

Proposed Rules

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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 70

Public Meeting on Part 70 Rulemaking Activities

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Proposed rule; meeting.

SUMMARY: NRC will host a public meeting in Rockville, Maryland, on January 13–14, 1999, to discuss the NRC staff's proposed revisions related to nuclear criticality safety as presented in SECY–98–185, "Proposed Rulemaking—Revised Requirements for the Domestic Licensing of Special Nuclear Material," dated July 30, 1998.

The purpose of this meeting is to discuss the industry's concerns with the nuclear criticality safety requirements contained in SECY–98–185 and the guidance in the associated draft SRP, and the industry's proposed changes.

DATES: The meeting is scheduled for January 13–14, 1999, from 9:00 am to 4:00 pm, in One White Flint North, room 6B–11. The meeting is open to the public. Anyone with administrative questions concerning this meeting should contact Ann Lundy at (301) 415–7218.

ADDRESSES: One White Flint North, 11555 Rockville Pike, Rockville, Maryland. Visitor parking around the NRC building is limited; however, the meeting site is located adjacent to the White Flint Metro Station on the Metro Red Line.

FOR FURTHER INFORMATION CONTACT: Andrew Persinko, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 415–6522, e-mail: axp1@nrc.gov.

SUPPLEMENTARY INFORMATION: At a public meeting held on December 3–4, 1998, to discuss SECY–098–185, "10 CFR Part 70 Revised Requirements for the Domestic Licensing of Special Nuclear Material," the Nuclear Energy

Institute (NEI) expressed concerns related both to the nuclear criticality safety requirements contained in the draft rule and to the implementation guidance contained in the associated draft standard review plan (SRP). Given the technical nature and extent of NEI's criticality comments, NRC concluded that the comments could be more thoroughly addressed at a separate meeting in January, which focused solely on nuclear criticality safety as it relates to the draft rule and SRP. By letter dated December 17, 1998, NEI provided preliminary comments on the NRC staff's draft nuclear criticality safety regulations and SRP chapter attached to SECY–098–185. These written comments will be discussed at the meeting.

This document and other background information can be found at NRC's Part 70 website: http://techconf.llnl.gov/cgi-bin/library?source=* & library=dom lic lib & file=* or alternatively through NRC's home page (<http://www.nrc.gov>) under rulemaking. On the NRC home page, scroll down to and click on *Rulemaking* near the bottom of the screen. The Technical Conference Forum home page can then be accessed by clicking on *Technical Conferences*. Again click on *Technical Conferences*. Scroll down to and click on *Revised Requirements for the Domestic Licensing of Special Nuclear Material (Part 70)*. To view the library of on-line documents, click on *dom lic Library* and then click on *NRC TECH CONF Text and Other Documents*. Documents may also be viewed at the NRC's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555; telephone 202–634–3273; fax 202–634–3343.

Dated at Rockville, Maryland this 4th day of January, 1999.

For the Nuclear Regulatory Commission.

E. William Brach,
Deputy Director, Division of Fuel Cycle Safety and Safeguards.

[FR Doc. 99–506 Filed 1–8–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG 17

List of Approved Spent Fuel Storage Casks: Addition

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to add the Holtec International Hi-Star 100 cask system (Hi-Star) to the List of Approved Spent Fuel Storage Casks. This amendment will allow the holders of power reactor operating licenses to store spent fuel in the Hi-Star cask system under a general license.

DATES: The comment period expires March 29, 1999. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: Comments may be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff. Hand deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:45 am and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking Web site through the NRC's home page (<http://www.nrc.gov>). This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rulemaking, including comments received by the NRC, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These documents also may be viewed and downloaded electronically via the interactive rulemaking website established by NRC for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Stan Turel, telephone (301) 415–6234, e-mail, spt@nrc.gov or Philip Brochman, telephone (301) 415–8592, e-mail,

pgb@nrc.gov of the Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, (NWPAA) directs that, "(t)he Secretary (of the Department of Energy (DOE)) shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the (Nuclear Regulatory) Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission." Section 133 of the NWPAA states, in part, that "[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under section 218(a) for use at the site of any civilian nuclear power reactor."

