

the United States for the International Broadcasting Bureau of the United States Broadcasting Board of Governors (BBG) or a BBG grantee. (Currently, BBG grantees are Radio Free Asia, Inc. and Radio Free Europe/Radio Liberty, Inc.)

On October 11, 2001, at 66 FR 51819, the former Service published an interim rule in the **Federal Register** that added 8 CFR 204.13 and established an administrative procedure for the BBG and its grantees to use in order to petition for the services of an alien broadcaster. The interim rule also codified the provisions of the IBE Act and put into place procedures for the BBG, its grantees, and former Service officers, now U.S. Citizenship and Immigration Services (USCIS) officers, to follow.

#### **Why Does the BBG Need Alien Broadcasters?**

The BBG and its grantees are charged by Congress to broadcast internationally on behalf of the United States Government. This requires that the BBG attract and retain a large number of foreign language broadcasters. These broadcasters must have the unique combination of native fluency in the broadcast language combined with an in-depth knowledge of the people, history, and culture of the broadcast area. Historically, the BBG has experienced difficulty in finding and employing members of the domestic workforce possessing this unusual combination of skills to meet the United States Government's international broadcasting needs.

By creating a new special EB-4 subcategory, the IBE Act allows the BBG and its grantees to directly petition for alien broadcasters. Being able to offer immigrant status to an alien broadcaster and his or her spouse and children may assist the BBG in fulfilling its obligation as the international broadcasting conduit for the United States Government. Under section 203(b)(4) of the INA, only 100 such visas may be made available in any fiscal year to alien broadcasters coming to work for BBG or a BBG grantee. This numerical limitation does not apply, however, to the spouses and children of such immigrants.

#### **Did the Former Service Receive Any Comments on the Interim Rule?**

The former Service did not receive any comments during the 60-day comment period in response to the interim rule. Accordingly, the Department of Homeland Security (DHS) is now adopting the interim rule as a final rule without change.

#### **Regulatory Flexibility Act**

DHS has reviewed this regulation in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. The October 11, 2001, interim rule provided a special process that benefits individuals who will be coming to the United States to work as broadcasters. It did not affect small entities as that term is defined in 5 U.S.C. 601(6). Since this final rule does not make any changes to the interim rule, this final rule likewise will not affect small entities.

#### **Unfunded Mandates Reform Act of 1995**

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### **Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### **Executive Order 12866**

This rule is not considered by DHS to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, the Office of Management and Budget (OMB) has waived its review process under section 6(a)(3)(A).

#### **Executive Order 13132**

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient Federalism implications to warrant the preparation

of a federalism summary impact statement.

#### **Executive Order 12988 Civil Justice Reform**

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

#### **Paperwork Reduction Act**

Under the Paperwork Reduction Act of 1995, Public Law 104-13, all Departments are required to submit to OMB, for review and approval, any reporting requirements inherent in a rule. This rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act.

#### **List of Subjects in 8 CFR Part 204**

Administrative practice and procedures, Aliens, Employment, Immigration, Petitions.

■ Accordingly, the interim rule amending 8 CFR part 204, which was published in the **Federal Register** at 66 FR 51819, on October 11, 2001, is adopted as a final rule without change.

Dated: April 11, 2006.

**Michael Chertoff,**

*Secretary.*

[FR Doc. 06-3655 Filed 4-17-06; 8:45 am]

BILLING CODE 4410-10-P

## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 72**

#### **RIN 3150-AH86**

#### **List of Approved Spent Fuel Storage Casks: FuelSolutions™ Cask System Revision 4**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its regulations revising the BNG Fuel Solutions Corporation (FuelSolutions™) cask system listing within the "List of approved spent fuel storage casks" to include Amendment No. 4 to Certificate of Compliance Number 1026. Amendment No. 4 will change Technical Specification (TS) requirements related to periodic monitoring during storage operations. Specifically, the amendment will revise the TS to permit longer surveillance intervals for casks with heat loads lower than the design basis heat load and permit visual inspection of the cask vent screens or measurement of the cask liner temperature to satisfy the periodic

monitoring requirements that govern general design criteria for spent fuel storage casks. TS 3.3.1 will be deleted to remove daily monitoring requirements. TS 3.3.2 will be revised for the W21 and W74 canisters to permit either visual inspection of vent screens or liner thermocouple temperature monitoring. Also, TS 5.3.8 will add a section to the Periodic Monitoring Program which establishes intervals for periodic monitoring that are less than the time required to reach the limiting short-term temperature limit. This program will establish administrative controls and procedures to assure that the licensee will be able to determine when corrective action is required. In addition, the amendment will update editorial changes associated with the company name change from BNFL Fuel Solutions Corporation to BNG Fuel Solutions Corporation and make other administrative changes.

