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 0–1 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.

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]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261; NRC–2010–0062]

Carolina Power & Light Company;
H. B. Robinson Steam Electric Plant, Unit 2; Exemption

1.0 Background

Carolina Power & Light Company (CP&L, the licensee) is the holder of the 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 generally 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. ML103366283. 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 10 CFR 73.55(a)(1), “By March 31, 2010, each nuclear power reactor licensees, 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 licensees, with good cause, to apply for relief from the compliance date (Reference: June 4,
evolved from the conceptual state to a
issues were revealed as the design
schedules were first developed. These
beyond that originally anticipated when
spring refueling outage was extended
time necessary for transition and testing
of the design and construction of the
projected schedule: (1) The complexity
several issues that have delayed the
modifications. The licensee identified
require more time to implement because
specific provision of the rule will
determined that implementation of one
additional time, beyond the date granted
licensee’s ability to meet the current
regarding the revised scope for projects
remaining requirement. Additionally,
implementation date for the one
exemption to extend the
reason and justification for an
information in its letter dated
H.B. Robinson Schedule Exemption
Request
The licensee provided detailed
in its letter dated
September 30, 2010, describing the
reason and justification for an
exemption to extend the
implementation date for the one
remaining requirement. Additionally,
the licensee has provided information
regarding the revised scope for projects
at HBRSEP and the impacts on the
licensee’s ability to meet the current
implementation date of December 30,
2010. The proposed exemption is
needed to provide the licensee with
additional time, beyond the date granted
by the NRC letter dated March 3, 2010,
to implement one remaining item of the
two requirements in the previous
exemption that involves important
physical modifications to the HBRSEP
security system. The licensee has
determined that implementation of one
specific provision of the rule will
require more time to implement because
it involves upgrades to the security
system that require significant physical
modifications. The licensee identified
several issues that have delayed the
work to this point and impacted the
projected schedule: (1) The complexity
of the design and construction of the
projects which lead to unforeseen scope
growth; (2) a better understanding of the
time necessary for transition and testing
for the new systems; and (3) due to a fire
in an electrical switchgear room, the
spring refueling outage was extended
beyond that originally anticipated when
schedules were first developed. These
issues were revealed as the design
evolved from the conceptual state to a
detailed design. Additional time,

The NRC staff has reviewed the
licensee’s submittals and concludes that
the licensee has provided adequate
justification for its request for an
extension of the previously authorized
implementation date from December 30,
2010, with regard to one remaining
requirement of 10 CFR 73.55, to
September 16, 2011. This conclusion is
based on the NRC staff’s determination
that the licensee has made a good faith
effort to meet the requirements in a
timely manner, has sufficiently
described the reason for the
unanticipated delays, and has provided
an updated detailed schedule with
adequate justification to the additional
time requested for the extension.

The long-term benefits that will be
realized when the security systems
upgrade is complete justify extending
the full compliance date with regard to
the specific requirements of 10 CFR
73.55 for this particular licensee. The
security measures that HBRSEP needs
additional time to implement are new
requirements imposed by amendments
to 10 CFR 73.55, as published on March
27, 2009, and are in addition to those
required by the security orders issued in
response to the events of September 11,
2001. Accordingly, an exemption from
the March 31, 2010, implementation
date is authorized by law and will not
endanger life or property or the common
defense and security, and the
Commission hereby grants the requested
exemption.

As per the licensee’s request and the
NRC’s regulatory authority to grant an
exemption to the March 31, 2010,
implementation date for the one
remaining item specified in Attachment
1 of the CP&L letter dated September 30,
2010, the licensee is required to
implement this one remaining item and
be in full compliance with 10 CFR 73.55
by September 16, 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.

In accordance with 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 80545 dated December 22, 2010).
This exemption is effective upon
issuance.

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

For the Nuclear Regulatory Commission.

Joseph G. Gitter,
Director, Division of Operating Reactor
Licensing, Office of Nuclear Reactor
Regulation.

[FR Doc. 2010–32917 Filed 12–29–10; 8:45 am]
BILLING CODE 7590–01–P