final rule, the Commission also 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 generic industry request to extend the rule's compliance date for all operating nuclear power plants, but noted that the Commission's regulations provide mechanisms for individual