rural area designated by the Secretary of Agriculture under 7 CFR part 25.

(g) *Non-profit organization* means: (1) Any corporation, trust association, cooperative, or other organization which—

(i) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(ii) Is not organized primarily for profit; and

(iii) Uses its net proceeds to maintain, improve, or expand its operations.

(2) For the purposes of this part, ''non-profit organizations'' may include entities affiliated with institutions of higher education, or with state and local governments and federally recognized Indian tribes.

* * * * *

4. Amend § 2812.4 by removing and reserving paragraph (a), and revising paragraphs (c) and (d) to read as follows:

§ 2812.4 Procedures.

(a) [Reserved]

* * * * *

(c) After USDA screening has been accomplished, excess personal property targeted for donation under this part will be made available on a first-come, first-served basis. If there are competing requests, donations will be made to eligible recipients in the following priority order:

(1) Educationally useful Federal equipment for pre-kindergarten through twelfth grade educational institutions and community-based educational organizations in rural EZ/EC communities;

(2) Educationally useful Federal equipment for pre-kindergarten through twelfth grade educational institutions and community-based educational organizations not in rural EZ/EC areas;

(3) All other eligible organizations.

(d) Upon reporting property for excess screening, if the pertinent USDA agency has an eligible organization in mind for donation under this part, it shall enter ''Public Law 102–245'' in the note field. The property will remain in the excess system approximately 30–45 days, and if no USDA agency or cooperator requests it during the excess cycle, Departmental Excess Personal Property Coordinator will send the agency a copy of the excess report stamped, ''DONATION AUTHORITY TO THE HOLDING AGENCY IN ACCORDANCE WITH PUBLIC LAW 102–245.'' The holding USDA agency may then donate the excess property to the eligible organization.

* * * * *

5. Appendix A to part 2812 is removed.

Done at Washington, D.C., this 12th day of July, 1999.

W.R. Ashworth,

Director, Office of Procurement and Property Management.

[FR Doc. 99–19289 Filed 7–28–99; 8:45 am]

BILLING CODE 3410–PA–P]

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Release of Solid Materials at Licensed Facilities: Postponement of Public Meeting Currently Scheduled for August 4–5, 1999, in Chicago, Illinois

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of postponement of public meeting scheduled for Chicago, Illinois, on August 4–5, 1999.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering a rulemaking that would set specific requirements on releases of solid materials in order to establish a regulatory framework more consistent with existing NRC requirements on air and liquid releases. The NRC previously announced its intent to conduct a public meeting on August 4 and 5 in Chicago, Illinois, to discuss those issues, however that meeting is being postponed to allow additional time for participants to familiarize themselves with the issues involved.

FOR FURTHER INFORMATION CONTACT: Chip Cameron; e-mail fxc@nrc.gov, telephone: (301) 415–1642; Office of the General Counsel, USNRC, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION: The NRC previously announced in a **Federal Register** Document (FRD) dated June 30, 1999 (64 FR 35090), that it is considering a rulemaking that would set specific requirements for release of solid materials. That notice also indicated that NRC is supplementing its standard rulemaking process by conducting enhanced public participatory activities including facilitated public meetings, before the start of any formal rulemaking process, to solicit early and active public input on major issues associated with release of solid materials, including whether the NRC should proceed with such a rulemaking. The FRD noted that four public meetings were planned from August through November 1999, in Chicago, San Francisco, Atlanta, and Washington, DC.

The first public meeting planned was to be held in Chicago, Illinois, on August 4 and 5, 1999. However the NRC has decided to postpone the Chicago meeting and reschedule it. The postponed meeting will still be held in Chicago on a date to be announced soon. We decided to postpone this meeting because several stakeholder groups indicated that the short time frame between publication of the June 30, 1999, FRD and the August 4–5 meeting did not allow for adequate preparation and participation. Since NRC is looking for substantive reactions and discussions based on the June 30 FRD, it was felt that postponing the first of the four workshops to a later date would allow all stakeholders to adequately prepare for the discussions and obtain the participation of their key leaders knowledgeable about these issues.