**DATES:** The final rule is effective July 3, 2006, unless significant adverse comments are received by May 18, 2006. 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:** You may submit comments by any one of the following methods. Please include the following number (RIN 3150-AH86) 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.

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

E-mail comments to: [SECY@nrc.gov](mailto:SECY@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking Web site to Carol Gallagher (301) 415-5905; e-mail [cag@nrc.gov](mailto:cag@nrc.gov). Comments can also be submitted via the Federal eRulemaking Portal <http://www.regulations.gov>.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays [telephone (301) 415-1966].

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), O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. Selected documents, including comments, can be viewed and downloaded electronically via the NRC rulemaking Web site at <http://ruleforum.llnl.gov>.

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/NRC/ADAMS/index.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (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 NRC PDR Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). An electronic copy of the proposed Certificate of Compliance (CoC), TS, and preliminary safety evaluation report (SER) can be found under ADAMS Accession Nos. ML053420606 (CoC), ML053420632 (TS-W100/W150), ML053420626 (TS-W21), ML053420617 (TS-W74), and ML053420638 (SER).

CoC No. 1026, the revised TS, the underlying SER for Amendment No. 4, and the Environmental Assessment (EA), 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 Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov).

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

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPAA), 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 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 NWPAA states, in part, that "[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 by 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 spent fuel storage cask designs. The NRC subsequently issued a final rule on January 16, 2001 (66 FR 3444) that approved the FuelSolutions™ cask system design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1026.

#### **Discussion**

On June 30, 2005, the certificate holder, BNG Fuel Solutions Corporation, submitted an application to the NRC to amend CoC No. 1026 to modify the TS requirements related to periodic monitoring during storage operations. Specifically, the application requested TS changes to permit longer surveillance intervals for casks with heat loads lower than the design basis heat load and permit visual inspection of the cask vent screens or measurement of the cask liner temperature to satisfy the periodic monitoring requirements of 10 CFR 72.122(h)(4). TS 3.3.1 will be deleted to remove daily monitoring requirements. TS 3.3.2 will be revised for the W21 and W74 canisters to permit either visual inspection of vent screens or liner thermocouple temperature monitoring. Also, TS 5.3.8 will add a section to the Periodic Monitoring Program which establishes intervals for periodic monitoring that are less than the time required to reach the limiting short-term temperature limit. This program will establish administrative controls and procedures to assure that

the licensee will be able to determine when corrective action is required. In addition, the amendment will update editorial changes associated with the company name change from BNFL Fuel Solutions Corporation to BNG Fuel Solutions Corporation and make other administrative changes. No other changes to the FuelSolutions™ cask system were requested in this application. The NRC staff performed a detailed safety evaluation of the proposed CoC amendment request and found that an acceptable safety margin is maintained. The NRC staff also has determined that there continues to be reasonable assurance that public health and safety and the environment will be adequately protected.

This direct final rule revises the FuelSolutions™ cask system listing in 10 CFR 72.214 by adding Amendment No. 4 to CoC No. 1026. The amendment consists of changes to the requirements to permit longer surveillance intervals for casks with heat loads lower than the design basis heat load and permit visual inspection of the cask vent screens or measurement of the cask liner temperature to satisfy the periodic monitoring requirements of 10 CFR 72.122(h)(4). The particular TS which are changed are identified in the NRC staff's SER for Amendment No. 4.

The amended FuelSolutions™ cask system, when used under the conditions specified in the CoC, the TS, and NRC regulations, will meet the requirements of Part 72; thus, adequate protection of public health and safety will continue to be ensured.

#### Discussion of Amendments by Section

##### *Section 72.214 List of Approved Spent Fuel Storage Casks*

Certificate No. 1026 is revised by adding the effective date of Amendment Number 4.

#### Procedural Background

This rule is limited to the changes contained in Amendment No. 4 to CoC No. 1026 and does not include other aspects of the FuelSolutions™ cask system. 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. The amendment to the rule will become effective on July 3, 2006. However, if the NRC receives significant adverse comments by May 18, 2006, then the NRC will publish a document that withdraws this action and will address the comments received in

response to the proposed amendments, published elsewhere in this issue of the **Federal Register**, in a subsequent final rule. The NRC will not initiate a second comment period on this action.

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 (other than editorial) to the CoC or TS.

#### Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104-113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC will revise the FuelSolutions™ cask system design listed in § 72.214 (List of NRC-approved spent fuel storage cask designs). This action does not constitute the establishment of a standard that establishes generally applicable requirements.

