

<http://www.drought.unl.edu/dm/monitor.html>.

United States means each of the several States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**§ 759.5 Secretarial disaster area determination and notification process.**

(a) *U.S. Drought Monitor*. In the case of severe or extreme drought, as defined in this section, the SED will designate the relevant area as a disaster area. A LAR will not be required.

(1) If any portion of a county is physically located in an area with a Drought Monitor Intensity Classification value of D3 (drought—extreme) or higher during any part of the growing season of the crops affected by the disaster in the county, then the county will be designated a disaster area by the SED.

(2) Any county that meets the threshold Drought Monitor Intensity Classification value of D2 (drought—severe) for at least 8 consecutive weeks during the growing season of affected crops will be designated a disaster area by the SED.

(b) *CEB and SEB recommendations*. CEB will identify potential disaster areas and make a disaster designation recommendation request to SEB when a disaster has resulted in severe production losses. A farmer(s), Indian Tribal Council, or the local governing body may initiate the process, by reporting production losses or drought conditions to the CEB.

(1) Except as provided for extreme or severe drought in paragraph (a) of this section, CEB will submit a request with a LAR to SEB for review and recommendation for approval by the SED. CEB's written request and SEB recommendation must be submitted to SED within three months of the last day of the occurrence of a natural disaster as determined by the SED.

(2) If SEB determines a natural disaster has occurred, SEB will forward the recommendation to SED. The natural disaster may include drought conditions that were not sufficiently severe to meet the criteria in paragraph (a) of this section. Since the U.S. Drought Monitor tracks only drought conditions, not specifically agricultural losses resulting from those conditions, it is possible for a drought that does not meet the criteria in paragraph (a) of this section to result in production losses that constitute a natural disaster.

(3) SED will make the disaster area determination on behalf of the Secretary subject to such review by DAFP as may

be appropriate, including that the delegation of authority to the SED may be revoked. In all cases, DAFP may reverse any SED determination.

(c) *Eligible production losses*. Except as provided in paragraph (d) of this section, to be determined to be a disaster area, the county must have had production losses of 30 percent of at least one crop in the county due to an unusual and adverse weather condition or natural phenomena.

(d) *Discretionary exception to production losses for EM*. The SED or Secretary may determine that although the conditions specified in § 795.5(c) have not been met, the unusual and adverse weather conditions or natural phenomena have resulted in such significant production losses, or have produced such extenuating circumstances, as to warrant a finding that a natural disaster has occurred for the purpose of making EM available only. In making this determination, the SED or Secretary may consider such factors as the nature and extent of production losses; the number of farmers who have sustained qualifying production losses; the number of farmers that other lenders in the county indicate they will not be in position to provide emergency financing; whether the losses will cause undue hardship to a certain segment of farmers in the county; whether damage to particular crops has resulted in undue hardship; whether other Federal or State benefit programs, which are being made available due to the same disaster, will consequently lessen undue hardship and the demand for EM loans; and any other factors considered relevant.

**§ 759.6 EM to be made available.**

EM will be made available under part 764 of this chapter in disaster areas determined as follows:

(a) *Secretarial designations*. When production losses meet the requirements in § 759.5 or if the discretionary exception to production losses for EM under § 759.5(d) has been exercised and the SED has acted on behalf of the Secretary to make a disaster area determination.

(b) *Physical loss notification*. When only physical losses occur, the SED will submit a request to the FSA Administrator to make a determination that a natural disaster has occurred in a county, resulting in severe physical losses. If the FSA Administrator determines that such a natural disaster has occurred, then EM physical loss loans can be made available to eligible farmers for physical losses only.

(c) *USDA quarantine*. Any quarantine imposed by the Secretary of Agriculture

under the Plant Protection Act or the animal quarantine laws, as defined in section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990, automatically authorizes EM for production and physical losses resulting from the quarantine.

(d) *Presidential declaration*.

Whenever the President declares a Major Disaster Declaration or an Emergency Declaration, the Secretary will make EM available to eligible applicants in declared and contiguous counties, provided:

(1) The Presidential declaration is not solely for Category A or Category B Public Assistance or Hazard Mitigation Grant Assistance.

