

maximum extent practicable, the need for additional site reviews. This alternative also would tend to exclude new vendors from the business market without cause and would arbitrarily limit the choice of cask designs available to power reactor licensees. This final rule will eliminate the above problems and is consistent with previous NRC actions. Further, the rule will have no adverse effect on public health and safety.

The benefit of this rule to nuclear power reactor licensees is to make available a greater choice of spent fuel storage cask designs that can be used under a general license. The new cask vendors with casks to be listed in 10 CFR 72.214 benefit by having to obtain NRC certificates only once for a design that can then be used by more than one power reactor licensee. The NRC also benefits because it will need to certify a cask design only once for use by multiple licensees. Casks approved through rulemaking are to be suitable for use under a range of environmental conditions sufficiently broad to encompass multiple nuclear power plants in the United States without the need for further site-specific approval by NRC. Vendors with cask designs already listed may be adversely impacted because power reactor licensees may choose a newly listed design over an existing one. However, the NRC is required by its regulations and NWPAA direction to certify and list approved casks. This 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 final rule are commensurate with the Commission's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as 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 rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and NAC. 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 NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this rule because this amendment does not involve any provisions that would impose backfits as defined in the backfit rule. Therefore, a backfit analysis is not required.

#### Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

#### 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. In § 72.214, CoC 1015 is added to read as follows:

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

\* \* \* \* \*

*Certificate Number:* 1015.

*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 2nd day of October, 2000.

For the Nuclear Regulatory Commission.

**William D. Travers,**

*Executive Director for Operations.*

[FR Doc. 00-26888 Filed 10-18-00; 8:45 am]

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#### DEPARTMENT OF COMMERCE

#### Bureau of Export Administration

#### 15 CFR Part 705

[Docket No. 000601164-0164-01]

RIN 0694-AC07

#### Effect of Imported Articles on the National Security

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Department of Commerce is amending its regulation on the "Effect of Imported Articles on the National Security" to reduce the number of copies of a request or application for an investigation to be filed with the Department from 12 copies to 1 copy, plus the original, thereby reducing the burden on the applicant.

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

**FOR FURTHER INFORMATION CONTACT:** Brad Botwin, Director, Strategic Analysis Division, Office of Strategic Industries and Economic Security, Room 3876,

U.S. Department of Commerce, 14th Street and Constitution Avenue, Washington, DC 20230; telephone: (202) 482-4060, FAX: (202) 482-5650, and E-Mail: bbotwin@bxa.doc.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) (the Act) authorizes investigations to determine the effects on the national security of imports of articles which are the subject of a request or application for an investigation. The implementing regulation, "Effect of Imported Articles on the National Security" (15 CFR Part 705)), prescribes procedures to be followed by the Department of Commerce (the Department) to commence and conduct such investigations.

Consistent with amendments in 1995 to the Paperwork Reduction Act of 1980 to reduce the paperwork burden on persons submitting a request or application for an investigation, section 705.5 of this regulation is being amended to reduce the number of copies of a request or application for and investigation to be filed with the Department from 12 copies to 1 copy, plus the original.

Accordingly, section 705.5 of the regulation is revised to require that an original and 1 copy of a request or application for an investigation be filed with the Director, Office of Strategic Industries and Economic Security, Room 3876, U.S. Department of Commerce, Washington, DC 20230.

##### Rulemaking Requirements

The Department has made certain determinations with respect to the following rulemaking requirements:

1. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to, nor shall a person be subject to a penalty for failure to comply with a collection of information, subject to the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB Control Number. This rule involves collections of information subject to the Paperwork Reduction Act of 1995 (U.S.C. 3501 *et seq.*). This regulation involves collections previously approved by the Office of Management and Budget under Control Number 0694-0120, "Procedure to Initiate an Investigation Under the Trade Expansion Act of 1962", which carries a burden hour estimate of 12 hours per submission.

3. *Executive Order 13132*: This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 13132.

4. *Administrative Procedure Act and Regulatory Flexibility Act*: The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation and a delay in effective date, are inapplicable because this regulation relates to agency procedures (Sec. 5 U.S.C. 553 (b)(A)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

##### List of Subjects in 15 CFR Part 705

Administrative practice and procedure, Business and industry, Classified information, Confidential business information, Imports, Investigations, National Security.

For the reasons set forth in the preamble, part 705 of Chapter VIII, Subchapter A, National Security Industrial Base Regulations (15 CFR part 705) is amended as follows:

##### PART 705—[AMENDED]

1. The authority citation for Part 705 is revised to read as follows:

**Authority:** Sec 232, Trade Expansion Act of 1962, as amended (19 U.S.C. 1862)

2. Section 705.5 is amended by revising paragraph (a) to read as follows:

##### **§ 705.5 Request or application for an investigation.**

(a) A request or application for an investigation shall be in writing. The original and 1 copy shall be filed with the Director, Office of Strategic Industries and Economic Security, Room 3876, U.S. Department of Commerce, Washington, DC 20230.

\* \* \* \* \*

Dated: October 11, 2000.

**R. Roger Majak,**

*Assistant Secretary for Export Administration.*

[FR Doc. 00-26780 Filed 10-18-00; 8:45 am]

**BILLING CODE 3810-JT-P**

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

**15 CFR Parts 732, 734, 740, 742, 744, 748, 770, 772 and 774**

**[Docket No. 001006282-0282-01]**

**RIN 0694-AC32**

#### Revisions to Encryption Items

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Export Administration Regulations (EAR) and implements the July 17 White House announcement to streamline the export and reexport of encryption items to European Union (EU) member states, Australia, Czech Republic, Hungary, Japan, New Zealand, Norway, Poland and Switzerland under License Exception ENC. The 30-day waiting period and the previous distinction between government and non-government end-users are removed by this rule for these destinations. This rule makes further revisions and clarifications to the rule published on January 14, 2000 including changes in the treatment of products incorporating short-range wireless technologies, open cryptographic interfaces, beta test software, encryption source code, and U.S. content (*de minimis*) requirements. This rule also allows, for the first time, exporters to self-classify unilateral controlled encryption products (that fall under Export Control Classification Numbers (ECCNs) 5A992, 5D992 and 5E992) upon notification to the Bureau of Export Administration (BXA). Restrictions on exports by U.S. persons to terrorist-supporting states (Cuba, Iran, Iraq, Libya, North Korea, Sudan or Syria), their nationals and other sanctioned entities are not changed by this rule.

**DATES:** This rule is effective October 19, 2000.

**FOR FURTHER INFORMATION CONTACT:** James A. Lewis, Director, Office of Strategic Trade, at (202) 482-4196.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 17, 2000, the United States announced further updates to its encryption export policy coinciding with the recent regulations adopted by the European Union which ease exports among 23 countries. This action is consistent with the Administration's decision to ensure that U.S. companies are not disadvantaged by such changes and will be able to compete effectively