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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket # AMS–FV–2006–0136; FV–06–303–C]

United States Standards for Grades of Potatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correcting amendments.

SUMMARY: The Agricultural Marketing Service (AMS) published a final rule in the **Federal Register** on March 21, 2008 (FR Doc. 08–1058), revising the United States Standards of Grades of Potatoes. As published, the final regulations contain errors in §§ 51.1545, 51.1546, 51.1664, and 51.1565 that are misleading and are in need of clarification. This document corrects those errors.

DATES: *Effective Date:* November 21, 2008.

FOR FURTHER INFORMATION CONTACT: Vincent J. Fusaro, Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs (202) 720–2185.

SUPPLEMENTARY INFORMATION: This document provides correcting amendments to the U.S. Grade Standards for Grades of Potatoes, found respectively at 7 CFR part 51.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Trees, Vegetables.

PART 51—[CORRECTED]

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

■ 3. In § 51.1545, Table 1 is revised to read as follows:

§ 51.1545 Size.

* * * * *

TABLE 1

Size designation	Minimum diameter [1] or weight		Maximum diameter [1] or weight	
	Inches	Ounces	Inches	Ounces
Creamer	¾	([3])	1⅝	([3])
Chef	2¾	8	4½	28
Size A[2]	1⅞	([3])	([3])	([3])
Size B	1½	([3])	2¼	([3])
Small	1¾	([3])	2½	6
Medium	2¼	5	3¼	10
Large	3	10	4½	28

[1] Diameter means the greatest dimension at right angles to the longitudinal axis, without regard to the position of the stem end.
[2] In addition to the minimum size specified, a lot of potatoes designated as Size A shall contain at least 40 percent of potatoes which are 2½ inches in diameter or larger or 6 ounces in weight or larger.
[3] No requirement.

* * * * *

■ 3. In § 51.1546, paragraph (a) is revised to read as follows:

§ 51.1546 Tolerances.

* * * * *

(a) *For defects*—(1) *U.S. No. 1.* (i) *At Shipping Point.* A total of 8 percent for potatoes in any lot which fail to meet the requirements for the grade: Provided, that included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(A) 5 percent for external defects;

(B) 5 percent for internal defects;

(C) Including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See § 51.1547.

(ii) *En route or at Destination.* A total of 10 percent for potatoes in any lot which fail to meet the requirements for the grade: Provided, that included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(A) 7 percent for external defects;

(B) 7 percent for internal defects;

(C) Including therein not more than 2 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See § 51.1547.

(2) *U.S. Commercial.* A total of 20 percent for potatoes in any lot which fail to meet the requirements for the grade: Provided, that included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(i) 10 percent for potatoes which fail to meet the requirements for U.S. No. 2 grade, including therein not more than:

(ii) 6 percent for external defects;

(iii) 6 percent for internal defects; or,

(iv) Including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See § 51.1547.

(3) *U.S. No. 2.* (i) *At Shipping Point:* A total of 10 percent for potatoes in any lot which fail to meet the requirements for the grade: Provided, that included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(A) 6 percent for external defects;

(B) 6 percent for internal defects;

(C) Including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See § 51.1547.

(ii) *En route or at Destination:* A total of 12 percent for potatoes in any lot which fail to meet the requirements for the grade: Provided, that included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(A) 8 percent for external defects;

(B) 8 percent for internal defects;

(C) Including therein not more than 2 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See § 51.1547.

* * * * *

■ 4. In § 51.1564, Table III, the entries ''Bruises (Not including pressure bruise and sunken discolored areas)''; ''Growth Cracks''; and ''Sprouts'' are revised to read as follows:

§ 51.1564 External Defects.

