

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.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* 10 CFR Part 25—Access Authorization for Licensee Personnel.

3. *The form number if applicable:* N/A..

4. *How often the collection is required:* On occasion.

5. *Who will be required or asked to report:* NRC-regulated facilities and other organizations requiring access to NRC-classified information.

6. An estimate of the number of annual responses 1,594 {1,516 Total Responses for reporting + 78 Recordkeepers}.

7. *The estimated number of annual respondents:* 78.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 417 hours (371 hours for reporting and 46 hours for recordkeeping) or approximately .26 hours per response.

9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies:* N/A.

10. *Abstract:* NRC-regulated facilities and other organizations are required to provide information and maintain records to ensure that an adequate level of protection is provided NRC-classified information and material.

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, 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 should be directed to the OMB reviewer listed below by June 4, 2007. 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.

Margaret A. Malanoski, Office of Information and Regulatory Affairs (3150-0046), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to Margaret_A_Malanoski@omb.eop.gov or submitted by telephone at (202) 395-3122.

The NRC Clearance Officer is Margaret A. Janney, (301) 415-7245.

Dated at Rockville, Maryland, this 26th day of April, 2007.

For the Nuclear Regulatory Commission.

Margaret A. Janney,
NRC Clearance Officer, Office of Information Services.

[FR Doc. E7-8554 Filed 5-3-07; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

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

AGENCY: U.S. 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.

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* 10 CFR Part 95—Facility Security Clearance and Safeguarding of National Security Information and Restricted Data.

3. *The form number if applicable:* N/A.

4. *How often the collection is required:* On occasion.

5. *Who will be required or asked to report:* NRC-regulated facilities and other organizations requiring access to NRC-classified information.

6. *An estimate of the number of annual responses:* 308 responses (298 plus 10 recordkeepers).

7. *The estimated number of annual respondents:* 16.

8. *An estimate of the total number of hours needed annually to complete the*

requirement or request: 954 hours (805 hours reporting [3 hrs per response] and 149 hours recordkeeping [15 hrs per recordkeeper]).

9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies:* N/A.

10. *Abstract:* NRC-regulated facilities and other organizations are required to provide information and maintain records to ensure that an adequate level of protection is provided to NRC-classified information and material.

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, 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 should be directed to the OMB reviewer listed below by June 4, 2007. 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.

Margaret A. Malanoski,
Office of Information and Regulatory Affairs (3150-0047), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to Margaret_A_Malanoski@omb.eop.gov or submitted by telephone at (202) 395-3122.

The NRC Clearance Officer is Margaret A. Janney, (301) 415-7245.

Dated at Rockville, Maryland, this 26th day of April, 2007.

For the Nuclear Regulatory Commission.

Margaret A. Janney,
NRC Clearance Officer, Office of Information Services.

[FR Doc. E7-8559 Filed 5-3-07; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255-LT; ASLBP No. 07-853-01-LT-BD01]

Consumers Energy Company, Nuclear Management Company, LLC, Entergy Nuclear Palisades, LLC, and Entergy Nuclear Operations, INC.; Designation of Presiding Officer

Pursuant to delegation by the Commission, *see* 37 FR 28,710 (Dec. 29, 1972), and the Commission's regulations, *see* 10 CFR 2.313(a)(2),

2.318, 2.1300, and 2.1319(a), notice is hereby given that a member of the Atomic Safety and Licensing Board Panel is being designated as Presiding Officer in the following proceeding in compliance with the Commission's directions in its Memorandum and Order dated April 26, 2007 (CLI-07-18):

Consumers Energy Company, Nuclear Management Company, LLC, Entergy Nuclear Palisades, LLC, and Entergy Nuclear Operations, Inc. (Palisades Nuclear Power Plant)