To implement this mandate, the NRC approved dry storage of spent nuclear fuel in NRC-approved casks under a general license, publishing a final rule on July 18, 1990 in 10 CFR part 72 entitled "General License for Storage of Spent Fuel at Power Reactor Sites" (55 FR 29181, 1990). This rule also established a new Subpart L within 10 CFR part 72 entitled "Approval of Spent Fuel Storage Casks," containing procedures and criteria for obtaining NRC approval of dry storage cask designs. Dry storage cask systems are massive devices designed to provide shielding from direct exposure to radiation, to confine the spent fuel in a safe storage condition, and to prevent releases of radioactive material to the environment. They are designed to perform these tasks by relying on passive heat removal and confinement systems without moving parts and with minimal reliance on human intervention to safely fulfill their function for the term of storage. The 1990 rulemaking listed four casks in 10 CFR 72.214 subpart K as approved by the NRC for storage of spent fuel at power reactor sites under general license by persons authorized to possess or operate nuclear power reactors.

Discussion

This proposed rulemaking would add the Holtec International HI-STAR 100 cask system to the list of NRC approved casks for spent fuel storage in 10 CFR 72.214. Following the procedures

specified in 10 CFR 72.230 of subpart L, Holtec International submitted an application for NRC approval, together with its Safety Analysis Report (SAR): "HI-STAR 100 Cask System Topical Safety Analysis Report (TSAR), Revision 8" dated June 18, 1998. The NRC evaluated the Holtec International submittal and issued a preliminary Safety Evaluation Report (SER) on the Holtec International SAR and a proposed certificate of compliance (CoC) for the Holtec International HI-STAR 100 cask system.

The NRC is proposing to approve the Holtec International HI-STAR 100 cask system for storage of spent fuel under the conditions specified in the proposed CoC. While the HI-STAR 100 cask system is designed to be used as a dual purpose storage and transportation cask, the use or certification of the HI-STAR 100 under 10 CFR part 71 for off-site transport of spent fuel is not a subject of this rulemaking. Certification for transportation could occur only after the completion of a separate staff review of the HI-STAR 100 Safety Analysis report for transportation. Thus, issues pertaining to the transportation configuration of the HI-STAR 100 cask system are not within the scope of this rulemaking.

The HI-STAR 100 cask system, when used in accordance with the conditions specified in the CoC and NRC regulations, will meet the requirements of 10 CFR part 72; thus, adequate protection of public health and safety would be ensured. This cask is being proposed for listing under 10 CFR 72.214, "List of Approved Spent Fuel Storage Casks" to allow holders of power reactor operating licenses to store spent fuel in this cask under a general license. The CoC would terminate 20 years after the effective date of the final rule listing this cask in 10 CFR 72.214, unless the cask's CoC is renewed. The certificate contains conditions for use similar to those for other NRC approved casks, however, the CoC for each cask system may differ in some specifics—such as, certificate number, operating procedures, training exercises, spent fuel specification. The proposed CoC for the Holtec International HI-STAR 100 cask system and the underlying preliminary SER, dated December 15, 1998, are available for inspection and comment at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Single copies of the proposed CoC may be obtained from Stan Turel, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555,

telephone (301) 415-6234, email spt@nrc.gov.

Future Rulemaking Procedures

The Holtec International HI-STAR 100 cask system would become the eighth cask system added to 10 CFR 72.214 list through the process of notice-and-comment rulemaking. Because the NRC believes the additions and revisions to the list of approved spent fuel storage casks are noncontroversial and routine, NRC is considering publishing future additions and revisions as direct final rules. Direct final rulemaking is a technique for expediting the issuance of noncontroversial rules. If the NRC implements this procedure in future rulemakings adding cask systems to the 10 CFR 72.214 list, the NRC would publish the proposed addition or revision to the list as both a proposed and a final rule in the **Federal Register** simultaneously. A direct final rule will normally become effective 75 days after publication in the **Federal Register**. However, if the NRC receives significant adverse comments on the direct final rule within 30 days after publication in the **Federal Register**, the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received as comments on the proposed rule and will subsequently issue a final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period in the event the direct final rule is withdrawn. The NRC is requesting comments on the use of direct final rules for future additions and revisions to the list of approved spent fuel storage casks.