The enhanced participatory rulemaking process will begin with the San Francisco meeting on September 15–16, 1999. As noted in the June 30 FRD, the meeting in San Francisco will take place at the Radisson Miyako Hotel, 1625 Post St., San Francisco, California. As also noted in the June 30 FRD, the meetings in Atlanta and Washington DC will take place as scheduled on October 5–6, 1999, and November 1–2, 1999, respectively.

The NRC regrets any inconvenience this postponement may cause those that planned to attend the Chicago meeting. However, we believe that a balance of stakeholders familiar with the issues and alternatives associated with potential release of solid materials is critical to conducting a comprehensive discussion.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 23rd day of July, 1999.

Donald A. Cool,

Director, Division of Industrial and Medical Nuclear Safety.

[FR Doc. 99–19366 Filed 7–28–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG19

List of Approved Spent Fuel Storage Casks; Revision, NUHOMS 24–P and NUHOMS 52–B

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations containing the list

of approved spent fuel storage cask designs to add an amended version of Certificate of Compliance Number (CoC No.) 1004 to this list. The amended version reflects a change of ownership of this certificate from VECTRA Technologies, Inc. to Transnuclear West, Inc., (TN West) as well as an amendment to the certificate. This rulemaking also implements a Director's Decision, in response to a petition filed by the Toledo Coalition for Safe Energy, *et al.*, regarding the cask design, approved by CoC No. 1004, in which the Director determined that a rulemaking should be conducted to require a fabrication inspection of dry shielded canister (DSC) shell welds.

DATES: The comment period expires October 12, 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 20852–2738, between 7:30 a.m. 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 20003–1527. These same 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 of the Office of Nuclear Material 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 (NWPA), requires, ''. . . 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 NWPA 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 by publishing a final rule in 10 CFR Part 72 entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new Subpart L within Part 72, entitled ''Approval of Spent Fuel Storage Casks,'' that contains procedures and criteria for obtaining NRC approval of dry storage cask designs.

The NRC subsequently issued a final rule to amend Part 72 by adding to the list of approved spent fuel storage cask designs CoC No. 1004 to VECTRA Technologies, Inc., of San Jose, California, for the standardized NUHOMS–24P and NUHOMS–52B spent fuel storage cask designs (59 FR 65898; December 22, 1994). The NUHOMS design consists of a sealed, dry shielded canister (DSC), which contains the spent fuel assemblies. A loaded DSC is stored inside a ventilated, horizontal, concrete vault (i.e., storage module).

The Petition

The Toledo Coalition for Safe Energy, *et al.*, filed a petition with the NRC on December 5, 1995, pursuant to 10 CFR 2.206. The petitioners raised concerns on the safety of the NUHOMS–24P spent fuel storage cask design regarding a reduction in the thickness of the welds in the walls of three DSCs fabricated for use at the Davis-Besse nuclear power plant. In addition, the petitioners questioned the NRC's administrative process by which VECTRA was permitted to deliver the DSCs containing wall thinning to the Davis-Besse facility and by which the licensee for Davis Besse was permitted to use these casks. The petitioners claimed that an NRC rulemaking or some other public proceeding was necessary to grant permission for the transfer and use of these spent fuel storage casks.

