

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 457

#### Common Crop Insurance Regulations; Forage Production and Forage Seeding Crop Insurance Provisions; Correction

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains corrections to the final regulation which was published Tuesday, January 25, 2000 (65 FR 3782–3785). The regulation pertains to the insurance of Forage Production and Forage Seeding.

**EFFECTIVE DATE:** February 24, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Richard Brayton, Insurance Management Specialist, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926–7730.

**SUPPLEMENTARY INFORMATION:**

#### Background

The final regulation that is the subject of this correction was intended to provide policy changes to better meet the needs of the insured.

#### Need for Correction

As published, the final regulations contained errors which may prove misleading and are in need of clarification. This rule is necessary to correct the Forage Production Regulations as follows: (1) The definitions of fall planted and spring planted were deleted in the proposed and final rules due to recommendations that they were not necessary in the Forage Production Crop Provisions because the initial year the forage is

planted it is insured under the Forage Seeding Crop Provisions. Although the above is true, it was later determined that the definitions were still necessary in the Forage Production Crop Provisions to clarify the year of establishment for both fall and spring planted forage because forage is not insurable under the Forage Production Crop Provisions until after the year of establishment; (2) The dates contained in the insurance period section are corrected to specify separate dates that insurance attaches for spring and fall planted acreage in specific states and counties. This allows forage acreage to be insured continuously with no lapse, or overlap, in coverage between the insurance period under the Forage Seeding and Forage Production Crop Provisions. It was also discovered that since the final rule only referred to the calendar year following the year of establishment, there could be confusion regarding the dates insurance attaches for calendar years subsequent to the calendar year following the date of establishment so these dates have also been included; and (3) The date insurance ends under the Forage Production Crop Insurance Provisions for Lassen, Modoc, Mono Shasta and Siskiyou counties, California was corrected to November 30 to provide continuous coverage.

The proposed and final rules for the Forage Seeding Crop Provisions listed cancellation and termination dates for certain named states, but omitted the cancellation and termination dates for all other states. This corrected rule adds the cancellation and termination dates of March 15 for all other states.

#### Correction of Publication

Accordingly, the publication on January 25, 2000, of the final regulation at 65 FR 3782–3785 is corrected as follows:

#### PART 457—[CORRECTED]

##### § 457.117 [Corrected]

\* \* \* \* \*

On page 3783, in the third column in § 457.117, in the crop provisions section 1, add definitions for “fall planted” and “spring planted” to read as follows:

*Fall planted.* A forage crop seeded after June 30.

*Spring planted.* A forage crop seeded before July 1.

\* \* \* \* \*

On page 3784, in the first column in § 457.117, in the crop provisions sections 7(a) and (b)(6) are corrected to read as follows:

(a) Insurance attaches on acreage with an adequate stand on the following dates:

(1) For the calendar year following the year of seeding for:

(i) Spring planted forage in Lassen, Modoc, Mono, Shasta and Siskiyou Counties California, Colorado, Idaho, Nebraska, Nevada, Oregon, Utah and Washington—April 15;

(ii) Spring planted forage in Iowa, Minnesota, Montana, New Hampshire, New York, North Dakota, Pennsylvania, Wisconsin, Wyoming and all other states—May 22;

(iii) Fall planted forage in Lassen, Modoc, Mono, Shasta and Siskiyou Counties California, and all other states—October 16;

(iv) Fall planted forage in all California counties except Lassen, Modoc, Mono, Shasta, and Siskiyou—December 1.

(2) For the calendar year of seeding for spring planted acreage in all California counties except Lassen, Modoc, Mono, Shasta and Siskiyou—December 1.

(3) For calendar years subsequent to the calendar year following the year of seeding for:

(i) Lassen, Modoc, Mono, Shasta and Siskiyou California counties, and all other states—October 16;

(ii) All California counties except Lassen, Modoc, Mono, Shasta and Siskiyou—December 1.

(b) \* \* \*

(6) The following dates of the crop year:

(i) For Lassen, Modoc, Mono, Shasta, and Siskiyou Counties California and all other states—October 15;

(ii) For all California counties except Lassen, Modoc, Mono, Shasta and Siskiyou—November 30.

\* \* \* \* \*

##### § 457.151 [Corrected]

On page 3785, the first column in § 457.151, section 5 is corrected to read as follows:

In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are:

State and county	Cancellation/termination dates
California, Nevada, New Hampshire, New York, Pennsylvania, and Vermont	July 31
All other states	March 15

Signed in Washington D.C. on February 28, 2000.

