

complete absentee ballot simply because the return address was missing on the mailing envelope, and the provision in the final rule specifying the reasons for declaring a ballot invalid is consistent with our intent.

Pursuant to 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register**. This action amends 7 CFR part 1230, the Pork Promotion, Research, and Consumer Information Program: Procedures for the Conduct of Referendum, to provide an additional 5-day period to give interested persons an opportunity to challenge all producers who requested absentee ballots and who were not subject to challenge during the initial challenge period. This interim rule also establishes new dates for notifying challenged producers, submitting proof of eligibility, and resolving challenges.

Voting in the pork referendum was completed on September 21, 2000, and the ballots will be counted by FSA county offices on November 29, 2000, as provided for in § 1230.633 of the final rule. Accordingly, the changes made in this action should be implemented as soon as possible. Further, for the same reasons, a 30-day comment period is deemed appropriate.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Pork and pork products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1230 is amended as follows:

PART 1230—PORK PROMOTION, RESEARCH, AND INFORMATION

1. The authority citation for 7 CFR part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801–4819.

§ 1230.631 [Amended]

2. In § 1230.631 paragraph (c) is amended by removing the sentence “Absentee ballots have to be received in the FSA county office before a producer’s vote can be challenged.”

3. A new § 1230.639 is added to read as follows:

§ 1230.639 Additional absentee voter challenge period.

(a) *Absentee Voter Request List.* The Absentee Voter Request List (Form LS–74) will be available for inspection during an additional challenge period of five business days (October 23, 2000–October 27, 2000) at county FSA offices. The Absentee Voter Request List will be posted daily during regular office hours in a conspicuous public location at FSA county offices during the additional challenge period.

(b) *Who can challenge.* Any person can challenge a producer’s vote during the period provided in paragraph (a) of this section. Any person who wants to challenge shall do so in writing and shall include the full name of the individual or corporation or other entity being challenged. Each challenge of a producer vote must be made on a separate sheet of paper and each challenge must be signed by the challenger. The identity of the challenger will be kept confidential except as the Secretary may direct or as otherwise required by law.

(c) *Who can be challenged.* Any person whose name is on the Absentee Voter Request List who was not subject to challenge during the September 19, 2000, through October 2, 2000, challenge period may be challenged. Those producers whose names were listed on the Absentee Voter Request List and who were subject to challenge because the Absentee Voter Request List indicated they had returned their ballot are not subject to challenge during this additional 5-day period.

(d) *Notification of challenges.* The FSA County Committee or its representative, acting on behalf of the Administrator, AMS, will notify challenged producers as soon as practicable, but no later than the 2nd business day (October 31, 2000) after the last day of the additional challenge period. FSA county offices will notify all challenged persons that documentation such as sales documents, tax records, or other similar documents proving that the person owned and sold hogs or pigs during the representative period must be submitted or his or her vote will not be counted. The documentation must be provided to FSA county offices not later than November 7, 2000.

(e) *Determination of challenges.* The FSA County Committee or its representative, acting on behalf of the Administrator, AMS, will make a determination concerning the challenge based on documentation provided by the producer and will notify challenged producers as soon as practicable but no later than November 9, 2000.

(f) *Challenged ballot.* A challenge to a ballot shall be deemed to have been resolved if the determination of the FSA County Committee or its representative, acting on behalf of the Administrator, AMS, is not appealed within the time allowed for appeal or there has been a determination by the Administrator, AMS, after an appeal.

(g) *Appeal.* A person declared to be ineligible to register and vote by the FSA County Committee or its representative, acting on behalf of the Administrator, AMS, can file an appeal at the FSA county office not later than November 17, 2000. The FSA county office shall send a producer’s appeal by facsimile to the Administrator, AMS, on the date it is filed at the FSA office or as soon as practical thereafter.

(h) *Determination of appeals.* An appeal will be determined by the Administrator, AMS, as soon as practical, but in all cases not later than the 45th business day (November 28, 2000) after the date of the last day of the voting period. The Administrator, AMS, shall send her decision on a producer’s appeal to the FSA county office where the producer was initially challenged. The FSA county office shall notify the challenged producer of the Administrator’s, AMS, determination on his or her appeal. The Administrator’s, AMS, determination on an appeal shall be final.

Dated: October 17, 2000.

Kathleen A. Merrigan,
Administrator, Agricultural Marketing Service.