The Petition was referred to the Director of the NRC's Office of Nuclear Material Safety and Safeguards (NMSS) for action under the NRC's regulations in 10 CFR 2.206. On February 5, 1997, the Director of NMSS issued Director's Decision 97–03 (DD–97–03) that granted the Petition, in part. The decision found that the minimum wall thickness measured by VECTRA in the three DSCs was 0.581 inch, less than the original design wall thickness of 0.625 inch specified in the Safety Analysis Report (SAR). VECTRA performed calculations demonstrating that a DSC with a 0.500 inch uniform minimum wall thickness still met the American Society of Mechanical Engineers, Boiler and Pressure Vessel Code (ASME Code), allowable stress values and satisfied the NRC's design criteria. VECTRA submitted these calculations in a letter dated September 5, 1995. In a Safety Evaluation (SE), dated October 5, 1995, the NRC accepted VECTRA's wall thickness calculation as meeting the ASME Code allowable stress values. However, the NRC indicated that because of the limited experience in performing weld thickness measurements, it was reasonable for VECTRA to establish a fabrication margin of 0.063 inch above the 0.500 inch minimum design wall thickness. The decision stated, in part, ''while VECTRA failed to comply with its SAR commitment of 0.625 inch, its failure resulted in no compromise of safety. Nonetheless, the failure raised an issue of poor control during the fabrication process.'' The decision also found that existing NUHOMS–24P casks remained acceptable for continued use. The decision further found that VECTRA had no procedure to measure the final wall thickness in the area of the welds, after grinding or in any subsequent steps in the fabrication process, which would provide an adequate level of control in maintaining minimum acceptable wall thickness. VECTRA failed to comply with the NRC's requirement under § 72.150 to have procedures that include appropriate qualitative and quantitative acceptance criteria for determining that important activities have been satisfactorily accomplished. The decision indicated that CoC No. 1004 should be modified to require a fabrication inspection procedure to assure that DSC weld-grinding operations do not result in wall thinning below acceptable levels. Accordingly, the petitioners' request was granted, in part. The decision is available for review in the NRC Public Document Room as ''Director's Decision Under 10 CFR 2.206, DD # 97–03.''

Discussion

The NRC is proposing to revise information contained in § 72.214 under

CoC No. 1004 to reflect Amendment No. 1 to CoC No. 1004 and to address four administrative issues in the current language in § 72.214. These four administrative issues include (1) correcting the expiration date of CoC No. 1004 from the present ''(20 years after the final rule effective date)'' to ''January 23, 2015;'' (2) correcting the title and revision number of the standardized NUHOMS SAR to be consistent with the approach the NRC proposed for CoC SARs in a new § 72.248 (see proposed rule in 63 FR 56098; October 21, 1998); (3) revising the CoC to reflect the transfer of the CoC from VECTRA Technologies, Inc. to Transnuclear West, Inc., (TN West); and (4) specifying the applicability of Amendment No. 0 and Amendment No. 1 to this CoC.

Change 1 keeps the certificate expiration date consistent with the NRC's policy for Part 72 CoCs, which is to use 20 years from the date the final rule is effective. The final rule adding CoC No. 1004 to § 72.214 was effective on January 23, 1995; consequently, the expiration date for this CoC is January 23, 2015.

Change 2 keeps CoC No. 1004 consistent with other proposed changes to Part 72. The SAR Title will be changed from ''Safety Analysis Report for the Standardized NUHOMS Horizontal Modular Storage System for Irradiated Nuclear Fuel, Revision 2'' to ''Final Safety Analysis Report for the Standardized NUHOMS Horizontal Modular Storage System for Irradiated Nuclear Fuel.'' In the new § 72.248, a final SAR is to be submitted to the Commission within 90 days after approval of the cask design and then will be updated periodically. Replacement pages will be provided to the Commission, but FSAR revision numbers will not be used.

Change 3 recognizes the transfer of the CoC from VECTRA to TN West, NRC received letters dated December 18, 1997, from both VECTRA and TN West describing the purchase of VECTRA's intellectual properties and assets associated with NUHOMS technology by TN West. In its December 18, 1997, letter, TN West described that it planned to conduct fabrication activities in accordance with the quality assurance program described in Section 11 of the NUHOMS SAR. TN West further described that it had acquired the composite records of casks manufactured under CoC No. 1004 and that it had records associated with changes to the NUHOMS design implemented after issuance of the CoC.

