

purchased by CCC through the program in this subpart plus the quantity of the product exported through the Dairy Export Incentive Program (as authorized in 15 U.S.C. 713a–14), less the quantity sold by CCC for unrestricted use.

#### **§ 1430.102 Eligible products.**

(a) To be eligible for the program in this subpart, the products must be manufactured from dairy cow's milk produced in the United States, and must not have been previously owned by CCC. Dairy cow in this instance means an animal of the kind that produces the majority of dairy products in the United States and not, for example, cows of other species of animals such as yaks or oxen.

(b) Products will be purchased only from eligible offerors of the product, and only in carlot weights.

(c) The products purchased must be of the following grades and moisture content, as evidenced by USDA-issued inspection certificates:

(1) Block cheddar cheese must be U.S. Grade A or higher, and the moisture content must not exceed 38.5 percent;

(2) Barrel cheddar cheese must be U.S. Extra Grade, and the moisture content must not exceed 36.5 percent;

(3) Butter must be U.S. Grade A or higher;

(4) Nonfat dry milk must be U.S. Extra Grade, and the moisture content must not exceed 3.5 percent.

(d) CCC may require other terms and conditions of purchase, as specified in CCC's purchase announcement.

#### **§ 1430.103 Purchase prices.**

(a) CCC will offer to purchase products at the following prices for all regions of the United States:

(1) Cheddar cheese in blocks for not less than \$1.13 per pound; unless

(i) Net removals of cheese for a period of 12 consecutive months exceed 200,000,000 pounds, but do not exceed 400,000,000 pounds, in which case the CCC block cheese purchase price will be not less than \$1.03 per pound, during the immediately following month, or

(ii) Net removals of cheese for a period of 12 consecutive months exceed 400,000,000 pounds, in which case the CCC block cheese purchase price will be not less than \$0.93 per pound during the immediately following month;

(2) Cheddar cheese in barrels for \$0.03 per pound less than the cheddar cheese block price;

(3) Butter for not less than \$1.05 per pound; unless

(i) Net removals of butter for a period of 12 consecutive months exceed 450,000,000 pounds, but do not exceed 650,000,000 pounds, in which case the

CCC butter purchase price will be not less than \$0.95 per pound during the immediately following month, or

(ii) Net removals of butter for a period of 12 consecutive months exceed 650,000,000 pounds, in which case the CCC butter purchase price will be not less than \$0.85 per pound during the immediately following month; and

(4) Nonfat dry milk for not less than \$0.80 per pound, unless

(i) Net removals of nonfat dry milk for a period of 12 consecutive months exceed 600,000,000 pounds, but do not exceed 800,000,000 pounds, in which case the CCC nonfat dry milk purchase price will be not less than \$0.75 per pound during the immediately following month, or,

(ii) Net removals of nonfat dry milk for a period of 12 consecutive months exceed 800,000,000 pounds, in which case the CCC nonfat dry milk purchase price will be not less than \$0.70 per pound during the immediately following month.

(b) CCC may offer to purchase cheddar cheese, butter, fortified nonfat dry milk, or fortified instant nonfat dry milk in consumer-sized ready-to-consume packages at a premium to the purchase prices for cheddar cheese, butter and nonfat dry milk specified in paragraph (a) of this section. Any such offers will be made through CCC's purchase announcements, and such offers may be limited by quantity and to a specific time period.

(c) CCC may offer to purchase cheddar cheese with a lower moisture content than is specified in § 1430.102(c) at a premium to the prices specified in paragraph (a) of this section. Any such offers will be made through CCC's purchase announcements, and such offers may be limited by quantity and to a specific time period.

#### **§ 1430.104 Sales from inventories.**

(a) CCC may sell any dairy product purchased as specified in this subpart for unrestricted use at the market price prevailing for that product at the time of sale, except that the sale price will not be less than 110 percent of the purchase price specified in § 1430.103(a), before any price reduction for the amount of CCC net removals of the dairy products.

(b) CCC may sell or distribute dairy products purchased under this section for restricted use when such sale is determined to maximize the return to CCC on its purchases.

Signed in Washington, DC, on July 8, 2010.

**Jonathan W. Coppess,**

*Administrator, Farm Service Agency, and Executive Vice President, Commodity Credit Corporation.*

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## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 9**

**[NRC-2010-0157]**

**RIN 3150-A187**

### **Public Records**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is revising its regulations to change the fees for search and review of agency records by NRC personnel. This document is necessary to inform the public of these changes.

**DATES:** *Effective Date:* August 16, 2010.

#### **FOR FURTHER INFORMATION CONTACT:**

Becky Wood at 301-415-6968, e-mail [Becky.Wood@nrc.gov](mailto:Becky.Wood@nrc.gov), or in writing to the Nuclear Regulatory Commission, Office of Information Services, Mail Stop TWFN-5F09, Washington, DC 20555-0001.

