

NRC program elements in Category C are those that do not meet the criteria of Category A or B, but the essential objectives of which an Agreement State should adopt to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis. An Agreement State should adopt the essential objectives of the NRC program elements. The Commission also directed the staff to solicit information on the impacts of the change in compatibility. These meetings represent one mechanism being used to solicit information on the impacts of this change.

Discussion

On December 2, 2010, the Commission issued SECY-10-0105 and acted on the final rule that would amend 10 CFR part 31. The Commission decided to disapprove the publication of the final rule while revising the compatibility categories of §§ 31.5 and 31.6 from B to C. The Commission directed staff to report back with a description of which Agreement States, if any, will act to modify their program as a result of the change in compatibility for §§ 31.5 and 31.6, how the programs were modified and provide an analysis of any transboundary impacts to the regulated community, particularly for those operating on a multi-state basis. The NRC staff queried the Agreement States to collect information on their current regulatory program, and whether they intend to modify their current regulations equivalent to §§ 31.5 and 31.6. The feedback from the States received to date was that the Agreement States do not intend to modify their current general license (GL) regulatory programs as a result of the Commission's decision to revise the compatibility categories of §§ 31.5 and 31.6 from B to C. Therefore, the NRC staff has assumed that the current Agreement State GL regulatory environment is the base case for evaluating impacts on manufacturers and distributors and end-users. Given the assumption that the current regulatory environment will continue, the staff concluded that there would be minimal impact to manufacturers, distributors, and end-users of generally licensed devices. If this is incorrect, please provide the following information that details the impact to your business:

(a) What would be the impacts of changing the compatibility categories of §§ 31.5 and 31.6 from B to C?

(b) What would be the distribution impediments?

(c) If there are any other impacts brought about by changes in the State regulations, please explain.

To assist the NRC staff in evaluating the impact of the change in compatibility, the NRC staff requests additional information in the following areas:

From Manufacturers/Distributors, it is necessary to understand:

(a) What are the current practices used by companies to address multiple jurisdictions and the registration requirements of generally licensed devices and §§ 31.5 and 31.6 (or the State equivalent)?

(b) What are the costs incurred by companies by doing business in multiple jurisdictions with regard to the registration requirements of generally licensed devices and §§ 31.5 and 31.6 (or the State equivalent)?

(c) What are the costs to health and safety in doing business in multiple jurisdictions with regard to the registration requirements of generally licensed devices and §§ 31.5 and 31.6 (or the State equivalent)?

(d) Do you have any comments on the regulation of generally licensed devices associated to §§ 31.5 and 31.6 (or the State equivalent) that affect you with regard to where your company is located or where your customers are located?

From the End-Users, it is necessary to understand:

(a) What is the difference in cost of generally licensed devices purchased by you in comparison to devices without radioactive material with regard to the registration requirements of generally licensed devices and §§ 31.5 and 31.6 (or the State equivalent)?

(b) What regulatory costs influence your decisions in the generally licensed devices that are purchased?

(c) What choices are made by you regarding health and safety and security with regard to which generally licensed devices are purchased by you?

(d) Do you have any comments regarding the regulation of generally licensed devices associated to §§ 31.5 and 31.6 (or the State equivalent) that affect you with regard to where you are using your generally licensed devices?

In addition to providing information at the public meetings, a submittal of information in response to the preceding questions may be sent to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this document through the end of the comment period.

Public Meetings

In selecting the dates for these public meetings, it is the goal for the NRC staff

to organize and execute a facilitated discussion through which comments and suggestions can be obtained from the participants and attendees on the topics and issues identified in this document. The information obtained will help the NRC to better understand the impacts on the generally licensed device community of this change in compatibility.

Each public meeting is planned for one day. The NRC staff will be available with background information to have an informal discussion from 12 p.m. to 2 p.m. The NRC staff will make a brief presentation and then solicit information from the public from 2 p.m. to 5:30 p.m.