Change 4 describes how general licensees would continue to use spent fuel storage casks manufactured under CoC No. 1004, Amendment No. 0 (i.e., the initial CoC), if the cask being used was fabricated before [insert effective date of the final rule]. After [insert effective date of the final rule], casks must be manufactured in accordance with CoC No. 1004, Amendment No. 1.

This proposed rule would issue Amendment No. 1 to CoC No. 1004. Amendment No. 1 would revise and reformat the CoC to be consistent with the NRC's current format and layout for Part 72 certificates. Conditions No. 1 through 8 would be renumbered and Condition No. 9 would remain the same. Additionally, Condition No. 4 (previously Condition No. 6) would be revised to implement DD–97–03. Because the Director granted the Petition, in part, and to ensure future compliance with § 72.150 with respect to DSC shell-weld thickness, the revised Condition No. 4 to CoC No.1004 would require inspection of DSC shell welds and specify a minimum shell-weld thickness. Condition No. 4 would be revised to read as follows:

> Fabrication activities shall be conducted in accordance with a quality assurance program as described in Section 11.0 of the SAR. All fabrication acceptance tests and procedures shall be performed in accordance with detailed written procedures. TN West shall ensure that 100 percent of the full penetration longitudinal and circumferential butt welds used for the DSC shell are inspected using radiographic examination. Inspections shall be performed on each shell weld after the weld is ground flush with surrounding surfaces, and the weld and the base metal wall thickness shall be greater than or equal to 0.500 inch.

VECTRA's analysis indicated that a wall design of 0.500 inch would satisfy NRC design criteria. In a letter dated August 7, 1995, VECTRA described plans to perform measurements of shell-weld thickness during the DSC fabrication process. By letter dated September 5, 1995 (NRC document Accession Number 9509110095), VECTRA submitted an analysis, NUH004.0213, ''Standardized NUHOMS–24P DSC Shell Minimum Acceptable Uniform Thickness,'' Revision 1, which evaluated the structural acceptability of a standardized NUHOMS–24P DSC with a minimum shell thickness of 0.500 inch.[1] In a Safety Evaluation (SE) dated October 5, 1995, (Accession Number 9512200130) the NRC staff concluded that the structural capability of the DSC would not be compromised with a shell-weld thickness of 0.500 inch. In a letter dated December 11, 1998 (Accession Number 9812300347), VECTRA [TN West] submitted an analysis, NUH004.0218, ''Standardized NUHOMS–52B DSC Shell Minimum Acceptable Uniform Thickness,'' Revision 1, that evaluated the structural acceptability of a standardized NUHOMS–52B DSC with a minimum shell thickness of 0.500 inch. In a safety evaluation dated January 22, 1999 (Accession Number 9902110261), the NRC staff concluded that with a wall thickness of 0.500 inch, the NUHOMS–52B DSC can acceptably meet structural design codes.

The Director, in his Decision, specifically proposed amending CoC No. 1004 to require that, in the fabrication of the DSC, the shell and basket assembly must be inspected to ensure that structural design margins, associated with the ASME Code Section III allowable stress values, are not compromised. VECTRA established fabrication inspection procedures, including fabrication margins to ensure that the DSC shell welds are not reduced to a thickness less than 0.500 inch. VECTRA established an ''administrative'' minimum fabrication limit of 0.563 inch. This limit would allow for uncertainties in weld thickness measurements, weld shrinkage, and weld grinding operations and would ensure that the weld and base metal are not reduced less than the analyzed wall thickness of 0.500 Inch. Because the safety evaluation supporting the Director's Decision relied on a 0.500 inch weld thickness, proposed Amendment No 1 to CoC No. 1004 requiring a 0.500 inch weld thickness is consistent with DD–97–03.

Based on the October 1995 and January 1999 safety evaluations, the newly established fabrication inspection procedures, and the proposed Amendment No. 1 to CoC No. 1004, the NRC staff has concluded that the NUHOMS–24P and -52B cask design when used in accordance with the conditions specified in the CoC as amended, and NRC regulations, will meet the requirements of Part 72 and thus ensure adequate protection of the public health and safety. Furthermore, as indicated in DD–97–03, NUHOMS–24P casks previously manufactured before DD–97–03 was issued will continue to adequately protect public health and safety.