**Kenneth D. Ackerman,**  
 Manager, Federal Crop Insurance  
 Corporation.

[FR Doc. 00-5163 Filed 3-2-00; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

RIN (3150-AG17)

#### Correction to Comments on the Final Rule "List of Approved Spent Fuel Storage Casks: (HI-STAR 100) Addition"

**AGENCY:** Nuclear Regulatory  
 Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is supplementing the administrative record of the final rule "List of Approved Spent Fuel Storage Casks: (HI-STAR 100) Addition" (64 FR 48259; September 3, 1999) to ensure a complete and accurate administrative record. This document corrects several comment responses that were inconsistent with the corresponding language contained in the NRC staff's Safety Evaluation Report (SER) or the Certificate of Compliance (CoC), or that needed additional clarification; corrects two pages in the CoC due to typographical errors; and corrects the CoC expiration date listed in the rule text.

**EFFECTIVE DATE:** This correction is effective October 4, 1999.

**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:

##### Discussion

The NRC issued a final rule amending 10 CFR 72.214 on September 3, 1999; (see 64 FR 48259), which approved the Holtec HI-STAR 100 spent fuel storage cask design. Subsequently, Holtec notified the NRC by letters dated

September 28 and September 29, 1999, that several of the responses to public comments contained in the final rule required additional clarification. The NRC staff has reviewed Holtec's letters and agrees that some of the responses were not complete. Therefore, the staff is revising the responses to several public comments contained in the final rule. The changes are made to ensure a complete and accurate administrative record. Holtec also notified the NRC, in these letters, that the final CoC contained two typographical errors. Corrected CoC pages have been issued to Holtec and placed in the NRC Public Document Room. Additionally, the NRC staff identified that the CoC expiration date in § 72.214 of the final rule was incorrect (see 64 FR 48274). The Office of Federal Register subsequently published a correction notice in the **Federal Register** (64 FR 50872; September 20, 1999); however, the CoC expiration date in that notice was also in error. Therefore, this notice corrects the CoC expiration date in the rule text of § 72.214 to read as "October 4, 2019."

#### I. Correction of Response to Comments

Revised responses to Comment Nos. 23, 27, 30, 36, 54, and 70 are as follows:

**Comment No. 23:** One commenter asked how the pre-passivation or anodization of aluminum surfaces is checked? The commenter believes this activity should be checked and asked if there is criteria for this inspection.

**Revised Response:** A separate check or inspection of the pre-passivation of aluminum surfaces is not necessary. Aluminum is used in the MPC-24, MPC-68, and MPC-68F baskets for the Boral neutron absorbers and aluminum heat conduction elements that enhance heat transfer from the fuel basket to the MPC shell. When exposed to air or water, aluminum immediately forms a very thin, compact, and adherent film of aluminum oxide, which becomes thicker with increasing temperatures in the presence of water.<sup>1</sup> Holtec's fabrication procedures specify that both the Boral neutron absorbers and the heat conduction elements are immersed in water for a minimum of 72 hours before these components are installed in the MPC. During this fabrication step, the absence of any gas bubbles emanating from the water after 72 hours indicates that all exposed aluminum surfaces have been covered with aluminum oxide (*i.e.*, the aluminum surfaces have been passivated). These fabrication activities are accomplished under

<sup>1</sup> Corrosion Resistance of Aluminum and Aluminum Alloys, Metals Handbook, Desk Edition, American Society for Metals, 1985.

Holtec's approved Quality Assurance program. Therefore, a physical inspection of these aluminum components is not necessary to ensure that the surfaces have been properly passivated.

**Comment No. 27:** One commenter asked whether the design has been evaluated for a seismic event during loading and unloading.

**Revised Response:** The HI-STAR cask is designed to withstand seismic motions while in storage on the ISFSI pad without tipping over or sliding. The seismic accelerations used in the generic design basis for the HI-STAR 100 system are documented in the HI-STAR 100 CoC and TSAR. There are no cask seismic supports or restraints required during loading or unloading operations by the generic cask operating procedures in the TSAR. Seismic considerations are among the design bases that individual users must evaluate if using the HI-STAR 100 pursuant to the general licensing requirements of 10 CFR part 72. Each utility choosing to use the general license must perform an evaluation pursuant to 10 CFR 72.212 to determine whether its site-specific seismic accelerations at the locations where loading and unloading operations take place are bounded by the generic values in the CoC and TSAR. Based on this evaluation, users must determine whether any seismic support for the cask is required.

**Comment No. 30:** One commenter questioned the drain-down time and asked how frequently the water is checked. The commenter requested information on what happens if the MPC can't be vacuum dried successfully, and when the fuel needs to be put back in the pool.

**Revised Response:** The HI-STAR 100 cask design does not require any limitations on drain-down time (*i.e.*, how long it takes to drain water from the MPC during the vacuum drying process). Holtec's thermal analysis of the spent fuel's peak cladding temperature during the vacuum-drying process demonstrated that, regardless of the length of time necessary to complete the drain-down and vacuum drying, the peak cladding temperature would remain less than the 570 °C (1058 °F) "short-term condition" temperature limit. Therefore, a drain-down time limit is not necessary and is not specified in the Technical Specifications (TS). Because there is no limitation on drain-down time, there is also no requirement on how frequently the water draining from the cask should be checked. Furthermore, because a drain-down time limit is not contained