This proceeding, which will be conducted pursuant to 10 CFR Part 2 Subpart M of the Commission's Regulations, "Procedures for Hearings on License Transfer Applications," concerns a Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment and Opportunity for a Hearing published in the **Federal Register** at 71 FR 66,805 (Nov. 16, 2006). The Commission is considering issuing an order approving the transfer of Facility Operating License No. DPR-20 for Palisades Nuclear Plant currently held by Consumers Energy Company and Nuclear Management Company, LLC to Entergy Nuclear Palisades, LLC and Entergy Nuclear Operations, Inc. As relevant here, in CLI-07-18 (slip op. at 4), the Commission determined that petitioners Van Buren County and Covert Township have standing in this proceeding. The Commission deferred ruling on the admissibility of the contentions proffered by the County and the Township, but it granted their request for access to proprietary information redacted by the applicants from the license transfer application (*id.* at 14). The Commission directed the applicants to provide the County and Township access to the unredacted version of the application pursuant to a confidentiality agreement (*id.* at 16-17). Unless and until directed otherwise by the Commission, the Presiding Officer's responsibilities shall be limited to resolving any disputes regarding the County's and Township's access to proprietary information in the application (*id.* at 17, 18).

The Presiding Officer is: Administrative Judge Michael C. Farrar, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials relating to disputes regarding the County's and Township's access to proprietary information in the application shall be filed with the

Presiding Officer in accordance with 10 CFR 2.302.

Issued at Rockville, Maryland, this 30th day of April 2007.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. E7-8549 Filed 5-3-07; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[EA-07-074]

In the Matter of All Research and Test Reactor Licensees Identified in Attachment 1; Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to All Research and Test Reactor Licensees Identified in Attachment 1 (Effective Immediately)

I

The Licensees identified in Attachment 1¹ to this Order hold licenses as research and test reactors (RTRs) issued in accordance with the Atomic Energy Act (AEA) of 1954, as amended, by the U.S. Nuclear Regulatory Commission (NRC or Commission). On August 8, 2005, the Energy Policy Act of 2005 (EPAct) was enacted. Section 652 of the EPAct amended Section 149 of the AEA to require fingerprinting and a Federal Bureau of Investigation (FBI) identification and criminal history records check of any person who is permitted unescorted access to a utilization facility, which includes the RTRs listed in Attachment 1 to this Order.

II

Prior to September 11, 2001, the Commission established physical protection requirements applicable to RTRs, which included storing and using the special nuclear material in controlled access areas, monitoring the controlled access areas for unauthorized activities, and ensuring a response to all unauthorized activities.

Subsequent to the terrorist events of September 11, 2001, the NRC took various actions to ensure the acceptability of individuals for unescorted access to RTRs. RTRs were advised to consider taking additional precautions including observation of activities within their facility, and licensee precautions were evaluated at specific RTR sites in the remainder of

2001. From 2002 through 2004, RTRs implemented compensatory measures (CMs), which included site-specific background investigations or checks. Additionally, in January 2003, NRC sent the names of and information on all individuals with unescorted access at RTRs to U.S. intelligence agencies for review. This review found no issues. Individuals with unescorted access since January 2003 have undergone site-specific background investigations or checks, which were implemented as part of CMs implemented at RTRs in response to NRC initiatives.

The RTR site-specific background investigations and checks were established using a graded approach, considering the specific configuration, uses and radiological risk of each facility, to provide acceptable protection of the nuclear material and any associated radioactive materials. The background investigations and checks at a minimum verify identity, nationality, immigration status (if applicable), and determine whether the individual demonstrates a pattern of trustworthy and reliable behavior through facility-specific verification of various aspects of a person's background. These verifications include consideration of educational, military, employment and criminal histories. With regard to criminal history, some of the RTR facilities use FBI fingerprint-based criminal history records checks, while others use either State fingerprint-based criminal history records checks or criminal history records checks which do not include fingerprints. These background investigations or checks, through a combination of various elements, have provided additional assurance for the protection of the specific facility from potential radiological risk from insider threats.

Further, RTRs are required by Orders dated September 29, 2006, to have FBI fingerprint-based identification and criminal history records checks for persons allowed access to Safeguards Information.² These individuals are those who are allowed access to the details of security plans or procedures at the specific facility and, therefore, have actual knowledge and ability to affect the facility security. Therefore, those Orders provide additional assurance that security information and associated RTRs facilities are adequately protected.

Previously, AEA Section 149 only required fingerprinting and criminal history records checks of persons

¹ Attachment 1 contains sensitive information and will not be released to the public.

² "Order Imposing Fingerprinting and Criminal History Records Check Requirements for Access to Safeguards Information (Effective Immediately)," (EA-06-203) dated September 29, 2006, (71 FR 59140, Oct. 6, 2006) (ML061510049).