(2) The Presidential Major Disaster declaration is for losses due to severe, general disaster conditions including but not limited to conditions such as flood, hurricane, or earthquake.

**PART 762—GUARANTEED FARM LOANS**

2. The authority citation for part 762 continues to read as follows:

**Authority:** 5 U.S.C. 301 and 7 U.S.C. 1989.

**§ 762.106 [Amended]**

3. Amend § 762.106(b)(2) and (c)(4) by removing the reference “part 1945, subpart A of this title” and adding in its place each time it appears “§ 761.2(b) and part 759 of this chapter”.

**PART 1945—[REMOVED]**

4. Under the authority of 5 U.S.C. 301, part 1945 is removed.

Signed on October 20, 2011.

**Karis T. Gutter,**

*Acting Under Secretary, Farm and Foreign Agricultural Services.*

[FR Doc. 2011–29011 Filed 11–10–11; 8:45 am]

**BILLING CODE 3410–05–P**

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 72**

**RIN 3150–A191**

**[NRC–2011–0008]**

**List of Approved Spent Fuel Storage Casks: MAGNASTOR® System, Revision 2**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or the Commission) is proposing to amend its spent fuel storage cask regulations by revising the

NAC International, Inc. (NAC) MAGNASTOR® System listing within the “List of Approved Spent Fuel Storage Casks” to include Amendment No. 2 to Certificate of Compliance (CoC) Number 1031. Amendment No. 2 will revise: Technical Specification (TS) 3.3.2 to reduce the transportable storage canister removable surface contamination limits; TS 4.1.1 to add various boron-10 areal densities for use with Pressurized Water Reactor and Boiling Water Reactor baskets and to replace the fuel tube orthogonal pitch with the minimum fuel tube outer diagonal dimension; Table 2.1–2, “ASME Code Alternatives for MAGNASTOR® components,” of the Final Safety Analysis Report to correct the code reference; and Appendices A and B of the TSs to make editorial corrections.

**DATES:** Submit comments by December 14, 2011. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Please include Docket ID NRC–2011–0008 in the subject line of your comments. For instructions on submitting comments and accessing documents related to this action, see Section I, “Submitting Comments and Accessing Information” in the **SUPPLEMENTARY INFORMATION** section of this document. You may submit comments by any one of the following methods:

- *Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC–2011–0008. Address questions about NRC dockets to Carol Gallagher, telephone: (301) 492–3668, email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

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

- *Email comments to:* [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive a reply email confirming that we have received your comments, contact us directly at (301) 415–1977.

- *Hand-deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. EST Federal workdays (telephone: (301) 415–1977).

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

**FOR FURTHER INFORMATION CONTACT:**

Gregory Trussell, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington,

DC 20555–0001, telephone: (301) 415–6445, email: [Gregory.Trussell@nrc.gov](mailto:Gregory.Trussell@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**Submitting Comments and Accessing Information**

Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site, <http://www.regulations.gov>. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

You can access publicly available documents related to this document using the following methods:

- *NRC’s Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC’s PDR, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library 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 email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

- *Federal rulemaking Web site:* Public comments and supporting materials related to this proposed rule can be found at <http://www.regulations.gov> by searching on Docket ID NRC–2011–0008.

For additional information, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

**Procedural Background**

This rule is limited to the changes contained in Amendment No. 2 to CoC No. 1031 and does not include other aspects of the MAGNASTOR® System.

Because the NRC considers this action noncontroversial and routine, the NRC is publishing this proposed rule concurrently as a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. Adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on January 30, 2012. However, if the NRC receives significant adverse comments on the direct final rule by December 14, 2011, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to the proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

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, a substantive response is required when:

(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 rule, CoC, or TSs.

For additional procedural information and the regulatory analysis, see the direct final rule published in the Rules and Regulations section of this **Federal Register**.

**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; the Nuclear Waste Policy Act of 1982, 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, 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); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 549 (2005).

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, Certificate of Compliance 1031 is revised to read as follows:

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

\* \* \* \* \*

*Certificate Number:* 1031.

*Initial Certificate Effective Date:* February 4, 2009.

