

mandated by NEPA, the regulations of the Council on Environmental Quality (CEQ), and in particular, the Ninth Circuit decision in *San Luis Obispo Mothers for Peace v. NRC*, 449 F.3d 1016 (9th Cir. 2006), *cert. denied* 127 S. Ct. 1124 (2007). The petitioner further asserts that the requested rulemaking actions are warranted by the facts and legal arguments set forth in the rulemaking petition filed by the Attorney General of the Commonwealth of Massachusetts, docketed by the NRC as Docket No. PRM-51-10 on September 19, 2006, followed by a subsequent publication of a notice of receipt of a petition for rulemaking on November 1, 2006 (71 FR 64169), which the petitioner incorporates by reference.

The petitioner requests that NRC's current regulations be amended as these regulations, in the petitioner's view, determine that the effects of high density storage of spent fuel rods may never be significant for purposes of NEPA. The petitioner asserts that the NRC has not properly evaluated the significance of storing spent fuel assemblies in pools that were designed for a smaller number of spent nuclear fuel assemblies, thereby, increasing the possibility of catastrophic accidents involving fire. In this regard, the petitioner asserts that there is new and significant information showing that significant impacts can occur from high density pool storage of spent nuclear fuels, namely, a 2006 National Academy of Sciences study (NAS Committee on the Safety and Security of Commercial Spent Nuclear Fuel Storage, Safety and Security of Commercial Spent Fuel Storage (the National Academies Press 2006)). The petitioner also asserts that current regulations bar a finding of significance for high density storage despite the threats posed by potential acts of terrorism, as the President of the United States and various other Federal officials have articulated those threats after the September 11, 2001 attacks.

Conclusion

The petitioner asserts that the current NRC regulations preclude the NRC from carrying out its obligations under NEPA by forbidding it from disclosing and analyzing reasonably foreseeable significant risks that will affect the environment. The petitioner states that under NEPA and the Administrative Procedure Act, the NRC has a duty to amend those regulations as requested by the State of California.

Consolidation With Docket No. PRM-51-10

The NRC has determined that this petition raises issues that are

substantially similar to those raised by the petition of the Attorney General of the Commonwealth of Massachusetts, which was docketed by the NRC as PRM-51-10 on September 19, 2006, followed by a subsequent publication of a notice of receipt of a petition for rulemaking on November 1, 2006 (71 FR 64169). Therefore, the NRC, after the public comment period, may consolidate its response to both petitions in one action.

Dated at Rockville, Maryland, this 8th day of May 2007.

For the U.S. Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Chapter VII

RIN 1029-AC54

Placement of Coal Combustion Byproducts in Active and Abandoned Coal Mines

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

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: We are extending the comment period for the advance notice of proposed rulemaking (ANPR) published in the March 14, 2007 **Federal Register** for 30 days. The ANPR is related to the placement of coal combustion byproducts (CCBs) in active and abandoned coal minesites.

DATES: To ensure consideration, we must receive your comments on or before June 13, 2007.

ADDRESSES: You may submit comments, identified by docket number 1029-AC54, by any of the following methods to the indicated address:

- *E-mail:*

rules_comments@osmre.gov. Please include docket number 1029-AC54 in the subject line of the message.

- *Mail/Hand-Delivery/Courier to the OSM Administrative Record Room:*

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 252-SIB, 1951 Constitution Avenue, NW., Washington, DC 20240.

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. The notice is listed under the agency name "SURFACE MINING RECLAMATION AND ENFORCEMENT OFFICE." Click "Add Comments" to submit comments.

FOR FURTHER INFORMATION CONTACT: John Craynon, P.E., Chief, Division of Regulatory Support, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., MS-202, Washington, DC 20240; Telephone 202-208-2866; E-mail: jcraynon@osmre.gov.

SUPPLEMENTARY INFORMATION: On March 14, 2007, we published the ANPR that invited comment on how we should revise the regulations implementing Titles IV and V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) to regulate the placement of CCBs on active and abandoned coal minesites and what type of guidance documents we should issue, if any. (72 FR 12026). We also sought comment on whether section 405(i) of the Act provides sufficient latitude to require that abandoned mine land reclamation project submissions include site-specific plans and requirements concerning the placement of CCBs. The comment period was originally scheduled to close May 14, 2007.

After publishing the ANPR, we received requests from several parties to extend the comment period. We reviewed the requests and have decided to extend the public comment period for the ANPR for 30 days. The public comment period will now close June 13, 2007.

Comments received in response to the ANPR will help us scope and frame the proposed rule. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Dated: May 4, 2007.

C. Stephen Allred,

Assistant Secretary, Land and Minerals Management.

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