Errata to the Proposed Certificate of Compliance (CoC) Preliminary SER

During NRC management review of the proposed CoC (docketed September 30, 1998, and placed in the NRC PDR) a question was identified on the 6,000 psi limit in Technical Specification 4.4.6.d, "Soil effective modulus of elasticity." The question related to whether the 6,000 psi limit was too narrow and whether this limit would unnecessarily restrict which reactor sites could use the HI-STAR 100 cask. NRC staff evaluated this issue and requested the applicant provide additional information. The applicant subsequently submitted additional information and supporting analysis and requested that the soil effective modulus of elasticity limit be raised to 28,000 psi. NRC staff verified that if a 28,000 psi limit was used, the maximum cask deceleration occurring in the cask

tip-over, side drop, and bottom-end vertical-drop accident analyses would remain bounded by the existing SER analyses.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in subpart A of 10 CFR part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rule is mainly administrative in nature. It would not change safety requirements and would not have significant environmental impacts. The proposed rule would add a cask known as the Holtec International HI-STAR 100 cask system to the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites without additional site-specific approvals by the NRC. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the environmental assessment and finding of no significant impact are available from Stan Turel Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 415-6234, email spt@nrc.gov.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150-0132.

Public Protection Notification

If an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72. The amendment provided for the storage of spent nuclear fuel under a general license in casks certified by the NRC. Any nuclear power reactor licensee can use NRC-certified casks to store spent nuclear fuel if they notify the NRC in advance, spent fuel is stored

under the conditions specified in the cask's CoC, and the conditions of the general license are met. In that rule, four spent fuel storage casks were approved for use at reactor sites and were listed in 10 CFR 72.214. That rule envisioned that storage casks certified in the future could be added to the listing in 10 CFR 72.214 through rulemaking procedures. Procedures and criteria for obtaining NRC approval of new spent fuel storage cask designs were provided in 10 CFR part 72, subpart L. Subsequently, two additional casks were added to the listing in 10 CFR 72.214 in 1993 and one in 1994.

The alternative to this proposed action is to withhold certification of this new design and issue a site-specific license to each utility that proposed to use the casks. However, this alternative would cost the NRC more time and money for each site-specific review. In addition, withholding certification would ignore the procedures and criteria currently in place for the addition of new cask designs. Further, it is in conflict with the Nuclear Waste Policy Act (NWPA) direction to the NRC to approve technologies for the use of spent fuel storage at the sites of civilian nuclear power reactors without, to the extent practicable, the need for additional site reviews. Also, this alternative is anticompetitive in that it would exclude new vendors without cause and would arbitrarily limit the choice of cask designs available to power reactor licensees.

Approval of the proposed rule would eliminate the above problems. Further, the rule, if adopted, would have no adverse effect on public health and safety.

The benefit of this proposed rule to nuclear power reactor licensees is to make available a greater choice of spent fuel storage cask designs that can be used under a general license. However, the newer cask design may have a market advantage over the existing designs because power reactor licensees may prefer to use the newer casks with improved features. The new cask vendors with casks to be listed in 10 CFR 72.214 benefit by having to obtain NRC certificates only once for a design that can then be used by more than one power reactor licensee. Vendors with cask designs already listed may be adversely impacted because power reactor licensees may choose a newly listed design over an existing one. However, the NRC is required by its regulations and the NWPA direction to certify and list approved casks.

The NRC also benefits because it will need to certify a cask design only once for use by multiple licensees. Casks

approved through rulemaking are to be suitable for use under a range of environmental conditions sufficiently broad to encompass multiple nuclear power plant sites in the United States without the need for further site-specific approval by NRC. This proposed rulemaking has no significant identifiable impact or benefit on other Government agencies. Based on the above discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the proposed rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and thus, this action is recommended.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and cask vendors. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this proposed rule, and thus, a backfit analysis is not required for this proposed rule because this amendment does not involve any provisions that would impose backfits as defined in the backfit rule.

