

1022, Revision 3, that are underlined are new and not found in Revision 2, and items that have a strikethrough are being deleted from Revision 2. Although the underlines and strikethroughs are included in the draft document, the staff's intention is to remove them upon final publication of NUREG-1022, Revision 3. Any changes in the draft that are not discussed in the "Discussion of Changes" document are to be considered editorial in nature and should not be construed to have any regulatory or technical significance.

### Backfit Analysis

The NRC has determined that the Backfit Rule, 10 CFR 50.109, "Backfitting," does not apply to the issuance of the revised guidance in NUREG-1022, Revision 3. The revised guidance in NUREG-1022, Revision 3, addresses compliance with the information collection and reporting requirements in 10 CFR 50.72 and 10 CFR 50.73. The Backfit Rule does not apply to information collection and reporting requirements. Therefore, the NRC has not prepared a backfit analysis for the issuance of Revision 3 to NUREG-1022.

In addition, the NRC has determined that issuance of the revised guidance in NUREG-1022, Revision 3, is not inconsistent with any of the issue finality provisions in 10 CFR part 52, "Licenses, certifications, and approvals for nuclear power plants." Those issue finality provisions do not apply to information collection and reporting obligations imposed on operators of nuclear power plants. In addition, the issue finality provisions in 10 CFR part 52 do not apply to prospective applicants. As of the issuance of this revised guidance, there are no holders of combined licenses under 10 CFR part 52. Hence, there are no entities currently protected by 10 CFR part 52 issue finality provisions relevant to operation (*i.e.*, the period after the Commission has made the finding under 10 CFR 52.103(g)). Therefore, the NRC is not precluded from issuing NUREG-1022, Revision 3, by any of the 10 CFR Part 52 issue finality provisions.

### Regulatory Analysis

The NRC performs regulatory analyses to support many NRC actions that affect nuclear power reactor and nonpower reactor licensees. The regulatory analysis process is intended to be an integral part of the NRC's decisionmaking that systematically provides complete disclosure of the relevant information supporting a regulatory decision. The NUREG/BR-0058, Revision 4, "Regulatory Analysis

Guidelines of the U.S. Nuclear Regulatory Commission," issued September 2004 (ADAMS Accession No. ML042820192) sets forth the NRC's policy for the preparation and the contents of regulatory analyses. As discussed in Section 2.2 of NUREG/BR-0058, Revision 4, mechanisms used by the NRC staff to establish or communicate generic requirements, guidance, requests, or staff positions that would affect a change in the use of resources by its licensees should include an accompanying regulatory analysis. The changes found in Draft NUREG-1022, Revision 3, can be construed as offering new positions or possibly affecting licensee resources. As a result, the staff determined that it should perform a regulatory analysis in order to provide complete disclosure of the relevant information supporting decisions associated with changes found in Draft NUREG-1022, Revision 3. The regulatory analysis can be found in ADAMS under Accession No. ML11116A168.

### Public Comments

This document requests comments from interested members of the public by December 12, 2011. After evaluating the comments received, the staff will either reconsider the proposed change or announce the availability of the change in a subsequent document published in the **Federal Register** (perhaps with some changes as a result of public comments).

Dated at Rockville, Maryland, this 30th day of September 2011.

For the Nuclear Regulatory Commission.

**Timothy Kobetz,**

*Branch Chief, Reactor Inspection Branch,  
Division of Inspections and Regional Support,  
Office of Nuclear Reactor Regulation.*

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## DEPARTMENT OF ENERGY

### 10 CFR Part 431

**RIN 1904-AC62**

### **Efficiency and Renewables Advisory Committee, Appliance Standards Subcommittee, Negotiated Rulemaking Subcommittee/Working Group for Liquid-Immersed and Medium- and 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 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:** Tuesday, November 8, 2011; 9 a.m.–6 p.m., Wednesday, November 9, 2011; 9 a.m.–6 p.m.

**ADDRESSES:** The meeting on November 8, 2011, will be held at the Edison Electric Institute, 701 Pennsylvania Avenue, NW., Washington, DC 20004-2696.

