

# Proposed Rules

Federal Register

Vol. 77, No. 243

Tuesday, December 18, 2012

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. APHIS-2012-0094]

#### Notice of Availability of an Evaluation of the Swine Vesicular Disease Status of Certain Regions in Italy

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of Availability.

**SUMMARY:** We are advising the public that we have determined that the Italian Regions of Lombardia, Emilio-Romagna, Veneto, and Piemonte and the autonomous provinces of Trento and Bolzano are free of swine vesicular disease. This determination is based on our review of the documentation submitted by the Government of Italy in support of its request and the findings of our own animal health risk evaluation. We are making our determination, as well as the evaluation we have prepared in connection with this action, available for review and comment.

**DATES:** We will consider all comments that we receive on or before February 19, 2013.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/documentDetail;D=APHIS-2012-0094-0001>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2012-0094, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/documentDetail;D=APHIS-2012-0094> or in our reading room, which is located in room 1141 of the USDA South Building,

14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. Chip Wells, Senior Staff Veterinarian, Regionalization Evaluation Services, Sanitary Trade Issues Team, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231; (301) 851-3089.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States in order to prevent the introduction of various communicable diseases, including swine vesicular disease (SVD). These are dangerous and destructive communicable diseases of ruminants and swine.

Sections 94.12 and 94.14 of the regulations contain requirements governing the importation of pork and pork products and swine, respectively, from regions where SVD exists in order to prevent the introduction of the disease into the United States. We consider SVD to exist in all regions except those listed in accordance with § 94.12(a)(2) as being free of SVD.

Section 94.13 of the regulations contains requirements governing the importation of pork or pork products from regions that have been determined to be free of SVD, but that are subject to certain restrictions because of their proximity to or trading relationships with SVD-affected regions. Such regions are listed in accordance with paragraph (a)(2) of that section.

The regulations in 9 CFR 92.2 contain requirements for requesting the recognition of the animal health status of a region or for the approval of the export of a particular type of animal or animal product to the United States from a foreign region. If, after review and evaluation of the information submitted in support of the request, the Animal and Plant Health Inspection Service (APHIS) believes the request can be safely granted, APHIS will make its evaluation available for public comment through a notice published in the

**Federal Register.** Following the close of the comment period, APHIS will review all comments received and will make a final determination regarding the request that will be detailed in another notice published in the **Federal Register**.

In July 1997, the European Commission and the Government of Italy submitted a request to APHIS seeking the recognition of certain Regions in northern Italy (in Italy, a "Region" is a type of political jurisdiction) as being free of SVD. We conducted a qualitative risk assessment, and on June 25, 1999, we published in the **Federal Register** (64 FR 34155-34168, Docket No. 98-090-1) a proposal to amend the regulations in order to recognize eight regions in northern Italy as free of SVD. However, before that rule was made final, SVD outbreaks occurred in four of the eight Regions. Therefore, in the final rule published April 7, 2003, in the **Federal Register** (68 FR 16922-16941, Docket No. 98-090-5), APHIS recognized only those four Regions that remained free of SVD (Friuli, Liguria, Marche, and Valle d'Aosta). In the intervening years, we have continued our evaluation of the SVD status of Italy, as is our standard procedure in cases where the requesting country does not withdraw its request for recognition of disease freedom. Based on information provided by the Italian government as well as multiple site visits, we have now found four Regions within north-central Italy (Lombardia, Emilio-Romagna, Veneto, and Piemonte) and two autonomous provinces (Trento and Bolzano) to be free of SVD.

APHIS has evaluated the risk of introducing SVD into the United States via the importation of SVD-susceptible species or products from these areas of Italy in accordance with 9 CFR part 92. Based on this evaluation, APHIS has found that that the surveillance, prevention, and control measures implemented by Italy in the four Regions and two autonomous provinces under consideration as being free of SVD are sufficient to minimize the likelihood of introducing SVD into the United States via imports of SVD-susceptible species or products. However, because of its proximity to or trading relationships with SVD-affected regions, we have found that it is necessary to impose additional restrictions in accordance with § 94.13

on the importation of pork or pork products from the areas of Italy under consideration for being declared free of SVD.

