

# Proposed Rules

Federal Register

Vol. 77, No. 55

Wednesday, March 21, 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.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

[Docket Nos. PRM-50-101; NRC-2011-0189]

#### Petition for Rulemaking Submitted by the Natural Resources Defense Council, Inc.

**AGENCY:** Nuclear Regulatory Commission.

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

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or the Commission) will consider the issues raised in the petition for rulemaking (PRM), PRM-50-101, submitted by the Natural Resources Defense Council, Inc. (NRDC or the petitioner), in the rulemaking process. The petitioner requests that the NRC amend its regulations to require each operating and new reactor licensee to establish station blackout (SBO) mitigation strategies and resources. The NRC determined that the issues raised in the PRM are appropriate for consideration and will consider them in the planned "Station Blackout" rulemaking.

**DATES:** The docket for the petition for rulemaking, PRM-50-101, is closed on March 21, 2012.

**ADDRESSES:** Further NRC action on the issues raised by this petition will be accessible on the Federal rulemaking Web site, <http://www.regulations.gov>, by searching on Docket ID NRC-2011-0299, which is the rulemaking docket for the planned SBO rulemaking.

You can access publicly available documents related to the petition 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, O1-F21, 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 the 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:* Supporting materials related to this petition can be found at <http://www.regulations.gov> by searching on the Docket IDs for PRM-50-101 and the planned SBO rulemaking, NRC-2011-0189 and NRC-2011-0299, respectively. Address questions about NRC dockets to Carol Gallagher, telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Tim Reed, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301-415-1462; email: [Timothy.Reed@nrc.gov](mailto:Timothy.Reed@nrc.gov); or Scott Sloan, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301-415-1619; email: [Scott.Sloan@nrc.gov](mailto:Scott.Sloan@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### The Petition

On September 20, 2011, the NRC published a notice of receipt (76 FR 58165) of six PRMs filed by the NRDC, including PRM-50-101. The petitioner solely and specifically cited the "Recommendations for Enhancing Reactor Safety in the 21st Century: The Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident" (Fukushima Task Force Report, ADAMS Accession No. ML111861807), dated July 12, 2011, as the rationale for the PRMs. For PRM-50-101, the petitioner cites Section 4.2.1, pages 32-39, of the Fukushima Task Force Report, regarding the enhancement of the ability of nuclear power plants to deal with the effect of prolonged SBO conditions at single and multiunit sites without damage to the nuclear fuel in the reactor or spent fuel pool and without the loss of reactor

coolant system or primary containment integrity. At the time of receipt of the PRMs, the Commission was still in the process of reviewing the Fukushima Task Force Report, and the NRC did not institute a public comment period for the PRMs.

In PRM-50-101, the petitioner requests the NRC to institute a rulemaking proceeding applicable to nuclear facilities licensed under Title 10 of the Code of Federal Regulations (10 CFR) parts 50, 52, and other applicable regulations to revise 10 CFR 50.63 to require each operating and new reactor licensee to (1) establish a minimum coping time of 8 hours for a loss of all alternating current (AC) power, (2) establish the equipment, procedures, and training necessary to implement an "extended loss of all AC" coping time of 72 hours for core and spent fuel cooling and for reactor coolant system and primary containment integrity as needed, and (3) preplan and prestage offsite resources to support uninterrupted core and spent fuel pool cooling and reactor cooling and reactor coolant system and containment integrity as needed, including the ability to deliver the equipment to the site in the time period allowed for extending coping, under conditions involving significant degradation of offsite transportation infrastructure associated with significant natural disasters.

#### Reasons for Consideration

The Commission has established a process for addressing a number of the recommendations in the Fukushima Task Force Report, and the NRC determined that the issues raised in PRM-50-101 are appropriate for consideration and will consider them in the planned SBO rulemaking based on Section 4.2.1 of the Fukushima Task Force Report (Recommendation 4.1). The public will have the opportunity to provide comments on the issues raised by the petitioner in PRM-50-101 as part of the SBO rulemaking. The NRC will consider the issues raised by the remaining NRDC PRMs through the process the Commission establishes for addressing the remaining recommendations in the Fukushima Task Force Report. This PRM docket is closed.

Dated at Rockville, Maryland, this 12th day of March 2012.

For the Nuclear Regulatory Commission.  
**R.W. Borchardt**,  
*Executive Director for Operations.*  
 [FR Doc. 2012-6843 Filed 3-20-12; 8:45 am]  
 BILLING CODE 7590-01-P

---

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### 12 CFR Part 46

[Docket ID OCC-2011-0029]

RIN 1557-AD58

#### Annual Stress Test

**AGENCY:** Office of the Comptroller of the Currency, Treasury (“OCC”).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On January 24, 2012, the OCC published in the **Federal Register** a notice of proposed rulemaking (NPRM) to implement section 165(i) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The proposed rule would require national banks and Federal savings associations with total consolidated assets of more than \$10 billion to conduct an annual stress test and comply with certain reporting and disclosure requirements.