*Amendment Number 1 Effective Date:* August 30, 2010.

*Amendment Number 2 Effective Date:* January 30, 2012.

*SAR Submitted by:* NAC International, Inc.

*SAR Title:* Final Safety Analysis Report for the MAGNASTOR® System.

*Docket Number:* 72–1031.

*Certificate Expiration Date:* February 4, 2029.

*Model Number:* MAGNASTOR.

\* \* \* \* \*

Dated at Rockville, Maryland, this 27th day of October, 2011.

For the Nuclear Regulatory Commission,  
**Michael F. Weber,**

*Acting Executive Director for Operations.*

[FR Doc. 2011–29338 Filed 11–10–11; 8:45 am]

**BILLING CODE 7590–01–P**

**DEPARTMENT OF ENERGY**

**10 CFR Part 431**

**RIN 1904–AC62**

**Efficiency and Renewables Advisory Committee; Notice of Meeting**

**AGENCY:** Department of Energy, Office of Energy Efficiency and Renewable Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This document announces an open meeting of two Negotiated Rulemaking Working Groups; one concerning Liquid Immersed and Medium-Voltage Dry-Type and the second addressing Low-Voltage Dry-Type Distribution Transformers. The Liquid Immersed and Medium-Voltage Dry-Type Group (MV Group) and the Low-Voltage Dry-Type Group (LV Group) are working groups within the Appliance Standards Subcommittee of the Efficiency and Renewables Advisory Committee (ERAC). The purpose of the MV and LV Groups is to discuss and, if possible, reach consensus on a proposed rule for regulating the energy efficiency of distribution transformers, as authorized by the Energy Policy Conservation Act (EPCA) of 1975, as amended, 42 U.S.C. 6313(a)(6)(C) and 6317(a).

**DATES:** Wednesday, November 30, 2011; 9 a.m.–5 p.m.

Thursday, December 1, 2011; 9 a.m.–5 p.m.

Friday, December 2, 2011; 9 a.m.–5 p.m.

**ADDRESSES:** The meetings on November 30, 2011, and December 1, 2011, will be held at the American Public Power Association, 1875 Connecticut Ave. NW., Suite 1200, Washington, DC 20009–5715.

The meeting on December 2, 2011, will be held at the U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, Room 8E–089.

**FOR FURTHER INFORMATION CONTACT:** John Cymbalsky, U.S. Department of Energy, Office of Building Technologies (EE–2J), 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1692 or email: [John.Cymbalsky@ee.doe.gov](mailto:John.Cymbalsky@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:**

*Background:* DOE has decided to use the negotiated rulemaking process to develop proposed energy efficiency standards for distribution transformers. The primary reasons for using the negotiated rulemaking process for developing a proposed Federal standard is that stakeholders strongly support a consensual rulemaking effort and DOE believes such a regulatory negotiation process will be less adversarial and better suited to resolving the complex technical issues raised by this rulemaking. An important virtue of negotiated rulemaking is that it allows expert dialog that is much better than traditional techniques at getting the facts and issues right and will result in a proposed rule that will effectively reflect Congressional intent.

A regulatory negotiation will enable DOE to engage in direct and sustained dialog with informed, interested, and affected parties when drafting the proposed regulation that is then presented to the public for comment. Gaining this early understanding of all parties' perspectives allows DOE to address key issues at an earlier stage of the process, thereby allowing more time for an iterative process to resolve issues. A rule drafted by negotiation with informed and affected parties is more likely to maximize benefits while minimizing unnecessary costs than one conceived or drafted without the opportunity for sustained dialog among interested and expert parties. DOE anticipates that there will be a need for fewer substantive changes to a proposed rule developed under a regulatory negotiation process prior to the publication of a final rule.

To the maximum extent possible, consistent with the legal obligations of the Department, DOE will use the consensus of the advisory committee or subcommittee as the basis for the rule the Department proposes for public notice and comment.

*Purpose of the Meeting:* To continue the process of seeking consensus on a proposed rule for setting standards for the energy efficiency of liquid immersed and medium- and low-voltage dry type distribution transformers, as authorized