[FR Doc. 00–27024 Filed 10–17–00; 1:39 pm]

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 331

[Docket No. 00–038F]

Termination of Designation of the State of North Dakota with Respect to the Inspection of Meat and Meat Food Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal meat inspection regulations by terminating the designation of the State of North Dakota under Titles I, II, and IV of the Federal Meat Inspection Act (FMIA). The State of North Dakota has enacted a State meat inspection program law and regulations that impose

inspection requirements that are at least equal to those requirements of the FMIA. The State of North Dakota will remain designated under sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act (PPIA).

DATES: The effective date of this final rule is October 15, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. William F. Leese, Director, Federal-State Relations Staff, Food Safety and Inspection Service; telephone (202) 418–8900 or fax (202) 418–8834.

SUPPLEMENTARY INFORMATION:

Background

Section 301(c) of the FMIA (21 U.S.C. 661(c)) and section 5(c) of the PPIA (21 U.S.C. 454(c)), respectively, authorize the Secretary of Agriculture to designate a State as one in which the provisions of Titles I and IV of the FMIA and sections 1–4, 6–10, and 12–22 of the PPIA will apply to operations and transactions wholly within the State after the Secretary has determined that requirements at least “equal to” those imposed under the Acts have not been developed and effectively enforced by the State.

On June 22, 1970, and January 2, 1971, the Secretary designated the State of North Dakota under section 301(c) of the FMIA and section 5(c) of the PPIA respectively as a State in which the Federal Government is responsible for providing meat and poultry inspection at eligible establishments and for otherwise enforcing the applicable provisions of the FMIA and the PPIA with regard to intrastate activities in the State.

In addition, on July 23, 1973, and October 29, 1975, the Federal Government assumed the responsibility of administering the authorities provided for under sections 202, 203, and 204 of the FMIA (21 U.S.C. 642, 643, and 644) and sections 11(b) and (c) of the PPIA (21 U.S.C. 460 (b) and (c)) respectively regarding certain classes of operators of meat and poultry products in North Dakota.

These designations were undertaken by the Department when it determined that the State of North Dakota was not in a position to enforce requirements that are at least “equal to” the requirements of FMIA and PPIA enforced by the Federal Government.

The Commissioner of Agriculture of the State of North Dakota has advised FSIS that on October 15, 2000, the State of North Dakota will be in a position to administer a State meat inspection program that includes requirements at least “equal to” those imposed under the Federal meat inspection program.

The Commissioner of Agriculture of the State of North Dakota also has advised FSIS that the State, at this time, will remain designated for poultry products under the PPIA.

Section 301(c)(3) of the FMIA provides that whenever the Secretary of Agriculture determines that any designated State has developed and will enforce State meat inspection requirements at least “equal to” those imposed by the Federal Government under Titles I and IV of the FMIA, with regard to intrastate operations and transactions within the State, the Secretary will terminate the designation of such State. The Secretary has determined that the State of North Dakota has developed, and will enforce, such a State meat inspection program in accordance with such provisions of Titles I and IV of the FMIA. In addition, the Secretary has determined that the State of North Dakota is in a position to enforce effectively the provisions of sections 202, 203, and 204 of the FMIA. The designation of the State of North Dakota under sections 1–4, 6–10, and 12–22 of the PPIA will remain in effect and is not terminated.

Since it does not appear that public participation in this matter would make additional relevant information available to the Secretary under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined not to be a major rule. It will not result in an annual effect on the economy of \$100 million or more and will not adversely affect the economy or any segment of the economy. Because this final rule is not a significant rule under Executive Order 12866, it has not undergone review by the Office of Management and Budget.

Effect on Small Entities

The FSIS Administrator has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (6 U.S.C. 601). As stated above, the State of North Dakota is assuming a responsibility, previously limited to the Federal Government, of administering the meat inspection program for intrastate operations and transactions. The State’s poultry products inspection program, at this time, will remain designated. No

additional requirements are being imposed on small entities.

Additional Public Notification

FSIS has considered the potential civil rights impact of this final rule on minorities, women, and persons with disabilities. Public involvement in all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this rulemaking, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update.

FSIS provides a weekly Constituent Update, which is communicated via fax to more than 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at <http://www.fsis.usda.gov>. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or be of interest to our constituents and shareholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, and other persons who have requested to be included. Through these various channels, FSIS is able to provide information to a much broader and diverse audience. For more information and to be added to the constituent fax list, fax your request to (202) 720–5704.

List of Subjects in 9 CFR Part 331

Meat inspection.