#### Agreement State Compatibility

Under the "Policy Statement on Adequacy and Compatibility of Agreement State Programs" approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as Compatibility Category "NRC." Compatibility is not required for Category "NRC" regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of

1954, as amended (AEA), or the provisions of Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws but does not confer regulatory authority on the State.

#### Plain Language

The Presidential Memorandum dated June 1, 1998, entitled "Plain Language in Government Writing," directed that the Government's writing be in plain language. The NRC requests comments on this direct final rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

#### Finding of No Significant

##### **Environmental Impact: Availability**

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR Part 51, the NRC has determined that this rule, if adopted, will not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rule will amend the CoC for the FuelSolutions™ cask system within the list of approved spent fuel storage casks that power-reactor licensees can use to store spent fuel at reactor sites under a general license. Amendment No. 4 will modify the present cask system design to revise the TS requirements related to periodic monitoring during storage operations. Specifically, the amendment will revise TS to permit longer surveillance intervals for casks with heat loads lower than the design basis heat load and permit visual inspection of the cask vent screens or measurement of the cask liner temperature to satisfy the periodic monitoring requirements of 10 CFR 72.122(h)(4). TS 3.3.1 will be deleted to remove daily monitoring requirements. TS 3.3.2 will be revised for the W21 and W74 canisters to permit either visual inspection of vent screens or liner thermocouple temperature monitoring. Also, TS 5.3.8 will add a section to the Periodic Monitoring Program which establishes intervals for periodic monitoring that are less than the time required to reach the limiting short-term temperature limit. This program will establish administrative controls and procedures to assure that the licensee will be able to determine when corrective action is required. In addition, the amendment will update

editorial changes associated with the company name change from BNFL Fuel Solutions Corporation to BNG Fuel Solutions Corporation and make other administrative changes.

The EA and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Single copies of the EA and finding of no significant impact are available from Jayne M. McCausland, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6219, e-mail [jmm2@nrc.gov](mailto:jmm2@nrc.gov).

#### Paperwork Reduction Act Statement

This direct final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150-0132.

#### Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

#### Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR Part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power-reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in 10 CFR 72.214. On January 16, 2001 (66 FR 3444), the NRC issued an amendment to Part 72 that approved the FuelSolutions™ cask design by adding it to the list of NRC-approved cask designs in 10 CFR 72.214. On June 30, 2005, the certificate holder, BNG Fuel Solutions Corporation, submitted an application to the NRC to amend CoC No. 1026 to modify the TS requirements related to periodic monitoring during storage operations. Specifically, the amendment will revise the TS to permit longer surveillance intervals for casks with heat loads lower than the design basis heat load and permit visual inspection of the cask vent screens or measurement of the cask liner

temperature to satisfy the periodic monitoring requirements of 10 CFR 72.122(h)(4). TS 3.3.1 will be deleted to remove daily monitoring requirements. TS 3.3.2 will be revised for the W21 and W74 canisters to permit either visual inspection of vent screens or liner thermocouple temperature monitoring. Also, TS 5.3.8 will add a section to the Periodic Monitoring Program which establishes intervals for periodic monitoring that are less than the time required to reach the limiting short-term temperature limit. This program will establish administrative controls and procedures to assure that the licensee will be able to determine when corrective action is required. In addition, the amendment will update editorial changes associated with the company name change from BNFL Fuel Solutions Corporation to BNG Fuel Solutions Corporation and make other administrative changes. The alternative to this action is to withhold approval of this amended cask system design and issue an exemption to each general license. This alternative would cost both the NRC and the utilities more time and money because each utility would have to pursue an exemption.

Approval of the direct final rule will eliminate this problem and is consistent with previous NRC actions. Further, the direct final rule will have no adverse effect on public health and safety. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on this discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC'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

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and BNG Fuel Solutions Corporation. 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 direct final rule because this amendment does not involve any provisions that would impose backfits as defined. Therefore, a backfit analysis is not required.

#### Congressional Review Act

Under the Congressional Review 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

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. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72.

#### PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C 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); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); sec. 651(e), Pub. L. 109-58, 119 Stat. 806-810 (42 U.S.C. 2014, 2021, 2021b, 2111).

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, 2224 (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 1026 is revised to read as follows:

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

\* \* \* \* \*

*Certificate Number:* 1026.

*Initial Certificate Effective Date:*

February 15, 2001.

*Amendment Number 1 Effective Date:*

May 14, 2001.

*Amendment Number 2 Effective Date:*

January 28, 2002.

