

Strategies rulemaking. The public will have the opportunity to provide comments on PRM-50-100 as part of that 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 2nd day of July 2013.

For the Nuclear Regulatory Commission.

**M.R. Johnson,**

*Deputy Executive Director for Reactor and Preparedness Programs.*

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 50 and 52

[NRC-2011-0299]

RIN 3150-AJ08

#### Station Blackout Mitigation Strategies

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory basis for rulemaking.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a regulatory basis document to support the potential amendment of its regulations concerning nuclear power plant licensees' and applicants' station blackout mitigation strategies. The issuance of this regulatory basis document is one of the actions stemming from the NRC's lessons-learned efforts associated with the March 2011 Fukushima Dai-ichi Nuclear Power Plant accident in Japan.

**DATES:** At this time, the NRC is not soliciting formal public comments on the materials identified in this document. There will be an opportunity for formal public comment on the proposed rule when it is published in the **Federal Register**.

**ADDRESSES:** Please refer to Docket ID NRC-2011-0299 when contacting the NRC about the availability of information for this document. You may access information related to this document, which the NRC possesses and is publicly available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to [www.regulations.gov](http://www.regulations.gov) and search for Docket ID NRC-2011-0299. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the

individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *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 regulatory basis document, "Station Blackout Mitigation Strategies," is available in ADAMS under Accession No. ML13171A061.

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

#### FOR FURTHER INFORMATION CONTACT:

Timothy A. Reed, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1462; email: [Timothy.Reed@nrc.gov](mailto:Timothy.Reed@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

As the NRC continues its ongoing proposed rulemaking effort to amend portions of Parts 50 and 52 of Title 10 of the *Code of Federal Regulations* (10 CFR) to incorporate requirements involving station blackout mitigation strategies (SBOMS), the NRC is making documents publicly available on the Federal rulemaking Web site, [www.regulations.gov](http://www.regulations.gov), under Docket ID NRC-2011-0299. This regulatory action is one of the near-term actions based on the lessons-learned from the March 11, 2011, Fukushima Dai-ichi accident in Japan. By making these documents publicly available, the NRC seeks to inform stakeholders of the current status of the NRC's rulemaking development activities. Stakeholders should also note that there two related petitions for rulemaking (PRM), both submitted by the Natural Resources Defense Council that are being addressed within this rulemaking. Those are PRM-50-100 (notice of consideration published in the Proposed Rules section of this issue of the **Federal Register** (NRC-2011-0189)) and PRM-50-101 (77 FR 16483; March 21, 2012; NRC-2011-0189) that endorse actions recommended by the Near Term Task Force (NTTF) in Recommendations 4 and 7, respectively.

## II. Publicly Available Documents

The NRC has posted on [www.regulations.gov](http://www.regulations.gov) a regulatory basis to support a rulemaking to incorporate requirements involving station blackout mitigation strategies into the *Code of Federal Regulations*. The regulatory basis documents the reasons why rulemaking now appears to be the appropriate course of action to remedy an apparent regulatory shortcoming. The regulatory basis reflects the NRC's consideration of stakeholder feedback on the draft regulatory basis published in the **Federal Register** for public comment on April 10, 2013 (78 FR 21275). Section 5 of the regulatory basis provides additional discussion regarding the stakeholder feedback that informed development of the SBOMS regulatory basis. Please note that the NRC may identify additional information through further rulemaking activities that may affect the NRC staff determination documented in the regulatory basis. Such information, if any, and its effects on the rulemaking effort will be documented in a notice published in the **Federal Register** in connection with this rulemaking.

Also note that the draft regulatory basis contained an appendix (i.e., Appendix A) that provided draft rule concepts which, during the rulemaking process, may evolve into regulatory requirements, guidance, or other regulatory information. Appendix A was not revised to reflect stakeholder feedback on the draft regulatory basis, and is not being republished with this regulatory basis. Instead stakeholder comments on the draft rule concepts deserve further deliberation and consideration, and are being considered as the NRC develops a proposed rule. The draft rule concepts, as a whole, do not represent a final NRC staff position and have not been approved by the Commission. Therefore, the proposed rule language that will subsequently be developed may change substantially from the draft rule concepts in the regulatory basis.

The NRC is not requesting formal public comments on the SBOMS regulatory basis. As they are developed, the NRC may post additional materials, including preliminary proposed rule language, to the Federal rulemaking Web site at [www.regulations.gov](http://www.regulations.gov), under Docket ID NRC-2011-0299. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC-2011-0299); (2) click the "Email Alert" link; and (3) enter your email address and select how frequently you would

like to receive emails (daily, weekly, or monthly).

