

**NUCLEAR REGULATORY COMMISSION**

[NRC-2011-0212]

**Monitoring the Effectiveness of Maintenance at Nuclear Power Plants****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Draft regulatory guide; extension of comment period.

**SUMMARY:** On September 6, 2011 (76 FR 55137), the U.S. Nuclear Regulatory Commission (NRC) re-issued Draft Regulatory Guide, DG-1278, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," in the **Federal Register** for a 60 day public comment period. The NRC is extending the public comment period for DG-1278 from October 31, 2011 to November 11, 2011. This guide endorses Revision 4A to Nuclear Management and Resources Council (NUMARC) 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," which provides methods that are acceptable to the NRC staff for complying with the provisions of Section 50.65, "Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," of Title 10 of the Code of Federal Regulations, part 50, "Domestic Licensing of Production and Utilization Facilities."

**DATES:** Submit comments by November 11, 2011. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

**ADDRESSES:** Please include Docket ID NRC-2011-0212 in the subject line of your comments. 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 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-2011-0212. 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.

You can access publicly available documents related to this regulatory guide 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, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library 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 the 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, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The draft regulatory guide is available electronically under ADAMS Accession Number ML111640267.

- *Federal Rulemaking Web Site:* Public comments and supporting materials related to this regulatory guide can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2011-0212.

**FOR FURTHER INFORMATION CONTACT:** Robert G. Carpenter, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-251-7483 or e-mail [Robert.Carpenter@nrc.gov](mailto:Robert.Carpenter@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On September 6, 2011 (76 FR 55137), the NRC published a notice of issuance and availability of DG-1278. By e-mail dated October 11, 2011, the Nuclear Energy Institute (ADAMS Accession No.

ML11286A027) requested an extension of the stated comment period for the purpose of providing sufficient review while attending planned public meetings related to the subject matter of the proposed guide. It is the desire of the NRC to receive comments of a high quality from all stakeholders. Several factors have been considered in granting an extension. The requested comment period extension is reasonable and does not affect NRC deadlines. The additional time will allow stakeholders to discuss the proposed guide during related meetings. Therefore the comment submittal period is extended from the original date of October 31, 2011 to November 11, 2011.

Dated at Rockville, Maryland, this 17th day of October, 2011.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2011-27442 Filed 10-21-11; 8:45 am]

**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 70-0036; NRC-2009-0278]

**Environmental Assessment and Finding of No Significant Impact Related to Exemption of Material for Proposed Disposal Procedures for the Westinghouse Electric Company, LLC, Hematite Decommissioning Project, License No. SNM-33, Festus, MO****AGENCY:** Nuclear Regulatory Commission**ACTION:** Notice of Availability.

**FOR FURTHER INFORMATION CONTACT:** John J. Hayes, Senior Project Manager, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301-415-5928; e-mail: [John.Hayes@nrc.gov](mailto:John.Hayes@nrc.gov).

**SUPPLEMENTARY INFORMATION:****I. Introduction**

By letter dated May 21, 2009, the U.S. Nuclear Regulatory Commission (NRC) received a license amendment application from Westinghouse Electric Company LLC (WEC or the licensee), pertaining to its planned disposal of NRC-licensed source, byproduct, and special nuclear materials. Regarding this material, WEC seeks approval, pursuant

to Title 10 of the Code of Federal Regulations (10 CFR) 20.2002, of proposed disposal procedures which are not otherwise authorized by NRC regulations. WEC holds NRC License No. SNM-33, which authorizes the licensee to conduct decommissioning activities at its former fuel cycle facility located in Festus, Missouri. Since the fuel cycle facility operations have ceased, the Hematite site is undergoing preparation for decommissioning of the site. The facility is now referred to as the Hematite Decommissioning Project (HDP). The amendment request seeks authorization allowing WEC to transfer decommissioning waste to U.S. Ecology Idaho, Inc. (USEI), a Resource Conservation and Recovery Act Subtitle C disposal facility located near Grand View, Idaho. This facility is regulated by the Idaho Department of Environmental Quality, and is not an NRC-licensed facility. Pursuant to 10 CFR 30.11 and 70.17, WEC's application also requested exemptions from the licensing requirements of 10 CFR 30.3 and 70.3 for the byproduct and special nuclear material it seeks to transfer. These exemptions are necessary because the disposal of byproduct and special nuclear material must occur at a facility licensed to possess such material, and the USEI facility has no NRC license.

