

termination criteria of 10 CFR part 20, Subpart E?

### C. Entombment of Greater Than Class C (GTCC) Waste

At the time of permanent cessation of power reactor operations, the reactor vessel's internals contain some long-lived radioactive material that result from neutron activation of these materials near the reactor core. One of these radionuclides is Niobium (Nb-94), which has a half life of about 20,000 years. If reactor internals with GTCC concentrations of Nb-94 had to be disposed of offsite, a special facility for their disposal would be required, since they cannot be disposed of in LLW facilities. Also removal of the GTCC waste from the reactor internals is difficult work and results in exposure to occupational workers. In addition, the Low-Level Radioactive Waste Policy Amendments Act of 1985 provides that GTCC waste resulting from NRC licensed activities may only be disposed of in a facility licensed by the NRC.

C.1. Should material that could be classified as GTCC waste be considered in the entombment approach? Are there circumstances under which residual radioactivity that could be classified as GTCC be allowed to be entombed on site? If so, under what conditions?

### D. State Issues

D.1. Power reactor licensees are exclusively regulated by the NRC (under 10 CFR part 50), even in Agreement States. The NRC consults with stakeholders, including Agreement and non-Agreement States, about regulatory actions under consideration that may impact stakeholders. What additional role, if any, should the affected States have in the license termination process based on entombment for power reactors? In addition should an Agreement State be permitted to issue a license for an entombed disposal facility?

D.2. Under 10 CFR part 20, subpart E, the entombment contains material having residual radioactivity and is suitable for license termination if the dose criteria are met. However, under other statutes, such as the LLW Policy Act, the material might be considered to be low level waste. What issues exist for entombment in a State where existing State legislation prohibits LLW disposal?

D.3. Are there other issues for an entombment that impact Low Level Waste Compacts?

D.4. If the entombment disposal facility option does not include GTCC waste and the disposal license is issued by an Agreement State, what

compatibility categories,<sup>2</sup> as described in NRC's "Policy Statement on Adequacy and Compatibility of Agreement State Programs," published September 3, 1997 (62 FR 46517), and in NRC's Management Directive 5.9, "Adequacy and Compatibility of Agreement State Programs," should be assigned?

### E. Further Information

E.1. Please provide any other considerations or rule changes that the Commission should consider to facilitate license termination based on an entombment approach, while maintaining the requisite protection of the public health and safety?

E.2. The NRC is interested in the likelihood that licensees would pursue entombment to assist it in formulating its decision regarding the entombment options. Please provide your assessment as to the number of licensees likely to pursue entombment as a option. Specifically, it is requested that reactor licensees indicate their potential interest in choosing the entombment option.

The preliminary views expressed in this document may change in light of comments received. If the proposed rule is developed by the Commission, there will be another opportunity for additional public comment in connection with that proposed rule.

### List of Subjects

#### 10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

#### 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

The authority citation for this document is: 42 U.S.C. 2201; 42 U.S.C. 5841.

Dated at Rockville, Maryland, this 10th day of October, 2001.

<sup>2</sup>Compatibility refers to the extent to which Agreement State radiation control programs are consistent with NRC's program for the regulation of Atomic Energy Act radioactive materials to ensure that an adequate and coherent nationwide effort is collectively established for regulation of such materials.

For the Nuclear Regulatory Commission.

**J. Samuel Walker,**

*Acting Secretary of the Commission.*

[FR Doc. 01-25958 Filed 10-15-01; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

RIN 3150-AG77

### List of Approved Spent Fuel Storage Casks: NAC-UMS Revision

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its regulations revising the NAC-UMS Universal Storage System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 2 to Certificate of Compliance Number 1015. Amendment No. 2 will add miscellaneous spent fuel related components to the approved contents list for the NAC-UMS universal storage system and change the required actions in response to a failure of the cask heat removal system. Several other minor administrative changes will be made. Specific changes will be made to Technical Specifications (TS) to permit the storage of these components and the other requested changes. Changes will be made to Conditions 1b and 6 of the Certificate of Compliance.

**DATES:** Comments on the proposed rule must be received on or before November 15, 2001.

**ADDRESSES:** Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attn: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, MD, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Certain documents related to this rulemaking, as well as all public comments received on this rulemaking, may be viewed and downloaded electronically via the NRC's rulemaking Web site at <http://ruleforum.nrl.gov>. You may also provide comments via this Web site by uploading 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](mailto:CAG@nrc.gov).

Certain documents related to this rule, including comments received by the NRC, may be examined at the NRC

Public Document Room, 11555 Rockville Pike, Rockville, MD. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Documents created or received at the NRC after November 1, 1999, are also available electronically at the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. An electronic copy of the proposed Certificate of Compliance (CoC) and preliminary safety evaluation report (SER) can be found under ADAMS Accession No. ML011990392. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Jayne M. McCausland, telephone (301) 415-6219, e-mail, [jmm2@nrc.gov](mailto:jmm2@nrc.gov) of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule published in the final rules section of this **Federal Register**.

### Procedural Background

This rule is limited to the changes contained in Amendment 2 to Certificate of Compliance Number (CoC No.) 1015 and does not include other aspects of the NAC-UMS cask system design. The NRC is using the "direct final rule procedure" to issue this amendment because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured.

Because NRC considers this action noncontroversial and routine, the proposed rule is being published concurrently as a direct final rule. The direct final rule will become effective on December 31, 2001. However, if the NRC receives significant adverse comments on the direct final rule by November 15, 2001, then the NRC will publish a document to withdraw the direct final rule. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or

approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, in a substantive response:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change to the CoC or TS.

If the direct final rule is withdrawn, the NRC will address the comments received in response to the proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period for this action if the direct final rule is withdrawn.

### List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

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. 102-486, sec. 7902, 106 Stat. 3123 (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. In § 72.214, Certificate of Compliance 1015 is revised to read as follows:

#### § 72.214 List of approved spent fuel storage casks.

\* \* \* \* \*

*Certificate Number:* 1015.

*Initial Certificate Effective Date:* November 20, 2000.

*Amendment Number 1 Effective Date:* February 20, 2001.

*Amendment Number 2 Effective Date:* December 31, 2001.

*SAR Submitted by:* NAC International, Inc.

*SAR Title:* Final Safety Analysis Report for the NAC-UMS Universal Storage System.

*Docket Number:* 72-1015.

*Certificate Expiration Date:* November 20, 2020.

*Model Number:* NAC-UMS.

\* \* \* \* \*

Dated at Rockville, Maryland, this 1st day of October, 2001.

For the Nuclear Regulatory Commission.

**William D. Travers,**

*Executive Director for Operations.*

[FR Doc. 01-25891 Filed 10-15-01; 8:45 am]

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### POSTAL SERVICE

#### 39 CFR Part 20

#### International Mail Postal Rates; Proposed Changes

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to its authority under 39 U.S.C. 407, the Postal Service