

# Rules and Regulations

Federal Register

Vol. 73, No. 208

Monday, October 27, 2008

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 331

#### 9 CFR Part 121

[Docket No. APHIS-2007-0033]

RIN 0579-AC53

### Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List

#### Correction

In rule document E8-23887 beginning on page 61325 in the issue of Thursday, October 16, 2008, make the following correction:

On page 61329, in the first column, in the second line, "By April 14, 2008" should read "By April 14, 2009".

[FR Doc. Z8-23887 Filed 10-24-08; 8:45 am]

BILLING CODE 1505-01-D

## NUCLEAR REGULATORY COMMISSION

#### 10 CFR Part 72

[NRC-2008-0438]

RIN 3150-AI48

### List of Approved Spent Fuel Storage Casks: NAC-UMS Revision 5

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage cask regulations by revising the NAC International, Inc., NAC-UMS Universal Storage System listing within the "List of Approved Spent Fuel Storage Casks" to include

Amendment No. 5 to Certificate of Compliance (CoC) Number 1015. Amendment No. 5 will modify the CoC to incorporate certain high burnup pressurized water reactor (PWR) fuel as approved contents and to reflect those changes in the associated Technical Specifications (TS). In addition, the amendment to the CoC will include several other changes to the TS and the Final Safety Analysis Report (FSAR) to enhance the loading and storage operation of the NAC-UMS Universal Storage System.

**DATES:** The final rule is effective January 12, 2009, unless significant adverse comments are received by November 26, 2008. 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. If the rule is withdrawn, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Please include the following number RIN 3150-AI48 in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including personal information such as social security numbers and birth dates in your submission. You may submit comments by any one of the following methods:

*E-mail comments to:* Federal eRulemaking Portal <http://www.regulations.gov>; search docket ID: [NRC-2008-0438].

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

*E-mail comments to:* [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301-415-1677.

*Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays (telephone 301-415-1677).

*Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

Publicly available documents related to this rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, 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 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). An electronic copy of the CoC No. 1015, the revised TS, and the preliminary safety evaluation report (SER) for Amendment 5 can be found under ADAMS Package Number ML081620083.

CoC No. 1015, the revised TS, the preliminary SER for Amendment No. 5, and the environmental assessment are available for inspection at the NRC PDR, 11555 Rockville Pike, Rockville, MD. Single copies of these documents may be obtained from 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](mailto:Jayne.McCausland@nrc.gov).

**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](mailto:Jayne.McCausland@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires 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