On July 6, 2009, the NRC issued a Notice of Opportunity for Hearing (Agencywide Documents Access and Management System (ADAMS) No. ML091740733) on the May 21, 2009, WEC license amendment request (ADAMS No. ML091480071). The original notice of opportunity was extended to October 5, 2009, by Order dated September 4, 2009 (ADAMS No. ML092470425). On July 28, 2009, the NRC held a public meeting in the community of Grand View, Idaho, to inform the public and to provide an opportunity for the public to provide comments and ask questions of the NRC staff. On August 12, 2009, WEC submitted a Decommissioning Plan (DP) [ADAMS Nos. ML092330123, ML092330125, ML092330127, ML092330129, ML092330131, and ML092330132] and supporting documents. This DP superseded all previous DPs for the HDP. An Environmental Report (ADAMS Nos. ML092870403 and ML092870405) was included among the supporting documents for the DP. The NRC relied upon the information provided in the May 21, 2009, license amendment request, the July 28, 2009, public meeting, the July 2009 WEC Environmental Report, and other sources as noted in the EA's references

section, in preparing the EA. For this action, a Notice of Availability containing a draft EA and draft Finding of No Significant Impact (ADAMS No. ML110870992) was prepared and published in the **Federal Register** on April 25, 2011. No comments were received.

## II. EA Summary

Under 10 CFR 20.2002, WEC proposes to dispose of about 23,000 m<sup>3</sup> (30,000 yd<sup>3</sup>) of low level waste (LLW) from the HDP that contains byproduct and special nuclear material at the USEI hazardous waste disposal facility near Grand View, Idaho. The LLW will be generated as part of decommissioning activities, which will include exhumation of existing burial pits, as described in the Hematite DP. There are 40 unlined pits, each of which is approximately 12 meters (40 feet) long, 6 meters (20 feet) wide, and 3.6 meters (12 feet) deep. The pits were used to dispose of waste generated by the former owners of the facility from 1965 to 1971. In addition, there are an estimated 20–25 burials for which there are no records. These burials are believed to be in the area between the documented Burial Pits and the site buildings, under roadways in the eastern portion of the central tract area of the HDP site. Additionally impacted material may come from underneath the site buildings.

In 2002, Westinghouse and the Missouri Department of Natural Resources (MDNR) entered into a Letter Agreement, which, among other things, provided for MDNR oversight of certain studies and response actions in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) under the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.* Subsequently, Missouri and Westinghouse entered into a Consent Decree, and the Letter Agreement was terminated. The Consent Decree provides for MDNR oversight of those portions of the investigation and selection of the remedy for Operable Units at the site that are not preempted by the Atomic Energy Act of 1954, as amended.

The no-action alternative was considered for the site. The no-action alternative involves discontinuing ongoing decommissioning activities at the HDP and leaving decommissioning waste, including waste buried in over 40 documented onsite trenches, at the HDP site. This action would require an exemption from the requirement in 70.38(d) of 10 CFR part 70 that

decommissioning of facilities specifically licensed for possession and use of special nuclear material (SNM) be completed and approved by the NRC after licensed activities cease. The no action alternative would cause WEC to continue environmental monitoring and surveillance, and to maintain administrative and engineered controls that are required to ensure facility safety and security. Environmental impacts of the no-action alternative would be bounded by impacts associated with normal operation of the facility prior to decommissioning.

Another alternative considered to the proposed action for disposal of LLW generated by decommissioning activities at the HDP is disposal of LLW in facilities specifically licensed by NRC Agreement States for storage or disposal of LLW. For the EA, the NRC evaluated an alternative licensed facility available to HDP—the EnergySolutions, LLC (EnergySolutions) hazardous and radioactive waste disposal facility near Clive, Utah.

The EnergySolutions LLW facility routinely manages amounts of LLW above ground that contain low concentrations of SNM, but in total quantities in excess of the critical mass limits in 10 CFR part 150. Part 150 provides that Agreement States may only license possession of quantities of SNM up to the critical mass limits (*e.g.*, 350 g U-235, 200 g Pu-239). Above these limits, persons need a license from the NRC, in addition to the Agreement State license. EnergySolutions has an NRC exemption from the requirements for an NRC license, provided certain conditions, as specified by an NRC Order, are met. At Clive, the NRC has specified SNM concentration limits, in lieu of mass limits, to ensure criticality safety. The NRC staff determined that there is no significant difference in the environmental impacts that result from WEC decision to utilize the USEI site for disposal of its waste as opposed to the EnergySolutions site.