* * * * *

TABLE III—EXTERNAL DEFECTS

Defect	Damage	Serious
* *	* * *	* *
Bruises (Not including pressure bruise and sunken discolored areas).	When removal causes a loss of more than 5 percent of the total weight of the potato or when the area affected is more than 5 percent of the surface in the aggregate (i.e., ¾ inch on a 6 oz. potato). Correspondingly lesser or greater areas in smaller or larger areas.	When the removal causes a loss of more than 10 percent of the total weight of the potato or when the area affected is more than 10 percent of the surface in the aggregate (i.e., 1¼ inches on a 2½ inch or 6 oz. potato). Correspondingly lesser or greater areas in smaller or larger potatoes.
* *	* * *	* *
Growth Cracks	When the growth crack(s) affects more than ½ the length of the potato in the aggregate on round varieties or more than ⅓ the length in the aggregate on long varieties; or, when the depth is greater than that as outlined in Table V. (*See* Table V.).	When the growth crack(s) affects more than ¾ the length of the potato in the aggregate or when the depth is greater than that as outlined in Table V. (*See* Table V.).
* *	* * *	* *
Sprouts	When more than 5 percent of the potatoes in a lot have sprouts in clusters or any individual sprout more than ¼ inch in length at shipping point and ½ inch in length at destination.	When more than 10 percent of the potatoes in a lot have sprouts in clusters or any individual sprout more than ½ inch in length at shipping point and 1 inch in length at destination.
* *	* * *	* *

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§ 51.1565 [Amended]

■ 5. In § 51.1565, the heading of Table I is revised and the entry ''Light Brown Discoloration (Brown Center)'' is revised to read as follows:

TABLE VII—INTERNAL DEFECTS

Defects	Damage	Serious
	Maximum allowed	Maximum allowed
* *	* * *	* *
Light Brown Discoloration (Brown Center)	Area affected not to exceed that of a circle ½ inch in diameter in a potato 2½ inches in diameter or 6 ounces in weight.[1]	Area affected not to exceed that of a circle ¾ inch in diameter in a potato 2½ inches in diameter or 6 ounces in weight.[1]
* *	* * *	* *

Authority: 7 U.S.C. 1621–1627.

Dated: November 12, 2008.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. E8–27288 Filed 11–20–08; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2008–0568]

RIN 3150–AI51

List of Approved Spent Fuel Storage Casks: MAGNASTOR Addition

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to add the NAC International Inc. (NAC) MAGNASTOR cask system to the ''List of Approved Spent Fuel Storage Casks.'' This direct final rule allows the holders of power reactor operating licenses to store spent fuel in this approved cask system under a general license.

DATES: The final rule is effective February 4, 2009, unless significant adverse comments are received by December 22, 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: You can access publicly available documents related to this document using the following methods:

Federal e-Rulemaking Portal: Go to *http://www.regulations.gov* and search for documents filed under Docket ID [NRC–2008–0568]. Address questions about NRC dockets to Carol Gallagher, 301–415–5905; e-mail *Carol.Gallagher@nrc.gov*.

NRC's Public Document Room (PDR): The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Public File Area O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this page, 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 NRC's PDR Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr.resource@nrc.gov*. An electronic copy of the proposed Certificate of Compliance (CoC), technical specifications (TS), and preliminary safety evaluation report (SER) can be found under ADAMS Package Number ML082420063.

CoC No. 1031, the TS, the preliminary SER, 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*.

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*.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires that ''[t]he Secretary [of the U.S. 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 NWPA 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, which added a new Subpart K within 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,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs.

Discussion

This rule will add the NAC MAGNASTOR 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 submitted an application for NRC approval, together with the Safety Analysis Report (SAR) entitled, ''Final Safety Analysis Report for the MAGNASTOR System.'' The NRC evaluated the NAC submittal and issued a preliminary SER and a proposed CoC for the MAGNASTOR System.

The MAGNASTOR System is a vertical, canister-based, dry cask storage system designed for interim storage of up to 37 pressurized water reactor (PWR) spent fuel assemblies or 87 boiling water reactor (BWR) spent fuel assemblies. The MAGNASTOR System consists of a transportable storage canister (TSC) with welded closure, a concrete cask to contain the canister during the storage period, and a transfer cask to contain the TSC during loading, transfer, and unloading operations. The spent fuel assemblies are stored in the TSC. In the storage configuration, the TSC is placed in the central cavity of the concrete cask. The concrete cask provides structural protection, radiation shielding, and internal airflow paths that remove the decay heat from the TSC contents by natural air circulation. The other principal component of the MAGNASTOR System is the transfer cask. The transfer cask provides radiation shielding and structural protection for the TSC and its spent fuel contents during canister loading and preparation activities, and during transfer of the TSC to, or from, the concrete cask.

The NRC finds that the MAGNASTOR System, as designed and when fabricated and used under the conditions specified in its CoC, meets the requirements of 10 CFR part 72. Thus, use of the MAGNASTOR System, as approved by the NRC, will provide adequate protection of public health and safety. With this final rule, the NRC is approving the use of the MAGNASTOR System under the general license in 10