To allow parties more time to consider the impact of the proposed rule, and so that the comment period on the proposed rule will run concurrently with the comment period for a comparable rule proposed by the Board of Governors of the Federal Reserve System (Board), the OCC has determined that an extension of the comment period until April 30, 2012 is appropriate. This action will allow interested persons additional time to analyze the proposed rule and prepare their comments.

**DATES:** Comments on the proposed rule must be received on or before April 30, 2012.

**ADDRESSES:** You may submit comments by any of the methods identified in the proposed rule. Please submit your comments using only one method.

**FOR FURTHER INFORMATION CONTACT:** Robert Scavotto, Lead International Expert, International Analysis and Banking Condition (202) 874-4943, Tanya Smith, Lead Expert, Regulatory Capital and Operational Risk (202) 874-4464, Akhtarur Siddique, Deputy Director, Enterprise Risk Analysis Division (202) 874-4665, Ron Shimabukuro, Senior Counsel, or Alexandra Arney, Attorney, Legislative

and Regulatory Activities Division (202) 874-6104, Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** On January 24, 2012, the OCC published a proposed rule in the **Federal Register** (proposed rule)<sup>1</sup> to implement stress testing requirements in section 165(i) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).<sup>2</sup> Section 165(i) requires certain financial companies, including national banks and Federal savings associations, with total consolidated assets in excess of \$10 billion to conduct annual stress tests pursuant to regulations prescribed by their respective Federal primary financial regulatory agencies. The Federal primary financial regulatory agency is required to define “stress test,” establish methodologies for the conduct of the stress test that must include at least three different sets of conditions (baseline, adverse, and severely adverse), establish the form and content of the report that institutions are required to submit, and require the institution to publish a summary of the results of the institutional stress tests.<sup>3</sup>

In recognition of the complexities of the rulemaking and the variety of considerations involved in its impact and implementation, the OCC requested that commenters respond to numerous questions. The proposed rule stated that the public comment period would close on March 26, 2012.<sup>4</sup>

The OCC believes that it is important to allow interested parties more time to consider the impact of the proposed rule and respond to the questions asked in the NPRM. Additionally, the OCC believes that the comment period for the proposed rule should run concurrently with a similar rule by the Board of Governors of the Federal Reserve System (Board). The Board published its proposed rule implementing the stress testing requirements of section 165(i) of the Dodd-Frank Act on January 5, 2012 with the comment period closing on March 31, 2012.<sup>5</sup> The Board recently extended the comment period until April 30.<sup>6</sup> Section 165(i)(2)(C) directs each Federal primary financial regulatory agency to issue “consistent and comparable” regulations to implement the Act’s annual stress testing requirements.<sup>7</sup> Moreover, as

<sup>1</sup> See 77 FR 3408 (Jan. 24, 2012).

<sup>2</sup> Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376 (2010).

<sup>3</sup> 12 U.S.C. 5365(i)(2)(C).

<sup>4</sup> See 77 FR 3408 (Jan. 24, 2012).

<sup>5</sup> See 77 FR 594 (Jan. 5, 2012).

<sup>6</sup> See 77 FR 13513 (March 7, 2012).

<sup>7</sup> 12 U.S.C. 5365(i)(2)(C).

noted in the preambles to the proposed rules, the Federal banking agencies generally intend to coordinate the development of the scenarios that will be used for annual stress tests performed pursuant to each agency’s regulations.<sup>8</sup> Therefore, the OCC believes that the Annual Stress Test proposed rule should be considered as part of a coordinated effort by the Federal banking agencies to implement the annual stress testing requirements of the Dodd-Frank Act. For these reasons, the OCC is extending the deadline for submitting comments on the proposed rule from March 26, 2012 to April 30, 2012.

Dated: March 15, 2012.

**John Walsh**,

*Acting Comptroller of the Currency.*

[FR Doc. 2012-6811 Filed 3-20-12; 8:45 am]

BILLING CODE P

---

## FEDERAL DEPOSIT INSURANCE CORPORATION

#### 12 CFR Part 325

RIN 3064-AD91

#### Annual Stress Test

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On January 23, 2012, the FDIC published in the **Federal Register** a notice of proposed rulemaking for public comment to implement the requirements in Section 165(i)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Dodd-Frank Act”)<sup>1</sup> by requiring state nonmember banks and state savings associations supervised by the Corporation with total consolidated assets of more than \$10 billion to conduct annual stress tests.

Due to the scope and complexity of the rulemaking, the FDIC has determined that an extension of the comment period until April 30, 2012, is appropriate. This action will allow interested persons additional time to analyze the proposed rules and to prepare their comments.

**DATES:** Comments on the proposed rule must be received on or before April 30, 2012.

**ADDRESSES:** You may submit comments by any of the methods identified in the

<sup>8</sup> See 77 FR 3408, 3412 (Jan. 24, 2012); 77 FR 594, 632 (Jan. 5, 2012); 77 FR 3166, 3168 (Jan. 23, 2012).

<sup>1</sup> Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, 124 Stat. 1376 (2010).