**ADDRESSES:** 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, Public File Area O1 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, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

*Federal Rulemaking Web site:* Supporting materials related to this final rule can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2010-0157.

**SUPPLEMENTARY INFORMATION:****Background**

These changes are necessary due to the Biennial Review of Fees for the Freedom of Information Act, as required by the Chief Financial Officer's Act of 1990 and Office of Management and Budget (OMB) Circular No. A-25. Specifically, 10 CFR part 9, section 9.37(a) will be changed from GG-7/7 to GG-7/6 and 9.37(c) will be changed from ES-4 to ES-Maximum.

**Environmental Impact: Categorical Exclusion**

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this rule.

**Paperwork Reduction Act Statement**

This final rule does not contain information collection requirements and, therefore, is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Public Protection Notification**

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

**Backfit Analysis**

The NRC has determined that the backfit rule does not apply to this final rule; therefore, a backfit analysis is not required for this final rule because these amendments are administrative in nature and do not involve any provisions that would impose backfits as defined in 10 CFR chapter I.

**Congressional Review Act**

In accordance with the Congressional Review Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

**List of Subjects in 10 CFR Part 9**

Freedom of Information Act Regulations, Privacy Act Regulations, Government Sunshine Act Regulations, and Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities.

**Rulemaking Procedure**

Because this amendment constitutes a minor administrative change to the

regulations, the notice and comment provisions of the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(B).

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR part 9.

**PART 9—PUBLIC RECORDS**

■ 1. The authority citation for part 9 continues to read as follows:

**Authority:** Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

Subpart A also issued 5 U.S.C. 552; 31 U.S.C. 9701; Pub. L. 99-570.

Subpart B is also issued under 5 U.S.C. 552a.

Subpart C is also issued under 5 U.S.C. 552b.

■ 2. In § 9.37, paragraphs (a) and (c) are revised to read as follows:

**§ 9.37 Fees for search and review of agency records by NRC personnel.**

\* \* \* \* \*

(a) Clerical search and review at a salary rate that is equivalent to a GG-7/step 6, plus 16 percent fringe benefits;

\* \* \* \* \*

(c) Senior executive or Commissioner search and review at a salary rate that is equivalent to an ES-Maximum, plus 16 percent fringe benefits.

Dated at Rockville, Maryland, this 6th day of July, 2010.

For the Nuclear Regulatory Commission.

**R.W. Borchardt,**

*Executive Director for Operations.*

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**NUCLEAR REGULATORY COMMISSION****10 CFR Part 72**

[NRC-2009-0538]

**RIN 3150-AI75**

**List of Approved Spent Fuel Storage Casks: NUHOMS® HD Revision 1; Withdrawal**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule; withdrawal.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is withdrawing a direct final rule that would have revised the NUHOMS® HD cask system listing

within the list of approved spent fuel storage casks to include Amendment No. 1 to Certificate of Compliance (CoC) Number 1030. The NRC is taking this action because the applicant identified that a certain Technical Specification (TS) for Boral characterization was not written precisely and in a manner that could be readily and demonstrably implemented. Specifically, the requirements for meeting TS 4.3.1, "Neutron Absorber Tests," which references Section 9.1.7.3 of the Safety Analysis Report (SAR), are not precisely quantified in that it requires that "the average size of the boron carbide particles in the finished product is approximately 50 microns after rolling." Use of language such as "average" and "approximately" is imprecise, and no ranges or statistical variations are specified. The NRC will publish a revised direct final rule along with its companion proposed rule after the necessary revisions to the TS are made.

**DATES:** The direct final rule published May 6, 2010 (75 FR 24786), is withdrawn.

**FOR FURTHER INFORMATION CONTACT:**

Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6219, e-mail

*Jayne.McCausland@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** On May 6, 2010 (75 FR 24786), the NRC published in the **Federal Register** a direct final rule that would have amended its regulations in 10 CFR 72.214 to revise the NUHOMS® HD System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 1 to the CoC. Amendment No. 1 would have modified the present cask system by adding Combustion Engineering 16x16 class fuel assemblies as authorized contents, reducing the minimum off-normal ambient temperature from -20 °F to -21 °F, expanding the authorized contents of the NUHOMS® HD System to include pressurized water reactor fuel assemblies with control components, reducing the minimum initial enrichment of fuel assemblies from 1.5 weight percent uranium-235 to 0.2 weight percent uranium-235, clarifying the requirements of reconstituted fuel assemblies, adding requirements to qualify metal matrix composite neutron absorbers with integral aluminum cladding, deleting use of nitrogen for draining the water from the dry shielded canister (DSC) and allowing only helium as a cover gas during DSC cavity water removal operations, and making