

The Department corrects Section III(k)(1) of the Notice and PTE 2010–26 to state:

PNC is open for conducting all or substantially all of its banking functions, and  
**FOR FURTHER INFORMATION CONTACT:** Mr. Anh-Viet Ly of the Department at (202) 693–8648. (This is not a toll-free number.)

Signed at Washington, DC, this 17th day of November, 2010.

**Ivan L. Strasfeld,**

*Director of Exemption Determinations,  
 Employee Benefits Security Administration,  
 U.S. Department of Labor.*

[FR Doc. 2010–29342 Filed 11–19–10; 8:45 am]

**BILLING CODE 4510–29–P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2010–0360]

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

**AGENCY:** U.S. Nuclear Regulatory Commission.

**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:* Comprehensive Decommissioning Program, Including Annual Data Collection.
2. *Current OMB Approval Number:* OMB 3150–0206.
3. *How often the collection is required:* Annually.
4. *Who is required or asked to report:* All Agreement States who have signed Section 274(b) Agreements with NRC.
5. *The number of annual respondents:* 37 (13 Agreement States respondents with sites of interest + 24 Agreement States respondents with no sites of interest).
6. *An estimate of the total number of hours needed annually to complete the requirement or request:* 662 (590 hours from Agreement States with sites of interest + 72 hours from Agreement States with no sites of interest).

7. *Abstract:* Agreement States will be asked to provide information about uranium recovery and complex sites undergoing decommissioning regulated by the Agreement States on an annual basis. The information request will allow the NRC to compile, in a centralized location, more complete information on the status of decommissioning and decontamination in the United States in order to provide a national perspective on decommissioning. The information will be made available to the public by the NRC in order to ensure openness and promote communication to enhance public knowledge of the national decommissioning program. This does not apply to information, such as trade secrets and commercial or financial information provided by the Agreement States, that is considered privileged or confidential. Information such as financial assurance and the status of decommissioning funding would need to be identified by the Agreement State as privileged or confidential, whereupon the NRC would withhold such information from public access and treat it as sensitive or non-sensitive, per the considerations in 10 CFR 2.390 and 9.17. This does not apply to financial assurance or decommissioning funding information that is already available to the public. Although specific details of the funding mechanisms are treated as confidential, beneficial lessons regarding the improvement of decommissioning-related funding will be shared with the Agreement States.

Submit, by January 21, 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, 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–2010–0339. 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–2010–0339. 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 10th day of November 2010

For the Nuclear Regulatory Commission.

**Tremaine Donnell,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. 2010–29375 Filed 11–19–10; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362; NRC–2010–0359]

### Southern California Edison; San Onofre Nuclear Generating Station, Unit 2 and Unit 3; Exemption

#### 1.0 Background

Southern California Edison (SCE, the licensee) is the holder of the Facility Operating License Nos. NPF–10 and NPF–15, which authorize operation of the San Onofre Nuclear Generating Station (SONGS), Unit 2 and Unit 3, respectively. 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 or the Commission) now or hereafter in effect.

The facility consists of two pressurized-water reactors located in San Diego County, California.

#### 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 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 programs. 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 on September 11, 2001, and implemented by the 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 one of these additional requirements that SCE now seeks an exemption from the implementation date. All other physical security requirements established by this recent rulemaking have been implemented by the licensee.

By letter dated August 24, 2010, as supplemented by letter dated October 17, 2010, the licensee requested an exemption in accordance with 10 CFR 73.5, "Specific exemptions." Portions of the August 24 and October 17, 2010, submittals contain safeguards and security-related information and, accordingly, redacted versions of those letters are available for public review in the Agencywide Documents Access and Management System (ADAMS), at Accession Nos. ML102380401 and ML102920691, respectively. By letter dated March 16, 2010 (Accession No. ML100630530), the NRC granted a previous exemption to SCE for two specific items subject to the revised rule in 10 CFR 73.55, allowing the implementation of one item to be deferred until October 31, 2010, and the implementation of a second item until January 31, 2011. The licensee has now requested an additional exemption from the current implementation date established in the prior exemption for one item, based on, in part, significant, unanticipated delays in the production, acceptance testing, and delivery of critical security equipment needed to meet the requirements of the new rule. Specifically, the licensee's request is to extend the implementation date deadline from the current date of October 31, 2010, to February 28, 2011, for one specific requirement. In its October 17, 2010, supplemental letter,

SCE provided additional information supporting the requested extension for implementation of the first item, and also determined that it is currently in compliance with the new rule for the second item, thereby withdrawing its exemption request for the second item. Granting this exemption extending the implementation date for the one remaining item would allow the licensee to complete the modifications designed to update aging equipment and incorporate state-of-the-art technology to meet the noted 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.'" 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.

NRC approval of this exemption would allow an additional extension of the implementation date approved under a previous exemption from October 31, 2010, until February 28, 2011, for one specific remaining requirement of the new rule. 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 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 exemption 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 licensees, with good cause, to apply for relief from the compliance date as documented in a letter from R. W. Borchardt (NRC) to M. S. Fertel (Nuclear Energy Institute) dated June 4, 2009. The licensee's request for an exemption is therefore consistent with the approach set forth by the Commission and discussed in the June 4, 2009, letter.

