

operate what are known as Category I facilities, which supply fuel for use in naval reactors and in research and test reactors.

The MC&A requirements for Category I–III facilities include general performance objectives, and most of these facilities must meet item control requirements.

## B. Discussion

The MC&A provisions would be revised to include general performance objectives applicable to all licensees authorized to possess SNM. Licensees authorized to hold significant amounts of SNM would be required to have written MC&A procedures. Licensees authorized to possess any quantity of SNM would be required to have item control systems. Subparts C and D of 10 CFR part 74 (applicable to Category III, and II facilities, respectively) would be revised to remove most of the current exemptions from the item control requirements. Subparts C, D, and E would be revised to introduce the two-person rule (*i.e.*, having at least two, qualified and authorized individuals to complete and observe certain operations). Category I, II and III facilities would be required to establish procedures for tamper-safing storage containers or locations, and to specify material balance areas, item control areas, and custodial responsibility for these areas.

Category I, II and III facilities must have fundamental nuclear material control (FNMC) plans that have been approved by the NRC. The NRC staff's view is that FNMC is an outdated term, as it does not include "accounting," and thus does not fully describe the accounting aspects that MC&A programs must include. Existing references in subparts C, D, and E of 10 CFR part 74 to FNMC plans would therefore be replaced with references to an MC&A plan. The proposed rulemaking would also:

- Consolidate in 10 CFR part 74 the MC&A requirements currently in 10 CFR part 72 for independent spent fuel storage installations (ISFSIs);
- Revise 10 CFR 150.17, which is applicable to those authorized to hold SNM in Agreement States, to conform to the proposed revisions to 10 CFR 74.13. No substantive changes would be involved;
- Make references to due dates and reporting frequencies more uniform by expressing such timeframes in terms of calendar days;
- Amend 10 CFR 74.4 by adding, removing, and modifying certain defined terms that are used throughout 10 CFR part 74. The proposed

definitions to be added are: *Accounting, custodian, item control area, item control system, material balance area, material control and accounting, and two-person rule*. The term *effective kilograms of special nuclear material* would be removed. In this regard, the affected requirements would instead refer to grams or kilograms of material. Definitions of the following terms would be modified: *Formula quantity, special nuclear material of moderate strategic significance, and special nuclear material of low strategic significance*. These terms would be modified respectively to refer to certain quantities of SNM as Category I, Category II, or Category III, consistent with the existing definitions of these terms in 10 CFR parts 70 and 73;

- Add Appendix A, "Categories of Special Nuclear Material," to 10 CFR part 74. This Appendix would be based on existing Appendix M to 10 CFR part 110, and would show the SNM quantity limits respectively for Category I, Category II, and Category III; the corresponding subpart in 10 CFR part 74 for each category; and the formulae to calculate any combination of strategic SNM within the quantity limits for a category.

The NRC is making the preliminary proposed rule language summarized in this notice available to inform stakeholders of the current status of this proposed rulemaking, and is inviting comment on the language. This preliminary proposed rule language may be subject to significant revisions during the rulemaking process. Public input at this stage will help inform the development of the proposed rule.

The NRC will review and consider any comments received; however, the NRC will not respond to any comments received at this pre-rulemaking stage. As appropriate, the Statements of Consideration for the proposed rule will briefly discuss any substantive changes made to the preliminary language as a result of the comments now being solicited. Stakeholders will have a further opportunity to comment on the rule language when it is published as a proposed rule in accordance with the provisions of the Administrative Procedures Act. The NRC will respond to any such comments in the Statements of Consideration published with the final rule language.

The NRC may post updates to the preliminary proposed rule language on the Federal rulemaking Web site under Docket ID NRC–2009–0096. Regulations.gov allows members of the public to set-up notifications so that they may be alerted when documents are added to a docket. Users are notified

via e-mail at an e-mail address provided at the time of registration for the notification. Directions for signing up for the automatic notifications can be found at <http://www.regulations.gov>. To do so, search for the docket you are interested in and then choose E-mail Alerts.

Dated at Rockville, Maryland, this 6th day of May 2011.

For the Nuclear Regulatory Commission.

**Josephine M. Piccone,**

*Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2011–11923 Filed 5–13–11; 8:45 am]

**BILLING CODE 7590–01–P**

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### 10 CFR Part 1703

#### Proposed FOIA Fee Schedule Update

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations, the Defense Nuclear Facilities Safety Board is publishing its proposed Freedom of Information Act (FOIA) Fee Schedule Update and solicits comments from interested organizations and individual members of the public.

**DATES:** To be considered, comments must be mailed or delivered to the address listed below by 5 p.m. on or before June 15, 2011.