## III. Finding of No Significant Impact

The NRC has concluded that the proposed action to grant a license amendment to WEC HDP, and an exemption to USEI from the requirements for a license under 10 CFR 30.3 and 70.3 with respect to HDP's disposal of approximately 23,000 m<sup>3</sup> (30,000 yd<sup>3</sup>) of soil and debris containing low concentrations of byproduct material and SNM, is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

On the basis of the EA, the NRC has concluded that there are no significant environmental impacts and the issuance of a license amendment does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

#### IV. Further Information

Documents related to this action, including the letter requesting the amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. The ADAMS accession numbers for the documents related to this notice are:

(1) Hematite Decommissioning Project Environmental Report (ML092870403 and ML092870405);

(2) Hematite Decommissioning Plan (ML092330123, ML092330125, ML092330127, ML092330129, ML092330131, and ML092330132);

(3) Hematite Supplemental Characterization Report—Books 1 and 2 (ML092870496 and ML092870506);

(4) Environmental Assessment (ML110870992); and

(5) Notice of Opportunity for Hearing (ML091740733).

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland this 13th day of October, 2011.

For the Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2011-27402 Filed 10-21-11; 8:45 am]

**BILLING CODE 7590-01-P**

## PENSION BENEFIT GUARANTY CORPORATION

### Proposed Submission of Information Collection for OMB Review; Comment Request; Survey of Nonparticipating Single Premium Group Annuity Rates

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of Intent to Request Extension of OMB approval of Information Collection.

**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") intends to request that the Office of Management and Budget ("OMB") extend approval, under the Paperwork Reduction Act, of a collection of information that is not contained in a regulation (OMB control number 1212-0030; expires March 31, 2012). This voluntary collection of information is a quarterly survey of insurance company rates for pricing annuity contracts. The American Council of Life Insurers conducts this survey for PBGC. This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by December 23, 2011.

**ADDRESSES:** Comments may be submitted by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the Web site instructions for submitting comments.

*E-mail:* [paperwork.comments@pbgc.gov](mailto:paperwork.comments@pbgc.gov).

*Fax:* 202-326-4224.

*Mail or Hand Delivery:* Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026. PBGC will make all comments available on its Web site at <http://www.pbgc.gov>.

Copies of the collection of information may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address, visiting the Disclosure Division, faxing a request to 202-326-4042, or calling 202-326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.)

**FOR FURTHER INFORMATION CONTACT:**

Thomas H. Gabriel, Attorney, or Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-

326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

**SUPPLEMENTARY INFORMATION:** PBGC's regulations prescribe actuarial valuation methods and assumptions (including interest rate assumptions) to be used in determining the actuarial present value of benefits under single-employer plans that terminate (29 CFR part 4044) and under multiemployer plans that undergo a mass withdrawal of contributing employers (29 CFR part 4281). Each month PBGC publishes the interest rates to be used under those regulations for plans terminating or undergoing mass withdrawal during the next month.

The interest rates are intended to reflect current conditions in the annuity markets. To determine these interest rates, PBGC gathers pricing data from insurance companies that are providing annuity contracts to terminating pension plans through a quarterly "Survey of Nonparticipating Single Premium Group Annuity Rates." The American Council of Life Insurers distributes the survey and provides PBGC with "blind" data (*i.e.*, PBGC is unable to match responses with the companies that submitted them). PBGC also uses the information from the survey in determining the interest rates it uses to value benefits payable to participants and beneficiaries in PBGC-trusted plans for purposes of PBGC's financial statements.

The survey is directed at insurance companies that have volunteered to participate, most or all of which are members of the American Council of Life Insurers. The survey is conducted quarterly and will be sent to approximately 22 insurance companies. Based on experience under the current approval, PBGC estimates that 6 insurance companies will complete and return the survey. PBGC further estimates that the average annual burden of this collection of information is 12 hours and \$360.

OMB has approved this collection of information under control number 1212-0030 through March 31, 2012. PBGC intends to request that OMB extend its approval for another three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC is soliciting public comments to—

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the