List of Subjects in 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

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. 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

**PART 72—LICENSING
REQUIREMENTS FOR THE
INDEPENDENT STORAGE OF SPENT
NUCLEAR FUEL AND HIGH-LEVEL
RADIOACTIVE WASTE**

The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d-48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

In § 72.214, Certificate of Compliance (CoC) 1008 is added to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1008

SAR Submitted by: Holtec International

SAR Title: HI-STAR 100 Cask System

Topical Safety Analysis Report (TSAR),
Revision 8

Docket Number: 72-1008

Certification Expiration Date: (20 years after
final rule effective date)

Model Numbers: HI-STAR 100

Dated at Rockville, Maryland, this 15th day
of December 1998.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 99-505 Filed 1-8-99; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF ENERGY

**Office of Energy Efficiency and
Renewable Energy**

10 CFR Part 430

[Docket No. EE-RM-94-403]

RIN 1904-AA67

**Energy Conservation Program for
Consumer Products: Clothes Washer
Energy Conservation Standards**

AGENCY: Office of Energy Efficiency and
Renewable Energy, Energy.

ACTION: Notice of extension of comment
period.

SUMMARY: On November 19, 1998 (63 FR 64344), the Department of Energy published a Supplemental Advance Notice of Proposed Rulemaking to revise energy conservation standards for clothes washers under the Energy Policy and Conservation Act. The notice announced that February 2, 1999, would be the closing date for receiving public comments. At the December 15, 1998, workshop on clothes washers, Amana requested that the comment period be extended for two months, to allow additional time for understanding the financial model and to give better responses to concerns raised in the notice. The Department is committed to issuing the final rule on schedule. In light of the fact that much of the information discussed in the notice was presented at the March 11, 1998, Clothes Washer Workshop, the Department agrees to a more limited extension of the comment period.

DATES: Comments must be received on
or before February 16, 1999.

ADDRESSES: Written comments are
welcome. Please submit 10 copies (no
faxes) to: Brenda Edwards-Jones, U.S.
Department of Energy, Office of Energy
Efficiency and Renewable Energy,
Energy Conservation Program for
Consumer Products: Clothes Washers,
Docket No. EE-RM-94-403, RIN 1904-
AA67, 1000 Independence Avenue, SW,
Washington, DC 20585-0121.

FOR FURTHER INFORMATION CONTACT:
Bryan Berringer, U.S. Department of
Energy, Office of Energy Efficiency and
Renewable Energy, EE-43, 1000
Independence Avenue, SW,
Washington, DC 20585-0121, (202) 586-
0371, E-mail: Bryan
Berringer@EE.DOE.GOV or Eugene
Margolis, Esq., U.S. Department of
Energy, Office of General Counsel, GC-
72, 1000 Independence Avenue, SW,
Washington, DC 20585, (202) 586-9507,
E-mail: Eugene.Margolis@HQ.DOE.GOV.

Issued in Washington, DC, on January 5,
1999.

Dan W. Reicher,

*Assistant Secretary, Energy Efficiency and
Renewable Energy.*

[FR Doc. 99-540 Filed 1-8-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-318-AD]

RIN 2120-AA64

**Airworthiness Directives; Boeing
Model 737-100, -200, -300, -400, and
-500 Series Airplanes**

AGENCY: Federal Aviation
Administration, DOT.

ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This document proposes the
superseding of an existing airworthiness
directive (AD), applicable to all Boeing
Model 737-100, -200, -300, -400, and
-500 series airplanes, that currently
requires removal of the fuel boost pump
wiring in the conduits of the wing and
center fuel tanks; an inspection to detect
damage of the wiring, and corrective
action, if necessary; and eventual
installation of Teflon sleeving over the
electrical cable. This action would
expand the inspection requirement to
include additional airplanes, add
repetitive inspections for all airplanes,
and reidentify the requirement to install
Teflon sleeving as a nonterminating
action. This proposal is prompted by the
FAA's determination that Model 737-
100 through -500 series airplanes that
are not affected by the current AD must
also be protected against excessive wire
chafing of the fuel boost pump wiring
and that all affected airplanes must be
repetitively inspected. The actions
specified by the proposed AD are
intended to detect and correct chafing
and prevent electrical arcing between
the fuel boost pump wiring and the
surrounding conduit, which could
result in arc-through of the conduit, and
consequent fire or explosion of the fuel
tank.

DATES: Comments must be received by
February 25, 1999.

ADDRESSES: Submit comments in
triplicate to the Federal Aviation
Administration (FAA), Transport
Airplane Directorate, ANM-114,
Attention: Rules Docket No. 98-NM-
318-AD, 1601 Lind Avenue, SW.,
Renton, Washington 98055-4056.