**ADDRESSES:** Comments on the proposed fee schedule should be mailed or delivered to the Office of the General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004. All comments will be placed in the Board's public files and will be available for inspection between 8:30 a.m. and 4:30 p.m., Monday through Friday (except on Federal holidays), in the Board's Public Reading Room at the same address.

**FOR FURTHER INFORMATION CONTACT:** Brian Grosner, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2901, (202) 694–7060.

**SUPPLEMENTARY INFORMATION:** The FOIA requires each Federal agency covered by the Act to specify a schedule of fees applicable to processing of requests for agency records. 5 U.S.C. 552(a)(4)(i). Pursuant to 10 CFR 1703.107(b)(6) of the

Board's regulations, the Board's General Manager will update the FOIA Fee Schedule once every 12 months. Previous Fee Schedule Updates were published in the **Federal Register** and went into effect, most recently, on July 12, 2010, 75 FR 39629. The Board's

proposed fee schedule is consistent with the guidance. The components of the proposed fees (hourly charges for search and review and charges for copies of requested documents) are based upon the Board's specific cost.

**Board Action**

Accordingly, the Board proposes to establish the following schedule of updated fees for services performed in response to FOIA requests:

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD SCHEDULE OF FEES FOR FOIA SERVICES**

[Implementing 10 CFR 1703.107(b)(6)]

Search or Review Charge .....	\$77.00 per hour.
Copy Charge (paper) .....	\$.12 per page, if done in-house, or generally available commercial rate (approximately \$.10 per page).
Electronic Media .....	\$5.00.
Copy Charge (audio cassette) .....	\$3.00 per cassette.
Duplication of DVD .....	\$25.00 for each individual DVD; \$16.50 for each additional individual DVD.
Copy Charge for large documents (e.g., maps, diagrams) .....	Actual commercial rates.

Dated: May 3, 2011.  
**Brian Grosner,**  
*General Manager.*  
 [FR Doc. 2011-11880 Filed 5-13-11; 8:45 am]  
**BILLING CODE 3670-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R06-OAR-2006-0502; FRL-9305-5]

**Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Sunland Park 1-Hour Ozone Maintenance Plan**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a revision to the New Mexico State Implementation Plan (SIP). The revision consists of a maintenance plan for Sunland Park, New Mexico developed to ensure continued attainment of the 8-hour ozone National Ambient Air Quality Standard (NAAQS) through the year 2014. The Maintenance Plan meets the requirements of Section 110(a)(1) of the Federal Clean Air Act (CAA), EPA's rules, and is consistent with EPA's guidance. EPA is approving the revisions pursuant to section 110 and part D of the CAA.

**DATES:** Written comments should be received on or before June 15, 2011.

**ADDRESSES:** Comments may be mailed to Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed

instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Kenneth W. Boyce, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-7259; fax number 214-665-7263; e-mail address *boyce.kenneth@epa.gov*.

**SUPPLEMENTARY INFORMATION:** In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: May 6, 2011.  
**Al Armendariz,**  
*Regional Administrator, Region 6.*  
 [FR Doc. 2011-11811 Filed 5-13-11; 8:45 am]  
**BILLING CODE 6560-50-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Part 418**

[CMS-1355-P]

RIN 0938-AQ31

**Medicare Program; Hospice Wage Index for Fiscal Year 2012**

*Correction*

In proposed rule document 2011-10689 appearing on pages 26805-26851 the issue of Monday, May 9, 2011 make the following corrections:

On page 26806, in the first column, in the **DATES** section, in the fifth line, "July 8, 2011" should read "June 27, 2011".

On page 26851, immediately following the text of Addendum A, insert the following Addendum:

**ADDENDUM B—FY 2012 WAGE INDEX FOR RURAL AREAS**

CBSA code	Nonurban area	Wage index
1 .....	Alabama .....	0.8000
2 .....	Alaska .....	1.3073
3 .....	Arizona .....	0.9417
4 .....	Arkansas .....	0.8000
5 .....	California .....	1.2483
6 .....	Colorado .....	1.0285
7 .....	Connecticut .....	1.1522
8 .....	Delaware .....	1.0103
9 .....	District of Columbia <sup>1</sup> .	
10 .....	Florida .....	0.8707
11 .....	Georgia .....	0.8000
12 .....	Hawaii .....	1.1586
13 .....	Idaho .....	0.8000
14 .....	Illinois .....	0.8639
15 .....	Indiana .....	0.8688
16 .....	Iowa .....	0.8848
17 .....	Kansas .....	0.8264
18 .....	Kentucky .....	0.8107