

**DATES:** Comments must be received by August 10, 2009.

**ADDRESSES:** Submit comments by one of the following methods:

- Web site: <http://www.regulations.gov>.
- Web site: <http://www.whitehouse.gov/open>.

Click the link to “Federal Web sites Cookie Policy Forum” and follow the instructions for submitting comments electronically.

- E-mail: [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).
- Fax: (202) 395-7245

Comments submitted in response to this notice will be made available to the public through the relevant Web sites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an e-mail comment, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet.

Relevant comments submitted through the White House Open Government Initiative will be taken into consideration alongside those received in response to this notice.

**FOR FURTHER INFORMATION CONTACT:** Mabel Echols, Office of Information and Regulatory Affairs, Records Management Center, Office of Management and Budget, Room 10102, NEOB, 725 17th Street, NW., Washington, DC 20503. Telephone: (202) 395-6880.

Copies of OMB memoranda M-00-13 and M-03-22 are available on OMB’s Web site at [http://www.whitehouse.gov/omb/memoranda\\_default/](http://www.whitehouse.gov/omb/memoranda_default/).

**SUPPLEMENTARY INFORMATION:** On June 22, 2000, OMB issued memorandum M-00-13, which was later updated by memorandum M-03-22, prohibiting the use of Web tracking technologies unless the agency head approves the use of these technologies due to a compelling need.

During the past nine years, Web tracking technologies have become a staple on most commercial Web sites with widespread public acceptance of their use. Technologies such as persistent cookies enable Web sites to remember a visitor’s preferences and settings, allowing for a more personalized, user-friendly experience. Moreover, such technologies are necessary for accurate analytics of Web traffic, which helps to inform decisions about how to improve a Web site so that it can better serve the public.

While the benefits of using Web tracking technologies are clear, OMB is

acutely aware of, and sensitive to, the privacy questions raised by the use of such technologies. Any evaluation of revisions to the current prohibition must consider, and address, potential risks to privacy.

Under a framework that we are considering, any Federal agency using Web tracking technologies on a Federal Government Web site would be subject to basic principles governing the use of such technologies and would be required to:

- Adhere to all existing laws and policies (including those designed to protect privacy) governing the collection, use, retention, and safeguarding of any data gathered from users;
- Post clear and conspicuous notice on the Web site of the use of Web tracking technologies;
- Provide a clear and understandable means for a user to opt-out of being tracked; and
- Not discriminate against those users who decide to opt-out, in terms of their access to information.

OMB is currently considering the application of a three-tiered approach to the use of Web tracking technologies on Federal Government Web sites. A set of tiers that we are considering would be:

- 1st Single-session technologies—which track users over a single session and do not maintain tracking data over multiple sessions or visits;
- 2nd Multi-session technologies for use in Web analytics—which track users over multiple sessions purely to gather data to analyze Web traffic statistics; and
- 3rd Multi-session technologies for use as persistent identifiers—which track users over multiple visits with the intent of remembering data, settings, or preferences unique to that visitor for purposes beyond what is needed for Web analytics.

It is anticipated that there would be more stringent restrictions or review of the uses of such technologies within the tiers that have higher privacy risks associated with them.

OMB invites public comment on the framework that should govern Federal agency use of Web tracking technologies, including such topics as:

- The appropriate tiers;
- The acceptable use and restrictions of each tier;
- The basic principles governing the use of such technologies;
- The degree of clear and conspicuous notice on each Web site that Web tracking technologies are being used;
- The applicability and scope of such a framework on Federal agency use of third-party applications or Web sites;

- The choice between an opt-in versus opt-out approach for users;
- Unintended or non-obvious privacy implications; and
- Any other general comments with respect to this issue.

**Kevin F. Neyland,**

*Acting Administrator, Office of Information and Regulatory Affairs.*

[FR Doc. E9-17756 Filed 7-24-09; 8:45 am]

**BILLING CODE 3110-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. NRC-2009-0133]

### 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. The NRC published a **Federal Register** Notice with a 60-day comment period on this information collection on March 27, 2009.

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

2. *The title of the information collection:* 10 CFR Part 40, Domestic Licensing of Source Material.

3. *Current OMB approval number:* 3150-0020.

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

5. *How often the collection is required:* On occasion. Reports required under 10 CFR Part 40 are collected and evaluated on a continuing basis as events occur. There is a one-time submittal of information to receive a license. Renewal applications need to be submitted every 5 to 10 years. Information in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis.

6. *Who will be required or asked to report:* 10 CFR Part 40: Applicants for and holders of NRC licenses authorizing the receipt, possession, use, or transfer

of radioactive source and byproduct material.

7. *An estimate of the number of annual responses:* 894 (273 NRC Licensees [68 NRC responses + 205 NRC Recordkeepers] + 621 Agreement State Licensees [349 Agreement State responses + 272 Agreement State recordkeepers]).

