

# Proposed Rules

Federal Register

Vol. 76, No. 19

Friday, January 28, 2011

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

RIN 3150-A164

[NRC-2010-0340]

### Draft NUREG-0561, Revision 2; Physical Protection of Shipments of Irradiated Reactor Fuel; Extension of Comment Period

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft guidance document; Extension of comment period.

**SUMMARY:** On November 3, 2010 (75 FR 67636), the U.S. Nuclear Regulatory Commission (NRC or the Commission) published for public comment a revision to NUREG-0561, the draft implementation guidance document for a proposed rule to amend its security regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73 pertaining to the transport of irradiated reactor fuel (for purposes of this rulemaking, the terms “irradiated reactor fuel” and “spent nuclear fuel” are used interchangeably). The proposed rule was published on October 13, 2010 (75 FR 62695). The public comment period for this proposed rule was scheduled to expire on February 11, 2011; however, on January 10, 2011 (76 FR 1376), the public comment period for the proposed rule was extended to April 11, 2011. In order to allow the public sufficient time to review and comment on the draft revision to NUREG-0561, the NRC has decided to extend the comment period for the draft guidance document until May 11, 2011.

**DATES:** The comment period has been extended and expires on May 11, 2011. Comments received after this date will be considered if it is practical to do so. The NRC is only able to assure consideration of comments received on or before this date.

**ADDRESSES:** Please include Docket ID: NRC-2010-0340 in the subject line of your comments. For instructions on

submitting comments and accessing documents related to this action, see Section I, “Submitting Comments and Accessing Information” in the **SUPPLEMENTARY INFORMATION** section of this document. You may submit comments by any one of the following methods.

*Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID: NRC-2010-0340. Address questions about NRC dockets to Carol Gallagher, telephone (301) 492-3668; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*Fax comments to:* RADB at (301) 492-3446.

**FOR FURTHER INFORMATION CONTACT:** R. Clyde Ragland, Office of Nuclear Security, and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-7008, e-mail: [Clyde.Ragland@nrc.gov](mailto:Clyde.Ragland@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### Submitting Comments and Accessing Information

Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site <http://www.regulations.gov>. 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. The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

You can access publicly available documents related to this document using the following methods:

*NRC's Public Document Room (PDR):* The public may examine and have copied for a fee, publicly available documents at the NRC's PDR, Room

O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

*NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The draft implementation guidance is available electronically under ADAMS Accession Number ML103060094.

*Federal Rulemaking Web site:* Public comments and supporting materials related to the implementation guidance, including the draft implementation guidance, can be found at <http://www.regulations.gov> by searching on Docket ID: NRC-2010-0340. Documents related to the proposed rule can be found by searching on Docket ID: NRC-2009-0163.

#### Discussion:

On October 13, 2010 (75 FR 62695), the NRC published a proposed rule that would amend its regulations in 10 CFR Part 73 to enhance the security requirements that apply to the transportation of spent nuclear fuel. The public comment period for the proposed rule has been extended through April 11, 2011. In conjunction with the proposed rule, the NRC has revised NUREG-0561, “Physical Protection of Shipments of Irradiated Reactor Fuel.” This document provides guidance on implementing the provisions of proposed 10 CFR Part 73.37, “Requirements for Physical Protection of Byproduct Material” and proposed 10 CFR 73.38, “Personnel Access Authorization Requirements for Irradiated Reactor Fuel in Transit.”

On November 3, 2010 (75 FR 67636), the NRC published for public comment the proposed revision to NUREG-0561. The NRC has determined that additional time is needed for public review of the potential impacts of the proposed requirements. In order to allow the public sufficient time to review and comment on the proposed rule, the NRC

has decided to extend the comment period until May 11, 2011.

Dated at Rockville, Maryland, this 20th day of January 2011.

For the Nuclear Regulatory Commission.