Therefore, in accordance with § 92.2(e), we are announcing the availability, for public review and comment, of our evaluation of the SVD status of the Regions and autonomous provinces under consideration. The evaluation may be viewed on the Regulations.gov Web site or in our reading room. (Instructions for accessing Regulations.gov and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this document.) The evaluation, as well as the information evaluated, may also be viewed at [http://www.aphis.usda.gov/import\\_export/animals/reg\\_request.shtml](http://www.aphis.usda.gov/import_export/animals/reg_request.shtml) by following the link for "Previous regionalization requests and supporting documentation."

After reviewing any comments we receive, we will announce our decision regarding the disease status of the Italian Regions of Lombardia, Emilia-Romagna, Veneto, and Piemonte and the autonomous provinces of Trento and Bolzano with respect to SVD and the import status of susceptible animals and products of such animals in a subsequent notice.

**Authority:** 7 U.S.C. 450, 7701-7772, 7781-7786, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 11th day of December 2012.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2012-30257 Filed 12-17-12; 8:45 am]

**BILLING CODE 3410-34-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

[Docket No. PRM-50-96; NRC-2011-0069]

### Long-Term Cooling and Unattended Water Makeup of Spent Fuel Pools

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; consideration in the rulemaking process.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) will consider in the NRC rulemaking process the issues raised in a petition for rulemaking (PRM) submitted by Thomas Popik (the petitioner) on behalf of the Foundation

for Resilient Societies. The petition was dated March 14, 2011, and was docketed as PRM-50-96. The petitioner requests that the NRC amend its regulations to require facilities licensed by the NRC to assure long-term cooling and unattended water makeup of spent fuel pools (SFP).

**DATES:** The docket for the petition for rulemaking, PRM-50-96, is closed on December 18, 2012.

**ADDRESSES:** Further NRC action on the issues raised by this petition can be found on the Federal Rulemaking Web site at <http://www.regulations.gov> by searching on Docket ID NRC-2011-0069.

You can access publicly available documents related to the petition, which the NRC possesses and are publicly available, using any one of the following methods:

- **Federal Rulemaking Web site:** Public comments and supporting materials related to this petition can be found at <http://www.regulations.gov> by searching on the petition Docket ID NRC-2011-0069. Address questions about NRC dockets to Carol Gallagher; telephone 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Manash Bagchi or Richard Dudley, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone 301-415-2905 or 301-415-1116, email: [Manash.Bagchi@nrc.gov](mailto:Manash.Bagchi@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

- I. The Petition
- II. Regulatory Oversight of Electric Power Systems
- III. Analysis of Public Comments
- IV. NRC Evaluation

- A. NRC Requirements for Governing Spent Fuel Pool Cooling and Provision of Electric Power for Accidents
- B. Geomagnetic Storms and Effects on the Earth
- C. Frequency of Geomagnetic Storms With Potential Adverse Effects on the Electrical Grid
- D. Experience With Geomagnetic Storms' Effects on the Electrical Grid
- E. Federal Government Coordination and Emergency Response
- V. Conclusion
- VI. Resolution of the Petition

### I. The Petition

The petitioner submitted a PRM (ADAMS Accession No. ML110750145), dated March 14, 2011, to the NRC. The petitioner requests that the NRC amend its regulations to require facilities licensed by the NRC under part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR) to assure long-term cooling and unattended water makeup of SFPs. The petitioner asserts that the North American commercial electric power grids are vulnerable to prolonged outage caused by extreme space weather, such as coronal mass ejections and associated geomagnetic disturbances and therefore cannot be relied on to provide continual power for active cooling and/or water makeup of SFPs. Moreover, existing means for providing onsite backup power are designed to operate for only a few days, while spent fuel requires active cooling for several years after removal of the fuel rods from the reactor core. The petitioner suggested rule language with the following requirements:

Licenses shall provide reliable emergency systems to provide long-term cooling and water makeup for spent fuel pools using only on-site power sources. These emergency systems shall be able to operate for a period of two years without human operator intervention and without offsite fuel resupply. Backup power systems for spent fuel pools shall be electrically isolated from other plant electrical systems during normal and emergency operation. If weather-dependent power sources are to be used, sufficient water or power storage must be provided to maintain continual cooling during weather conditions which may temporarily constrict power generation.

On May 6, 2011 (76 FR 26223), the NRC published a notice of receipt and request for public comment for this petition in the **Federal Register** (FR). The public comment period closed on July 20, 2011, and the NRC received 97 public comments. After reviewing public comments and evaluating other ongoing activities, the NRC performed a preliminary review and analysis to ascertain the validity, accuracy, and efficacy of the petitioner's technical