#### *SONGS Schedule Exemption Request*

The licensee provided detailed information in its letters dated August 24 and October 17, 2010, requesting an exemption. In those letters, the licensee described its comprehensive plan to design, construct, test, and turn over the new equipment for the enhancement of the security capabilities at the SONGS site to achieve full compliance with the new regulation. The August 24 and October 17, 2010, letters contain security-related and safeguards information regarding the site security plan, details of the specific requirements of the regulation for which the licensee seeks exemption, justification for the additional extension request, a description of the required changes to the site's security configuration, and a revised timeline with critical path activities that would enable the licensee to achieve full compliance by February 28, 2011. The timeline provides revised dates indicating when construction will be completed on various phases of the project and when critical equipment will be received, installed, tested and become operational.

Notwithstanding the schedule exemption for this one remaining item, the licensee would continue to be in compliance with all other applicable physical security requirements, as described in 10 CFR 73.55 and reflected in its current NRC-approved physical security program. By February 28, 2011, SONGS would be in full compliance with all of the regulatory requirements of 10 CFR 73.55, as issued on March 27, 2009.

#### 4.0 Conclusion for Part 73 Schedule Exemption Request

The NRC staff has reviewed the licensee's submittal and concludes that the licensee has provided adequate justification for its request for an extension of the previously authorized compliance date from October 31, 2010, to February 28, 2011, for one specific requirement. This conclusion is based on the staff's determination that SCE has made a good faith effort to meet the requirements in a timely manner, has sufficiently described the reasons for the unanticipated delays, and has provided an updated detailed schedule with adequate justification for the additional time requested for the extension, based on those delays and an expansion to the original scope of work that the staff agrees is needed to ensure that required system capabilities are met.

Accordingly, the Commission has determined that pursuant to 10 CFR 73.5, "Specific exemptions," an exemption to further extend the March 31, 2010, compliance date is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the requested exemption.

The NRC staff has determined that the long-term benefits that will be realized when the SONGS security modifications are completed justifies exceeding the full compliance date with regard to the specified requirements of 10 CFR 73.55. The significant security enhancements SONGS needs additional time to complete are new requirements imposed by March 27, 2009, amendments to 10 CFR 73.55, and are in addition to those required by the security orders issued in response to the events of September 11, 2001. Therefore, the NRC concludes that the licensee's actions are in the best interest of protecting the public health and safety through the security changes that will result from granting this exemption.

As per the licensee's request and the NRC's regulatory authority to grant an exemption from the March 31, 2010, deadline for the one remaining item specified in Enclosure 1 of SCE's letters dated August 24 and October 17, 2010, the licensee is required to be in full compliance by February 28, 2011. In achieving compliance, the licensee is reminded that it is responsible for determining the appropriate licensing mechanism (i.e., 10 CFR 50.54(p) or 10 CFR 50.90) for incorporation of all necessary changes to its security plans.

Pursuant to 10 CFR 51.32, "Finding of no significant impact," the Commission has previously determined that the

granting of this exemption will not have a significant effect on the quality of the human environment (75 FR 69136; November 10, 2010).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 10th day of November 2010.

For the Nuclear Regulatory Commission.

**Joseph G. Giitter,**

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

[FR Doc. 2010-29368 Filed 11-19-10; 8:45 am]

**BILLING CODE 7590-01-P**

#### NUCLEAR REGULATORY COMMISSION

##### Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Reliability and PRA; Notice of Meeting

The ACRS Subcommittee on Reliability and PRA will meet on December 13-14, 2010, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The agenda for the subject meeting shall be as follows: *Monday, December 13, 2010—8:30 a.m. until 5 p.m. and Tuesday, December 14, 2010—8:30 a.m. until 5 p.m.*

The Subcommittee will review the current state of licensee efforts on the fire protection program transition to NFPA-805. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), John Lai (Telephone 301-415-5197 or E-mail: [John.Lai@nrc.gov](mailto:John.Lai@nrc.gov)) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 21, 2010, (75 FR 65038-65039).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

Dated: November 15, 2010.

**Antonio Dias,**

*Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.*

[FR Doc. 2010-29373 Filed 11-19-10; 8:45 am]

**BILLING CODE 7590-01-P**

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-320; License No. DPR-73; NRC-2010-0358]

##### Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated September 30, 2010, Mr. Eric J. Epstein has requested that pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Section 2.206, "Requests for Action under this Subpart," the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the Three Mile Island Unit-2 (TMI-2) Nuclear Power Station. Mr. Epstein requests that the Commission take enforcement action in the form of a Demand for Information from FirstEnergy relating to inadequate financial assurance provided by the licensee for TMI-2's nuclear decommissioning fund prior to the consummation of FirstEnergy's proposed merger with Allegheny Energy. As the basis for this request, the petitioner states that the current radiological decommissioning cost estimate is \$831.5 million and the current amount in the decommissioning trust fund is \$484.5 million, as of December 31, 2008. Further, the petitioner states that FirstEnergy's decommissioning report is inadequate,