The meeting on November 9, 2011, will be held at the U.S. Department of Energy, 950 L'Enfant Plaza, Room 6097-6098, Washington, DC 20024.

**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.

### **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 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 MV Group will meet at 9:00 a.m. and will conclude at 6 p.m. on Tuesday, November 8, 2011. The LV Group will meet at 9 a.m. through 6 p.m. on Wednesday, November 9, 2011. The tentative agenda for the meetings includes continued discussion regarding the analyses of alternate standard levels and negotiation efforts to address the perceived issues.

**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). Please include "MV and LV Work Group 110811" in the subject line of the message. Please be sure to specify which working group discussion you will be attending. In the e-mail, please provide your name, organization, citizenship and contact information. Space is limited.

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 in Washington, DC, on October 5, 2011.

**LaTanya R. Butler,**

*Acting Deputy Committee Management Officer.*

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## FEDERAL ELECTION COMMISSION

### 11 CFR Part 110

[Notice 2011-14]

#### Internet Communication Disclaimers

**AGENCY:** Federal Election Commission.

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Federal Election Commission requests comments on whether to begin a rulemaking to revise its regulations concerning disclaimers on certain Internet communications and, if so, what changes should be made to those rules. The Commission intends to review the comments received as it decides what revisions, if any, it will propose making to these rules.

**DATES:** Comments must be received on or before November 14, 2011. The Commission will determine at a later date whether to hold a public hearing on this Notice. If a hearing is to be held, the Commission will publish a notice in the **Federal Register** announcing the date and time of the hearing.

**ADDRESSES:** All comments must be in writing. Comments may be submitted electronically via the Commission's Web site at <http://www.fec.gov/fosers>. Commenters are encouraged to submit comments electronically to ensure timely receipt and consideration. Alternatively, comments may be submitted in paper form. Paper comments must be sent to the Federal Election Commission, Attn.: Amy L. Rothstein, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463. All comments must include the full name and postal service address of the commenter, and of each commenter if filed jointly, or they will not be considered. The Commission will post comments on its Web site at the conclusion of the comment period.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy L. Rothstein, Assistant General Counsel, or Ms. Jessica Selinkoff, Attorney, 999 E Street, NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** The Federal Election Commission is publishing this Advance Notice of Proposed Rulemaking seeking comments on whether and how the Commission should revise its rules at 11 CFR 110.11 regarding disclaimers on Internet communications. Specifically, the Commission is considering whether to modify the disclaimer requirements for certain Internet communications, or to provide exceptions thereto, consistent with the Federal Election Campaign Act, 2 U.S.C. 431 *et seq.*, as amended ("the Act"). In the event the Commission adopts a final rule on this issue, given the timeframe of the current election cycle, the Commission does not anticipate the rule would become effective for the 2011-2012 election cycle.

#### 1. Current Statutory and Regulatory Framework

Under the Act and Commission regulations, a "disclaimer" is a statement that must appear on certain communications to identify who paid for them and, where applicable, whether the communications were authorized by a candidate. 2 U.S.C. 441d(a); 11 CFR 110.11. *See also* Explanation and Justification for Final Rules on Disclaimers, Fraudulent Solicitations, Civil Penalties, and Personal Use of Campaign Funds, 67 FR 76962, 76962 (Dec. 13, 2002) ("2002 Disclaimer E&J").<sup>1</sup> With some exceptions, the Act and Commission regulations require disclaimers for public communications: (1) Made by a political committee; (2) that expressly advocate the election or defeat of a clearly identified Federal candidate; or (3) that solicit a contribution. 2 U.S.C. 441d(a); 11 CFR 110.11(a). In addition to public communications by political committees, "electronic mail of more than 500 substantially similar communications when sent by a political committee \* \* \* and all Internet Web sites of political committees available to the general public" also must have disclaimers. 11 CFR 110.11(a).

While the term "public communication" generally does not include Internet communications, it does include "communications placed for a fee on another person's Web site."

<sup>1</sup> Documents related to Commission rulemakings are available at <http://www.fec.gov/fosers>.