**Robert K. Caldwell,**

*Chief, Fuel Cycle and Transportation Security Branch, Division of Security Policy, Office of Nuclear Security and Incident Response.*

[FR Doc. 2011-1907 Filed 1-27-11; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 920

[SATS No. MD-056-FOR; Docket ID: OSM 2010-0008]

#### Maryland Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** We are announcing receipt of a proposed amendment to the Maryland program (the "Maryland program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) (Administrative Record No. 588.00). Maryland added provisions to regulate coal combustion byproducts (CCBs) and to establish requirements pertaining to the generation, storage, handling, processing, disposal, recycling, beneficial use, or other use of CCBs within the State. In total these regulations pertain to all CCB activities in the State, not just surface coal mining and reclamation operations. However, a section of the Code of Maryland Regulations (COMAR) specifically pertains to the surface coal mining and reclamation operations. The regulation specific to surface coal mining and reclamation operations is a new regulation, Regulation .08 under COMAR 26.20.24, Special Performance Standards. Maryland is requesting approval of this section that it submitted as an amendment on June 24, 2010.

This document gives the times and locations that the Maryland submittal are available for your inspection, the comment period during which you may submit written comments, and the procedures that we will follow for the public hearing, if one is requested.

**DATES:** We will accept written comments until 4 p.m., local time February 28, 2011. If requested, we will

hold a public hearing on February 22, 2011. We will accept requests to speak until 4 p.m., local time on February 14, 2011.

**ADDRESSES:** You may submit comments, identified by "MD-056-FOR; Docket ID: OSM-2010-0008" by either of the following two methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. The proposed rule has been assigned Docket ID: OSM-2010-0008. If you would like to submit comments through the Federal eRulemaking Portal, go to <http://www.regulations.gov> and follow the instructions.

*Mail/Hand Delivery/Courier:* Mr. George Rieger, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, Three Parkway Center, Suite 300, Pittsburgh, PA 15220.

*Instructions:* For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Comment Procedures" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* In addition to obtaining copies of documents at <http://www.regulations.gov>, information may also be obtained at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Pittsburgh Field Division Office.

George Rieger, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, Three Parkway Center, Suite 300, Pittsburgh, Pennsylvania 15220, Telephone: (412) 937-2153, E-mail: [grieger@osmre.gov](mailto:grieger@osmre.gov).  
John E. Carey, Director, Maryland Bureau of Mines, 160 South Water Street, Frostburg, MD 21532, Telephone: (301) 689-1442; E-mail: [jcarey@mde.state.md.us](mailto:jcarey@mde.state.md.us).

**FOR FURTHER INFORMATION CONTACT:** George Rieger, Telephone: (412) 937-2153. E-mail: [grieger@osmre.gov](mailto:grieger@osmre.gov).

#### **SUPPLEMENTARY INFORMATION:**

- I. Background on the Maryland Program
- II. Description of the Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

#### **I. Background on the Maryland Program**

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation

operations in accordance with the requirements of this Act \* \* \*; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior approved the Maryland program on February 18, 1982. You can find background information on the Maryland program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Maryland program in the February 18, 1982, **Federal Register** (47 FR 7214-7217). You can also find later actions concerning the Maryland program and program amendments at 30 CFR 920.12, 920.15, 920.16.

#### **II. Description of the Amendment**

By letter dated June 24, 2010, Maryland sent us an amendment to its program, Administrative Record Number MD-588.00, under SMCRA (30 U.S.C. 1201 *et seq.*). Maryland added regulations to regulate coal combustion byproducts and to establish requirements pertaining to the generation, storage, handling, processing, disposal, recycling, beneficial use, or other use of coal combustion byproducts (CCB) within the State. In total, these regulations pertain to all CCB activities in the State, not just surface coal mining and reclamation operations. However, a section of the added regulations specifically pertains to surface coal mining and reclamation operations and are proposed to be part of Maryland's Federally approved state program. The regulation specific to surface coal mining and reclamation operations has been added as a new regulation, Regulation .08 under COMAR 26.20.24, Special Performance Standards.

Specifically, Maryland's Regulation .08 Utilization of Coal Combustion Byproducts will include paragraphs A-H on the Purpose and Scope, Conditions for Utilization, and Testing and Monitoring. Additionally, Maryland is adding a Coal Combustion Byproducts Utilization Request requirement that will require a solids analysis of the CCBs and a Toxicity Characteristics Leaching Procedure (TCLP) leachate analysis of the CCBs. Maryland may also impose additional controls or conditions on the use of CCBs as it sees fit for the protection of human health and the environment.

The full text of the program amendment is available for you to read at the locations listed above under

**ADDRESSES.**