

It is the Commission's belief that the ENTOMB alternative for decommissioning should not be specifically precluded in the rule because there may be instances in which it would be an allowable alternative in protecting public health and safety and common defense and security. By not prohibiting ENTOMB, the rule is more flexible in enabling NRC to deal with these instances. These instances might include smaller reactor facilities, reactors which do not run to the end of their lifetimes, or other situations where long-lived isotopes do not build up to significant levels or where there are other site specific factors affecting the safe decommissioning of the facility, as for example, presence of other nuclear facilities at the site for extended periods. In addition there is potential for variations on the ENTOMB option where, for example, some decontamination has already been performed, thereby making the ENTOMB option more viable. * * * [C]oncerns were expressed by the commenter's that the ENTOMB option would cause environmental damage due to the presence of long-lived radionuclides which would be radioactive beyond the life of any concrete structure, that it is inconsistent with the definition of decommissioning requiring unrestricted release, and that some reactors are located in highly populous areas. In addition, the Supplementary Information to the proposed rule indicated, in general, that there may be difficulties with the use of ENTOMB, in particular in demonstrating that the radioactivity in the entombed structure had decayed to levels permitting unrestricted release of the property in a period on the order of 100 years. In response, the rule contains requirements that a licensee must submit an alternative for decommissioning to the NRC for approval and that consideration will be given to an alternative which provides for completion of decommissioning beyond 60 years only when necessary to protect health and safety. This provides the Commission with both sufficient leverage and flexibility to ensure that if the ENTOMB option is chosen by the licensee it will only be used in situations where it is reasonable and consistent with the definition of decommissioning which requires that decommissioning lead to unrestricted release. As indicated above, analysis of ENTOMB indicates that it can be carried out safely and with minimal environmental effect for the time periods presented in this Supplementary Information and in the guidance under preparation. However, based on the difficulties with ENTOMB described in the Supplementary Information to the proposed rule and by the commenter's, use of ENTOMB by a licensee would be carefully evaluated by NRC according to the requirements of the rule before its use is permitted. (53 FR 24018, 24023-24; June 27, 1988).

The decision to retain the ENTOMB option was subject to a notice-and-comment rulemaking. The petitioner has not raised any new or significant points that would cause the Commission to reconsider the conclusions reached in the 1988

rulemaking. On the bases noted, the NRC denies the request to eliminate the use of ENTOMB as an option for decommissioning a nuclear facility.

For these reasons, the NRC denies the petitioner's requests for the NRC to modify its requirements for reporting the status of licensee's decommissioning trust funds, to have host States manage these trust funds, to require a deposit into the trust fund within 90 days as the exclusive remedy for a shortfall, to amend the definition of the SAFSTOR decommissioning option in its regulations, and to eliminate the ENTOMB option.

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

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

[Docket Nos. PRM-73-15; NRC-2011-0251]

Installation of Radiation Alarms for Rooms Housing Neutron Sources

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) has received a petition for rulemaking (PRM) dated September 15, 2011, from George Hamawy (the petitioner). The petitioner requests that the NRC require installation of radiation alarms in rooms housing neutron sources.

DATES: Submit comments by February 21, 2012. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: Please include Docket ID NRC-2011-0251 in the subject line of your comments. For additional instructions on submitting comments and instructions on accessing documents related to this action, see "Submitting Comments and Accessing Information" in the **SUPPLEMENTARY INFORMATION** section of this document. You may submit comments by any one of the following methods:

- *Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2011-0251. Address questions

about NRC dockets to Carol Gallagher, *telephone:* (301) 492-3668; *email:* Carol.Gallagher@nrc.gov.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, *Attn:* Rulemakings and Adjudications Staff.

- *Email comments to:* Rulemaking.Comments@nrc.gov. If you do not receive a reply email confirming that we have received your comments, contact us directly at (301) 415-1677.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays (*telephone:* (301) 415-1677).