The proposed Amendment No. 1 to CoC No. 1004, the VECTRA safety

[1] The Standardized NUHOMS system includes two versions: the NUHOMS–24P which stores up to 24 pressurized-water reactor assemblies and the NUHOMS–52B which stores up to 52 boiling-water reactor assemblies. The staff examined minimum weld thickness issues for the NUHOMS–24P in a safety evaluation dated October 5, 1995. For completeness, the staff examined minimum weld thickness issues for the NUHOMS–52B in a safety evaluation dated January 22, 1999.

analyses, and the NRC staff safety evaluations are available for inspection and comment at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20003–1527. Single copies of the proposed Amendment No. 1 to CoC No. 1004 may be obtained from Stan Turel, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6234, email spt@nrc.gov.

Discussion of Proposed Amendments by Section

Section 72.214 List of Approved Spent Fuel Storage Casks

The text in § 72.214 for Certificate No. 1004 would be revised as follows:

(1) The name of person that submitted the SAR (i.e., name of the certificate holder) would be changed to ''Transnuclear West, Inc.'';

(2) The title of the SAR would be changed to ''Final Safety Analysis Report for the Standardized NUHOMS Horizontal Modular Storage System for Irradiated Nuclear Fuel'';

(3) The expiration date for the certificate would be changed to ''January 23, 2015''; and

(4) A new line on the applicability of Amendment No. 0 and Amendment No. 1 would be added.

In addition to the changes to the rule language in § 72.214, the text for Condition No. 4 of CoC No. 1004 would be revised as described above.

Applicability

Amendment No. 1 to CoC No. 1004 would apply to TN West's manufacture of NUHOMS–24P or –52B DSCs, or to a general licensee using the NUHOMS–24P or –52B cask system, where the manufacture of the DSC was completed after [insert effective date of the final rule]. General licensees who possess a NUHOMS–24P or –52B DSC, whose fabrication was completed before [insert effective date of the final rule], would continue to use the original version [Amendment No. 0] of CoC No. 1004 in implementing the requirements of § 72.212 for the operation of an independent spent fuel storage installation.

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. It would not change safety requirements and would not have significant environmental impacts. The proposed rule would revise the listing of approved spent fuel storage casks contained in § 72.214 by correcting certain information listed under this certificate and by issuing Amendment No. 1 which revises Condition No. 4 to CoC No. 1004 for the Standardized NUHOMS–24P and –52B cask system. The NRC has concluded that Standardized NUHOMS–24P and –52B cask system designs, as modified by Amendment No. 1 to the CoC, can continue to be used to safely store spent fuel. 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 20555–0001, 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 a means used to impose 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.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995, (Pub. L. 104–113), requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC would issue Amendment No. 1 to CoC No. 1004 for the NUHOMS–24P and –52B cask system, which is currently listed in § 72.214. This action does not constitute the establishment of a standard that establishes generally-applicable requirements.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing,'' directed that the Government's writing be in plain language. The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the Commission amended 10 CFR Part 72 to provide regulations for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any civilian nuclear power reactor licensed under 10 CFR Part 50 was issued a general license under Part 72 to use NRC-approved cask designs to store spent nuclear fuel if: (1) They notify the NRC in advance, (2) the spent fuel is stored under the conditions specified in the CoC, and (3) the conditions of the general license are met. In that rulemaking, four spent fuel storage cask designs were approved for use at reactor sites, and were listed in § 72.214. That rulemaking envisioned that storage cask designs approved in the future would be added to the listing in § 72.214 through the rulemaking process. Procedures and criteria for obtaining NRC approval of new spent fuel storage cask designs were provided in Part 72, Subpart L. The NRC subsequently amended Part 72 and authorized issuance of CoC No. 1004 to VECTRA Technologies, Inc., of San Jose, California, for the standardized NUHOMS–24P and –52B spent fuel storage cask designs (59 FR 65898; December 22, 1994).