The address for the meeting locations and final agenda for the public meetings will be available at least 10 days prior to the meetings on the NRC Public Meeting Schedule Web Site at <http://www.nrc.gov/public-involve/public-meetings/index.cfm>. Prior to the meeting, attendees are required to register with the meeting organizer to ensure sufficient accommodations can be made for their participation. Please let the contact person know if special services are needed (hearing impaired, etc.).

Dated at Rockville, Maryland, this 1st day of September 2011.

For the Nuclear Regulatory Commission.

Jim Luehman,

Acting Director, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs.

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DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE-2011-BT-STD-0047]

RIN 1904-AC56

Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Energy Conservation Standards for Direct Heating Equipment

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

ACTION: Notice of extension of public comment period.

SUMMARY: This notice announces that the period for submitting comments on the notice of proposed rulemaking for direct heating equipment is extended to October 14, 2011.

DATES: DOE will accept comments, data, and information regarding the notice of proposed rulemaking for direct heating equipment received no later than 5 p.m. EDT on October 14, 2011.

ADDRESSES: Any comments submitted must identify the notice of proposed rulemaking for direct heating equipment and provide docket number EERE-2011-BT-STD-0047 and/or RIN number 1904-AC56. Comments may be submitted using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* Brenda.Edwards@ee.doe.gov. Include docket number EERE-2011-BT-STD-0047 and/or RIN 1904-AC56 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format and avoid the use of special characters or any form of encryption.

- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-2945. Please submit one signed original paper copy.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza, SW., 6th Floor, Washington, DC 20024. Please submit one signed original paper copy.

Docket: The docket is available for review at <http://www.regulations.gov>, including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the <http://www.regulations.gov> index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure. The <http://www.regulations.gov> Web page contains simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to submit a public comment, review other public comments and the docket, contact Ms. Brenda Edwards at (202) 586-2945 or by e-mail: Brenda.Edwards@ee.doe.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Mohammed Khan, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121.

Telephone: (202) 586-7892. E-mail: Mohammed.Khan@ee.doe.gov.

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC-71, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-9507. E-mail: Eric.Stas@hq.doe.gov.

SUPPLEMENTARY INFORMATION: On July 22, 2011, DOE published a notice of proposed rulemaking (NOPR) in the **Federal Register** (76 FR 43941) which proposed amendments to DOE's definition for "vented hearth heater." The NOPR provided for the submission of written comments by September 20, 2011. DOE held a public meeting to receive comment on its proposal on September 1, 2011. At the public meeting interested parties requested that DOE provide additional support materials for the NOPR, which DOE plans to post to its Web site. In order to provide interested parties with adequate time to review and respond to the additional materials, DOE has determined that an extension of the public comment period is appropriate and is hereby extending the comment period. DOE will consider any comments received by 5 p.m. EDT on October 14, 2011.

Further Information on Submitting Comments

Under 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies: one copy of the document including all the information believed to be confidential, and one copy of the document with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the information has previously been made available to others without obligation concerning its confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

Issued in Washington, DC, on September 2, 2011.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.

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DEPARTMENT OF ENERGY

10 CFR Parts 430 and 431

[Docket Number EERE-2011-BT-NOA-0038]

Energy Conservation Program: Treatment of "Smart" Appliances in Energy Conservation Standards and Test Procedures

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

ACTION: Notice of extension of public comment period.

SUMMARY: This document announces that the period for submitting comments on the request for information on "smart" appliances is extended to September 30, 2011. DOE seeks information and comments related to the analytical treatment of "smart" appliances in the development of DOE's energy conservation standards, as well as in test procedures used to demonstrate compliance with DOE's standards and qualification as an ENERGY STAR product.

DATES: The U.S. Department of Energy (DOE) will accept comments, data, and information regarding the request for information on "smart" appliances published August 5, 2011 (76 FR 47518) if they are received no later than September 30, 2011.

ADDRESSES: Any comments submitted must identify the request for information on "smart" appliances and provide docket number EERE-2011-BT-NOA-0038. Comments may be submitted using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* SmartApplianceRFI-2011-NOA-0038@ee.doe.gov. Include docket number EERE-2011-BT-NOA-0038 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format and avoid the use of special characters or any form of encryption.

- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J,