8. *The estimated number of annual respondents:* 340 (68 NRC Licensees + 272 Agreement State Licensees).

9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 65,418 total hours [20,769 for NRC Licensees (16,067 hours for reporting and 4,702 hours for recordkeeping) and 44,649 for Agreement State Licensees (26,923 hours for reporting and 17,726 hours for recordkeeping)].

10. *Abstract:* 10 CFR Part 40 establishes requirements for licenses for the receipt, possession, use and transfer of radioactive source and byproduct material. The application, reporting and recordkeeping requirements are necessary to permit the NRC to make a determination on whether the possession, use, and transfer of source and byproduct material is in conformance with the Commission's regulations for protection of public health and safety.

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, 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 and questions should be directed to the OMB reviewer listed below by August 26, 2009. 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.

NRC Desk Officer, Office of Information and Regulatory Affairs (3150-0020), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

The Acting NRC Clearance Officer is Tremaine Donnell, (301) 415-6258.

Dated at Rockville, Maryland, this 20th day of July 2009.

For the Nuclear Regulatory Commission.  
**Tremaine Donnell,**  
*Acting NRC Clearance Officer, Office of Information Services.*

[FR Doc. E9-17789 Filed 7-24-09; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2009-0316; Docket Nos. STN 50-528, STN 50-529, and STN 50-530]**

### **Arizona Public Service Company, et al.; Palo Verde Nuclear Generating Station, Units 1, 2, and 3; Exemption**

#### **1.0 Background**

The Arizona Public Service Company (APS, the facility licensee) is the holder of Facility Operating License Nos. NPF-41, NPF-51, and NPF-74, which authorize operation of the Palo Verde Nuclear Generating Station (PVNGS, the facility), Units 1, 2, and 3, respectively. The licenses provide, among other things, that the PVNGS is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, or the Commission) now or hereafter in effect.

The facility consists of three pressurized-water reactors located 55 miles west of Phoenix, in Maricopa County, Arizona.

#### **2.0 Request/Action**

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 55, "Operators' Licenses," specifies the requirements and procedures governing the issuance of licenses to operators and senior operators of utilization facilities licensed under the Atomic Energy Act of 1954, as amended, or Section 202 of the Energy Reorganization Act of 1974, as amended, and 10 CFR part 50, part 52, or part 54 of the Commission's regulations. Section 55.11, "Specific exemptions," of 10 CFR states that the Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest.

The specific requirements for written examinations and operating tests for senior operator candidates are described in 10 CFR 55.43, "Written examination: Senior operators," and 10 CFR 55.45, "Operating tests," respectively. 10 CFR 55.47, "Waiver of examination and test requirements," provides the criteria under which the Commission may waive any or all of the test

requirements, upon application by a facility licensee.

By letter dated February 6, 2009, APS requested a one-time exemption, in accordance with 10 CFR 55.11, "Specific exemptions," from the reactor operator licensing examination waiver requirements of 10 CFR 55.47(a)(1). Specifically, the facility licensee requested that Mr. Mark A. Sharp be exempted from the requirement to have extensive actual operating experience at PVNGS (or a comparable facility) within 2 years before the date of application (*i.e.*, December 10, 2008), so that he would not have to take and pass an NRC-administered written examination and operating test as a requirement for re-licensing as a senior reactor operator at PVNGS.

Mr. Sharp (Docket No. 55-31662) was the holder of Senior Reactor Operator License No. SOP-43795 from December 6, 1996, until December 11, 2006. The license authorized Mr. Sharp to manipulate the controls of the PVNGS facility and to direct the licensed activities of licensed operators at the facility. Mr. Sharp's license was terminated at the request of facility management when he resigned his employment with APS.

By letter dated December 10, 2008, and in accordance with 10 CFR 55.31, APS submitted a new license application (NRC Form 398, "Personal Qualification Statement—Licensee") on behalf of Mr. Sharp. In that letter, APS requested, pursuant to 10 CFR 55.47(a), that the NRC waive the requirement for Mr. Sharp to take and pass an NRC-administered licensing examination (including both the written examination and operating test) normally required by 10 CFR 55.33(a)(2) to approve an operator license application. In support of the request, APS stated that Mr. Sharp had previously been licensed at PVNGS for approximately 10 years, had extensive actual operating experience at the facility, had re-enrolled in the licensed operator requalification training program and made up the training that he had missed during his absence, and had passed the recently administered written requalification examination and operating test. As holder of the PVNGS facility operating license by which Mr. Sharp was previously employed and where his services would again be utilized, APS also provided the certifications of past performance and current qualifications required by 10 CFR 55.47(b) and (c).

By letter dated January 29, 2009, the NRC notified Mr. Sharp that his request for a waiver of the written examination and operating test had been denied because he did not satisfy the