This proposed rule would issue Amendment No. 1 to CoC No. 1004. Amendment No. 1 would revise and reformat the CoC to be consistent with the NRC's current format and layout for Part 72 certificates. Conditions No. 1 through 8 would be renumbered and Condition No. 9 would remain the same. Additionally, Condition No. 4 (previously Condition No. 6) would be revised to implement the direction of DD–97–03. The NRC has deemed necessary the changes to CoC No. 1004 to ensure compliance with Part 72 quality assurance requirements. On August 29, 1995, the NRC issued an enforcement action in the form of a Notice of Nonconformance to VECTRA regarding VECTRA's failure to comply with the quality assurance regulations in § 72.150. Specifically, VECTRA failed to ensure that adequate wall thickness was maintained in DSCs manufactured

under CoC No. 1004. Subsequently, the Director, NMSS, in response to a petition from the Toledo Coalition for Safe Energy, et al. found, in Director's Decision 97–03, that an inspection procedure requiring the performance of minimum wall thickness measurements would be reasonable and directed that CoC No. 1004 be amended to include such a requirement. Consequently, the NRC considers this rule, in part, to be an administrative action taken to implement DD–97–03.

General licensees would continue to use spent fuel storage casks manufactured under CoC No. 1004, Amendment No. 0, if the cask was fabricated before [insert effective date of the final rule]. After [insert effective date of the final rule], casks must be manufactured in accordance with CoC No. 1004, Amendment No. 1.

The alternative to this proposed action would be to allow outdated information to remain in CoC No. 1004 and to withhold Amendment No. 1 to CoC No. 1004 and forgo inclusion of an explicit requirement for measuring DSC shell-weld thickness. However, based on the concerns identified with VECTRA's control of the fabrication process described in the Notice of Nonconformance, the NRC deemed that addition of an explicit requirement for measuring wall thickness in CoC No. 1004 is necessary.

Approval of the proposed rule would provide both the NRC staff and the public additional assurance that DSCs manufactured under CoC No. 1004 are fabricated in accordance with the approved design and Part 72 quality assurance requirements, and would have no adverse effect on public health and safety.

This proposed rule 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 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 operation of nuclear power plants, independent spent fuel storage facilities, and Transnuclear West, Inc. 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 backfit rule (§§ 50.109 or 72.62) does not apply to certificate holders. Moreover, this proposed rule does not involve any provisions that would impose backfits as defined in those regulations because the amended version of CoC No. 1004 is applicable only to casks to be fabricated after the effective date of the final rule. General licensees who currently possess these casks may operate under the original CoC No. 1004 (Amendment No. 0) which remains on the list of approved cask designs at § 72.214. Therefore, a backfit analysis is not required.

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

1. 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).

2. Section 72.214, Certificate of Compliance Number 1004, is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1004
Amendment Number: 0 and 1
Amendment Applicability:

Amendment No. 0 is applicable for casks manufactured before [insert effective date of final rule].

Amendment No. 1 is applicable for casks manufactured after [insert effective date of final rule].

SAR Submitted by: Transnuclear West, Inc.
SAR Title: Final Safety Analysis Report for the Standardized NUHOMS Horizontal Modular Storage System for Irradiated Nuclear Fuel
Docket Number: 72–1004
Certificate Expiration Date: January 23, 2015
Model Numbers: Standardized NUHOMS–24P and NUHOMS–52B

* * * * *

Dated at Rockville, Maryland, this 7th day of July, 1999.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 99–19130 Filed 7–28–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–4]

Proposed Modification of Class E Airspace; Sedona, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify the Class E airspace area at Sedona, AZ. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 3 at Sedona Airport has made this proposal necessary. Additional controlled airspace extending upward from 700