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- *Federal Rulemaking Web Site*: Public comments and supporting materials related to this notice can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2011-0146.

## Discussion

On October 1, 2007 (72 FR 55864), the NRC published a final rule that amended its regulations to include jurisdiction over discrete sources of radium-226, accelerator-produced radioactive materials, and discrete sources of naturally occurring radioactive material, as required by the Energy Policy Act of 2005, which was signed into law on August 8, 2005 (NARM Rule). In order to clarify those discrete sources of radium-226 under military control that are subject to NRC regulation, as interpreted in the statement of considerations to the NARM Rule, on July 8, 2011 (76 FR 40282), the NRC published for public comment the proposed draft RIS 2011-XX; NRC Regulation of Military Operational Radium-226. On August 29, 2011, the NRC received a request from the U.S. Department of Defense (DoD) for a meeting with the NRC staff and an extension of the comment period. In response to the request for DoD, the NRC has decided to reopen the comment period for an additional 75 days. The NRC staff will schedule the public meeting for a date that has yet to be determined. Notice of this public meeting will be provided through the NRC's Web site.

Dated at Rockville, Maryland, this 8th day of September 2011.

For the Nuclear Regulatory Commission.

**Keith I. McConnell,**

*Deputy Director, Decommissioning and Uranium Recover Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2011-23636 Filed 9-14-11; 8:45 am]

**BILLING CODE 7590-01-P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 431

#### RIN 1904-AC62

#### **Efficiency and Renewables Advisory Committee, Appliance Standards Subcommittee, Negotiated Rulemaking Subcommittee/Working Group for Low-Voltage Dry-Type Distribution Transformers**

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

**ACTION:** Notice of open meeting.

**SUMMARY:** This document announces an open meeting of the Negotiated Rulemaking Working Group for Low-Voltage Dry-Type Distribution Transformers (hereafter "LV Group"). The LV Group is a working group within the Appliance Standards Subcommittee of the Efficiency and Renewables Advisory Committee (ERAC). The purpose of the LV Group 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). A separate Working Group on Liquid-Immersed and Medium-Voltage Dry Type Distribution Transformers is being convened to discuss and, if possible, reach consensus on a proposed rule for regulating the energy efficiency of medium-voltage and liquid-immersed 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) [FR Doc. 2011-19263].

**DATES:** Wednesday, September 28, 2011, 9 a.m.-5 p.m.

**ADDRESSES:** Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room 8E-089, Washington, DC 20585. Please arrive at least 30 minutes early for building entry requirements. Please view the Public Participation section for more information.

**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. E-mail: [John.Cymbalsky@ee.doe.gov](mailto:John.Cymbalsky@ee.doe.gov).

#### **SUPPLEMENTARY INFORMATION:**

*Background:* The Department of Energy 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.

*Membership:* The Members of the LV Group were chosen from nominations submitted in response to the Department of Energy's call for nominations published in the **Federal Register** on Friday, August 12, 2011 [FR Doc. 2011-20541]. The selections are designed to ensure a broad and balanced array of stakeholder interests and

expertise on the negotiating working group for the purpose of developing a rule that is legally and economically justified, technically sound, fair to all parties, and in the public interest. All meetings are open to all stakeholders and the public, and participation by all is welcome within boundaries as required by the orderly conduct of business. Considerations are still being made for additional membership, but the current Members of the LV Group are as follows:

- Tim Ballo (Earthjustice).
- Scott Beck (Lakeview Metals).
- Eric Petersen (AK Steel).
- Gary Fernstrom (PG&E).
- Andrew DeLaski (ASAP).
- Robin Roy (NRDC).
- Steve Nadel (ACEEE).
- Eduardo Robles (Eaton).
- Robert Greeson (Federal Pacific).
- Vijay Tendulkar (ONYX Power).
- Chad Kennedy (Schneider).
- John Caskey (NEMA).
- Millure David (Metglas).
- John Cymbalsky (U.S. Department of Energy).

- Mark Stoering (Xcel Energy).

**Purpose of the Meeting:** To launch the process of seeking consensus on a proposed rule for setting standards for the energy efficiency of low-voltage dry type 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).

**Tentative Agenda:** The meeting will start at 9 a.m. and will conclude at 5 p.m. on Wednesday, September 28, 2011, in room 8E-089 at DOE's, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. The tentative meeting agenda includes introductions, agreement on facilitator and rules of procedure, presentations from DOE consultants on the results of their revised analysis of alternative candidate standard levels, and identification of the issues to be addressed by the negotiations, and any outstanding data needs.

**Public Participation:** Members of the public are welcome to observe the business of the meetings and to make comments related to the issues being discussed at appropriate points, when called on by the moderator. The facilitator will make every effort to hear the views of all interested parties, within limits, required for the orderly conduct of business. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, e-mail [erac@ee.doe.gov](mailto:erac@ee.doe.gov) no later than 5 p.m., Thursday, September 22, 2011. Please include "LV Work Group 092811" in the subject line of the

message. An early confirmation of attendance will help facilitate access to the building more quickly. In the e-mail, please provide your name, organization, citizenship and contact information. Space is limited.

Anyone attending the meeting will be required to present government-issued identification. Foreign nationals will be required, per DOE security protocol, to complete a questionnaire, no later than, one week prior to the meeting, Thursday, September 22, 2011.

Participation in the meeting is not a prerequisite for submission of written comments. ERAC invites written comments from all interested parties. If you would like to file a written statement with the committee, you may do so either by submitting a hard or electronic copy before or after the meeting. Electronic copy of written statements should be e-mailed to [erac@ee.doe.gov](mailto:erac@ee.doe.gov).

**Minutes:** The minutes of the meeting will be available for public review at <http://www.erac.energy.gov>.

Issued at Washington, DC, on September 8, 2011.

**LaTanya R. Butler,**

*Acting Deputy Committee Management Officer.*

[FR Doc. 2011-23634 Filed 9-14-11; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Part 252

[Docket No. DOT-OST-2011-0044]

RIN 2105-AE06

#### Smoking of Electronic Cigarettes on Aircraft

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The Department of Transportation is proposing to amend its existing airline smoking rule to explicitly ban the use of electronic cigarettes on all aircraft in scheduled passenger interstate, intrastate and foreign air transportation. The Department is taking this action because of the increased promotion of electronic cigarettes and the potential health and passenger comfort concerns that they pose in an aircraft. The Department is also considering whether to extend the ban on smoking (including electronic cigarettes) to charter flights of air carriers (*i.e.* U.S. carriers) and foreign air

carriers with aircraft that have a designed seating capacity of 19 or more passenger seats.

**DATES:** Comments should be filed by November 14, 2011. Late-filed comments will be considered to the extent possible.

**ADDRESSES:** You may file comments identified by the docket number DOT-OST-2011-0044 by any of the following methods:

- **Federal eRulemaking Portal:** go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave., SE., Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal Holidays.

- **Fax:** 202-493-2251.

**Instructions:** You must include the agency name and docket number DOT-OST-2010-XXXX or Regulatory Identification Number (RIN) for the rulemaking at the beginning of your comment. All comments will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Privacy Act:** Anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment if submitted on behalf of an association, a business, or labor union, *etc.*). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://DocketsInfo.dot.gov>.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or to the street address listed above. Follow the online instructions for accessing the docket.

**FOR FURTHER INFORMATION CONTACT:** Laura E. Jennings, Trial Attorney, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590, 202-366-9342 (phone), 202-366-7152 (fax), [laura.jennings@dot.gov](mailto:laura.jennings@dot.gov). You may also contact Blane A. Workie, Deputy Assistant General Counsel, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590, 202-366-