*Amendment Number 3 Effective Date:*

May 7, 2003.

*Amendment Number 4 Effective Date:*

July 3, 2006.

*SAR Submitted by:* BNG Fuel Solutions Corporation.

*SAR Title:* Final Safety Analysis Report for the FuelSolutions™ Spent Fuel Management System.

*Docket Number:* 72-1026.

*Certificate Expiration Date:* February 15, 2021.

*Model Number:* WSNF-220, WSNF-221, and WSNF-223 systems; W-150 storage cask; W-100 transfer cask; and the W-21 and W-74 canisters.

\* \* \* \* \*

Dated at Rockville, Maryland, this 3rd day of April, 2006.

For the Nuclear Regulatory Commission.

**Luis A. Reyes,**

*Executive Director for Operations.*

[FR Doc. 06-3651 Filed 4-17-06; 8:45 am]

BILLING CODE 7590-01-P

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**DEPARTMENT OF THE TREASURY**

**Office of Thrift Supervision**

**12 CFR Parts 528, 546, 552, 561, 563, 563b, 570, 574, 575, and 583**

[No. 2006-15]

RIN 1550-AC05

**Technical Amendments To Reflect BIF and SAIF Merger**

**AGENCY:** Office of Thrift Supervision, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Office of Thrift Supervision (OTS) is amending its

regulations to incorporate numerous technical and conforming amendments necessary to reflect the recent merger of the Bank Insurance Fund (BIF) and the Savings Association Insurance Fund (SAIF).

**DATES:** *Effective Date:* April 18, 2006.

**FOR FURTHER INFORMATION CONTACT:** Sandra E. Evans, Legal Information Assistant (Regulations), (202) 906-6076; or Richard Bennett, Counsel, (202) 906-7409, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** OTS is amending its regulations to incorporate numerous technical and conforming amendments necessary to reflect the recent merger of the Bank Insurance Fund (BIF) and the Savings Association Insurance Fund (SAIF). The Deposit Insurance Reform Act of 2005, which was enacted as part of the Deficit Reduction Act of 2005, Public Law 109-171, brought about this merger, creating one Deposit Insurance Fund (DIF). The President signed that act into law on February 8, 2006.

The Act provides that the merger would take effect no later than July 1, 2006. The Federal Deposit Insurance Corporation made the merger effective March 31, 2006.

Accordingly, OTS is making technical and conforming amendments to its regulations. These include deleting references to SAIF and BIF, substituting references to DIF where applicable, and other related changes to simplify definitions and provisions consistent with the Deposit Insurance Reform Act of 2005.

**Administrative Procedure Act; Riegle Community Development and Regulatory Improvement Act of 1994**

OTS finds that there is good cause to dispense with prior notice and comment on this final rule and with the 30-day delay of effective date mandated by the Administrative Procedure Act. 5 U.S.C. 553. OTS believes that these procedures are unnecessary and contrary to public interest because the rule merely makes technical and conforming amendments to existing provisions necessitated by the merger of BIF and SAIF under the Deposit Insurance Reform Act of 2005. That merger took effect March 31, 2006.

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 provides that regulations that impose additional reporting, disclosure, or other new requirements may not take effect before the first day of the quarter following publication. Public Law 103-325, 12

U.S.C. 4802. This section does not apply because this final rule imposes no additional requirements and makes only technical and conforming changes to existing regulations.

**Regulatory Flexibility Act**

Pursuant to section 605(b) of the Regulatory Flexibility Act, Public Law 96-354, 5 U.S.C. 601, the OTS Director certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12866**

OTS has determined that this rule is not a "significant regulatory action" for purposes of Executive Order 12866.

**Unfunded Mandates Reform Act of 1995**

OTS has determined that the requirements of this final rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995.

**List of Subjects**

*12 CFR Part 528*

Advertising, Aged, Civil rights, Credit, Equal employment opportunity, Fair housing, Individuals with disabilities, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Savings associations, Sex discrimination, Signs and symbols.

*12 CFR Part 546*

Reporting and recordkeeping requirements, Savings associations.

*12 CFR Parts 552 and 563b*

Reporting and recordkeeping requirements, Savings associations, Securities.

*12 CFR Part 561*

Savings associations.

*12 CFR Part 563*

Accounting, Administrative practice and procedure, Advertising, Conflict of interest, Crime, Currency, Holding companies, Investments, Mortgages, Reporting and recordkeeping requirements, Savings associations, Securities, Surety bond.

*12 CFR Part 570*

Accounting, Administrative practice and procedure, Bank deposit insurance, Holding companies, Reporting and