### III. Plain Writing

The Plain Writing Act of 2010, (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. Although regulations are exempt from these requirements under the Act, the NRC is applying the same principles to its rulemaking documents. Therefore, the NRC has written this document, including the preliminary proposed rule language, to be consistent with the Plain Writing Act.

Dated at Rockville, Maryland, this 16th day of July 2013.

For the Nuclear Regulatory Commission.

**Lawrence E. Kokajko,**

*Director, Division of Policy and Rulemaking,  
Office of Nuclear Reactor Regulation.*

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## DEPARTMENT OF ENERGY

### 10 CFR Part 429

[EERE–2013–BT–NOC–0039]

#### **Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Intent To Establish the Commercial/Industrial Pumps Working Group To Negotiate a Notice of Proposed Rulemaking (NOPR) for Energy Conservation Standards for Commercial/Industrial Pumps**

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

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Department of Energy (DOE or the Department) is giving notice that it intends to establish a negotiated rulemaking working group under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed Federal standards for the energy efficiency of commercial/industrial pumps. The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the energy efficiency of commercial/industrial pumps, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended. The working group will consist of representatives of parties having a

defined stake in the outcome of the proposed standards, and will consult as appropriate with a range of experts on technical issues.

**DATES:** Written comments and request to be appointed as members of the working group are welcome and should be submitted by August 22, 2013.

**ADDRESSES:** Interested person may submit comments, identified by docket number EERE–2013–BT–NOC–0039, by any of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

2. *Email:* [ASRAC@ee.doe.gov](mailto:ASRAC@ee.doe.gov). Include docket number EERE–2013–BT–NOC–0039 in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

*Docket:* The docket is available for review at [www.regulations.gov](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 [www.regulations.gov](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.

**FOR FURTHER INFORMATION CONTACT:** John Cymbalsky, U.S. Department of Energy, Office of Building Technologies (EE–2J), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: 202–287–1692. Email: [asrac@ee.doe.gov](mailto:asrac@ee.doe.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Preamble**

- I. Authority
- II. Background
- III. Proposed Negotiating Procedures
- IV. Comments Requested

##### **I. Authority**

This notice of intent, announcing DOE's intent to negotiate a proposed regulation setting energy efficiency standards for commercial/industrial pumps, was developed under the

authority of sections 563 and 564 of the NRA (5 U.S.C. 561–570, Pub. L. 104–320). The regulation setting energy efficiency standards for commercial/industrial pumps that DOE is proposing to develop under a negotiated rulemaking will be developed under the authority of EPCA, as amended, 42 U.S.C. 6311(1)(A) and 42 U.S.C. 6291 *et seq.*

### II. Background

As required by the NRA, DOE is giving notice that it is establishing a working group under ASRAC to develop proposed energy efficiency standards for commercial/industrial pumps. EPCA, as amended, directs DOE to adopt energy conservation standards for commercial/industrial pumps for which standards would be technologically feasible and economically justified, and would result in significant energy savings. There currently are no energy conservation standards for commercial/industrial pumps. On June 13, 2011, DOE issued a request for information (76 FR 34192) regarding:

- Definition(s) of pumps, pump product classes, and diversity of pump types within pump product classes;
- Energy use by pumps;
- Overview of the industrial and commercial pump market, including shipments and efficiencies ranges;
- Availability and applicability of U.S. and international test procedures for pumps; and
- Assistance and resources available from stakeholders, states, local jurisdictions, and others.

Comments received, available in the rulemaking docket (EERE–2011–BT–STD–0031), were used to develop a framework document to explain the relevant issues, analyses, and processes it anticipates using when considering new energy conservation standards for commercial/industrial pumps.

#### *A. Negotiated Rulemaking*

DOE has decided to use the negotiated rulemaking process to develop proposed energy efficiency standards for commercial/industrial pumps. Under EPCA, Congress mandated that DOE develop regulations establishing energy efficiency standards for covered residential and commercial appliances that are designed to achieve the maximum improvement in energy efficiency that are technologically feasible and economically justified. 42 U.S.C. 6295(o)(2)(A). The primary reason for using the negotiated rulemaking process for developing a proposed Federal standard is that stakeholders strongly support a consensual rulemaking effort. DOE