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

FOR FURTHER INFORMATION CONTACT:

Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, *telephone:* (301) 492-3667, *email:* Cindy.Bladey@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Submitting Comments and Accessing Information

Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site, <http://www.regulations.gov>. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

You can access publicly available documents related to this document 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. The ADAMS accession number for the incoming petition for rulemaking is ML112700682.

- *Federal Rulemaking Web Site:* Public comments and supporting materials related to this petition for rulemaking can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2011-0251.

II. Petitioner

Mr. George Hamawy works at Columbia University in New York City, Radiation Safety for Research. Mr. Hamawy is concerned about the security of neutron sources.

III. Petition

The petitioner states that the construction of sources used at colleges and universities for irradiating foils makes the sources an easy target for theft. The petitioner states:

The source is located at the end of a rod in the middle of a 55-gallon drum. The source is surrounded inside the drum by a plastic or wax shielding. The samples are lowered in holes next to the source for irradiation. The drum has a cover that can be easily removed and the source is taken out to be placed in a smaller drum for get away.

The petitioner explains that GTRI (the U.S. Department of Energy's Global Threat Reduction Initiative came) to the Columbia University facility and "placed wires around the drum and was attached to the wall." The petitioner claims that "if someone wants to take the source they do not have to disturb the wire just remove the cover [of the drum] and take the source."

The petitioner states that there is no current requirement to install radiation alarms in rooms containing neutron sources. The petitioner requests that the NRC require installation of radiation alarms that are connected to the Public Safety Department that can be triggered when a source is removed. The petitioner believes installation of the radiation alarms will be effective in preventing source removal. The petitioner is especially concerned with hostage situations where the intruder gains entry to the room housing the sources.

IV. Conclusion

The NRC is soliciting comments on the petition for rulemaking requesting

that the NRC require installation of radiation alarms for rooms housing neutron sources.

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

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

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DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket Number EERE-2011-BT-CE-0077]

RIN 1904-AC68

Energy Conservation Program: Enforcement of Regional Standards for Residential Furnaces and Central Air Conditioners and Heat Pumps

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

ACTION: Notice of Data Availability (NODA).

SUMMARY: The U.S. Department of Energy (DOE or the Department) has developed three separate possible approaches to enforcement of regional standards for residential furnaces and residential central air conditioners and heat pumps set forth by direct final rule published in the **Federal Register** on June 27, 2011. The Department is considering these three approaches, or a combination of elements in these approaches, as a framework for developing an enforcement plan for regional standards. DOE seeks comment on the approaches to inform the rulemaking for enforcement of regional energy efficiency standards for residential furnaces and residential central air conditioners and heat pumps. DOE also seeks comment on a possible waiver process for regional standards applicability.

DATES: DOE will hold a public meeting on December 16, 2011, from 9 a.m. to 4 p.m., in Washington, DC. The meeting will also be broadcast as a webinar. See "Public Participation," for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

DOE will accept comments, data, and information regarding this NODA before and after the public meeting, but no later than February 6, 2012. See "Public Participation," for details.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E-089, 1000

Independence Avenue SW., Washington, DC 20585. To attend, please notify Ms. Brenda Edwards at (202) 586-2945. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise DOE as soon as possible by contacting Ms. Brenda Edwards at (202) 586-2945 to initiate the necessary procedures.

Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2011-BT-CE-0077, by any of the following methods:

- *Email:* to EnforcementFunCAC-2011-CE-0077@ee.doe.gov. Include EERE-2011-BT-CE-0077 in the subject line of the message.

- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, Revisions to Energy Efficiency Enforcement Regulations, EERE-2011-BT-CE-0077, Independence Avenue SW., Washington, DC 20585-0121. *Phone:* (202) 586-2945. Please submit one signed paper original.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. *Phone:* (202) 586-2945. Please submit one signed paper original.

Instructions: All submissions received must include the agency name and docket number or RIN for this document.

Docket: For access to the docket to read background documents, or comments received, go to the Federal eRulemaking Portal at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information may be sent to Ms. Ashley Armstrong, 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. *Email:* Ashley.Armstrong@ee.doe.gov, and Ms. Laura Barhydt, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC-32, 1000 Independence Avenue SW.,