Part 331 of the Federal meat inspection regulations (9 CFR Part 331) is amended to read as follows:

PART 331—[AMENDED]

The authority citation for Part 331 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.17, 2.55

§ 331.2 [Amended]

1. The table in § 331.2 of the Federal meat inspection regulations is amended by removing the entry for “North Dakota.”

§ 331.6 [Amended]

2. Section 331.6 of the Federal meat inspection regulations is amended by removing the entries for “North Dakota” each place it appears.

Done in Washington, DC, on: October 12, 2000.

Thomas J. Billy,
Administrator.

[FR Doc. 00-26658 Filed 10-18-00; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150-AG32

List of Approved Spent Fuel Storage Casks: NAC-UMS Addition

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to add the NAC Universal Storage System (NAC-UMS) cask system to the list of approved spent fuel storage casks. This amendment allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

EFFECTIVE DATE: This final rule is effective on November 20, 2000.

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 (NWPAct), requires that “[t]he Secretary [of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear reactor power 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 NWPAct states, in part, “[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 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 10 CFR part 72 entitled, “Approval of Spent Fuel Storage Casks” containing procedures and criteria for obtaining NRC approval of dry storage cask designs.

Discussion

This rule will add the NAC-UMS cask system to the list of approved spent fuel storage casks in 10 CFR 72.214. Following the procedures specified in 10 CFR 72.230 of subpart L, NAC International (NAC) submitted an application for NRC approval with the Safety Analysis Report (SAR) entitled, “Safety Analysis Report for the NAC UMS Universal Storage System.” The NRC evaluated the NAC submittal and issued a preliminary Safety Evaluation Report (SER) and a proposed Certificate of Compliance (CoC) for the NAC-UMS cask system. The NRC published a proposed rule in the **Federal Register** (64 FR 45918; August 23, 1999) to add the NAC-UMS cask system to the listing in 10 CFR 72.214. The comment period ended on April 5, 2000. Seven comment letters were received on the proposed rule.

Based on NRC review and analysis of public comments, the NRC has modified, as appropriate, its proposed CoC and the Technical Specifications (TS) for the NAC-UMS cask system. The NRC has also modified its SER in response to some of the comments.

The NRC finds that the NAC-UMS cask system, as designed and when fabricated and used in accordance with the conditions specified in its CoC, meets the requirements of 10 CFR part 72, subpart L. Thus, use of the NAC-UMS cask system, as approved by the NRC, will provide adequate protection of public health and safety and the environment. With this final rule, the NRC is approving the use of the NAC-UMS cask system under the general license in 10 CFR part 72, subpart K, by holders of power reactor operating licenses under 10 CFR part 50. Simultaneously, the NRC is issuing a final SER and CoC that will be effective on November 20, 2000. Single copies of the final CoC and SER will be available by November 2, 2000 for public inspection and/or copying for a fee at the NRC Public Document Room (PDR), 11555 Rockville Pike, Rockville, Maryland and electronically at <http://ruleforum.llnl.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>. The public can gain entry from this site into the NRC’s Agency wide Document Access and Management System (ADAMS), which provides text and image files of the NRC’s public documents. An electronic copy of the final CoC, Technical Specifications, and SER for the NAC-UMS cask system can be found in ADAMS under Accession No. ML003737374. However, because the NRC must incorporate the date of publication of this **Federal Register** notice into the CoC, these documents are not yet publicly available. The NRC will make these documents publically available by November 2, 2000. Contact the NRC PDR reference staff for more information. PDR reference staff may be reached at 1-800-397-4209, 301-415-4737, or by e-mail at pdr@nrc.gov.

Summary of Public Comments on the Proposed Rule

The NRC received seven comment letters on the proposed rule. The commenters included two utilities, an NAC-UMS cask users group, two States, and two members of the public. Copies of the public comments are available for review in the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD and electronically at <http://ruleforum.llnl.gov>.

Comments on the NAC-UMS Cask System

The comments and responses have been grouped into nine subject areas: general, radiation protection, accident analysis, design, welds, structural, thermal, technical specifications (TS), and miscellaneous issues. Several of the commenters provided specific comments on the draft CoC, NRC’s preliminary SER, and TSs. To the extent possible, all of the comments on a particular subject are grouped together. The NRC’s decision to list the NAC-UMS cask system within 10 CFR 72.214, “List of approved spent fuel storage casks,” has not been changed as a result of the public comments. A review of the comments and the NRC’s responses follow:

A. General

Comment A-1: One commenter noted the regulatory analysis indicates that issuing a site-specific license would cost the NRC and the utility more time and money than the proposed action. The commenter asked for proof of this statement and suggested that a study or evaluation should be done. The commenter considers that in the long run it costs the NRC more time and