

may aggregate the requests and charge accordingly. OGE will presume that multiple requests of this type made within a 30-calendar day period have been made in order to evade fees. Multiple requests regarding unrelated matters will not be aggregated.

(c) \* \* \*

(1) OGE estimates or determines that the total fee to be assessed under this section is likely to exceed \$250.00. When a determination is made that the allowable charges are likely to exceed \$250.00, the requester will be notified of the likely cost and will be required to provide satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or will be required to submit an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay a fee charged in a timely fashion (*i.e.*, within 30 calendar days of the date of the billing). In such cases the requester may be required to pay the full amount owed plus any applicable interest as provided by paragraph (e) of this section, and to make an advance payment of the full amount of the estimated fee before OGE begins to process a new request.

(3) When OGE requests an advance payment of fees, the administrative time limits described in subsection (a)(6) of the FOIA will begin to run only after OGE has received the advance payment.

(d) *Billing and payment.* Normally OGE will require a requester to pay all fees before furnishing the requested records. However, OGE may send a bill along with, or following the furnishing of records, in cases where the requester has a history of prompt payment.

(e) *Interest charges.* Interest charges on an unpaid bill may be assessed starting on the 31st calendar day following the day on which the billing was sent. Interest will be at the rate prescribed in 31 U.S.C. 3717 and will accrue from the date of billing. To collect unpaid bills, OGE will follow the provisions of the Debt Collection Act of 1982, as amended (96 Stat. 1749 *et seq.*) including the use of consumer reporting agencies, collection agencies, and offset.

■ 32. Revise § 2604.601 to read as follows:

**§ 2604.601 Electronic posting and submission of annual OGE FOIA report.**

On or before February 1 of each year, OGE will electronically post on its Web site and submit to the Office of Information and Privacy at the United States Department of Justice a report of its activities relating to the Freedom of

Information Act (FOIA) during the preceding fiscal year. The report will include the information required by 5 U.S.C. 552(e).

**§ 2604.602 [Removed]**

■ 33. Remove § 2604.602.

■ 34. Revise § 2604.701 to read as follows:

**§ 2604.701 Policy.**

Fees for the reproduction and mailing of public financial disclosure reports (SF 278s) requested pursuant to section 105 of the Ethics in Government Act of 1978, as amended, and § 2634.603 of this chapter will be assessed according to the schedule contained in § 2604.702. Requesters will pay fees by check or money order made payable to the Treasury of the United States. Except as provided in § 2604.702(d), nothing concerning fees in subpart E of this part supersedes the charges set forth in this subpart for records covered in this subpart.

■ 35. Amend § 2604.702 by revising paragraphs (a), (b), and (c) to read as follows:

**§ 2604.702 Charges.**

(a) *Duplication.* Except as provided in paragraph (c) of this section, copies of public financial disclosure reports (SF 278s) requested pursuant to section 105 of the Ethics in Government Act of 1978, as amended, and § 2634.603 of this chapter will be provided upon payment of \$0.15 per page furnished.

(b) *Mailing.* Except as provided in paragraph (c) of this section, the actual direct cost of mailing public financial disclosure reports will be charged for all forms requested. Where OGE elects to comply, as a matter of administrative discretion, with a request for special mailing services, the actual direct cost of such service will be charged.

(c) *Minimum fees.* OGE will not assess fees for individual requests if the total charge would be \$10.00 or less.

\* \* \* \* \*

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**BILLING CODE 6345-03-P**

**DEPARTMENT OF ENERGY**

**10 CFR Part 430**

[Docket No. EERE-2012-BT-STD-0022]

RIN 1904-AC78

**Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Water Heaters**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The U.S. Department of Energy (DOE) withdraws a proposed rule published in the **Federal Register** on February 26, 2013 that proposed to establish a waiver process to allow the manufacture and sale of certain large-volume (>55 gallon) electric storage water heaters under 1-year waivers granted by DOE, provided that a specific set of features are included and conditions are met to ensure their use only in residences enrolled in utility electric thermal storage (ETS) programs. **DATES:** The proposed rule published on February 26, 2013 at 78 FR 12969 is withdrawn as of April 3, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE-2J, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 586-6590. Email: [Ashley.Armstrong@ee.doe.gov](mailto:Ashley.Armstrong@ee.doe.gov).

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 586-5827. Email: [Eric.Stas@hq.doe.gov](mailto:Eric.Stas@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Authority**

Title III, Part B<sup>1</sup> of the Energy Policy and Conservation Act of 1975 ("EPCA" or "the Act"), Public Law 94-163 (42 U.S.C. 6291-6309, as codified) established the Energy Conservation Program for Consumer Products Other Than Automobiles.<sup>2</sup> These products include residential water heaters (RWH), the subject of this document. (42 U.S.C. 6292(a)(4))

<sup>1</sup> For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.

<sup>2</sup> All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112-210 (Dec. 18, 2012).

## II. Background

The National Appliance Energy Conservation Act of 1987 (NAECA; Pub. L. 100–12) amended EPCA to, among other things, establish energy conservation standards for residential water heaters. (42 U.S.C. 6295(e)(1); 42 U.S.C. 6295(e)(4)) DOE initially amended the statutorily prescribed standards for water heaters in a final rule published on January 17, 2001. 66 FR 4474 (Jan. 17, 2001). Subsequently, DOE amended the residential water heater standards a second time in another final rule published on April 16, 2010 (hereinafter known as the April 2010 final rule). 73 FR 20112 (April 16, 2010).

The energy conservation standards for residential water heaters adopted in the April 2010 final rule will apply to products manufactured on or after April 16, 2015. 75 FR 20234 (April 16, 2010). The amended energy conservation standards consist of minimum energy factors<sup>3</sup> (EF) that vary based on the rated storage volume of the water heater, the type of energy it uses (*i.e.*, gas, oil, or electricity), and whether it is a storage, instantaneous, or tabletop model. 10 CFR 430.32(d) Of particular relevance to this notice, electric water heaters with a rated storage volume above 55 gallons (referred to hereinafter as “large-volume” electric storage water heaters) will be required to have an energy factor of at least 2.057 – (0.00113 × Rated Storage Volume in gallons). *Id.* Such a level is currently achievable only by using heat pump water heater technology and cannot be achieved in electric water heaters that rely solely on electric resistance elements.

Subsequent to the publication of the April 2010 final rule, several stakeholders indicated to DOE their concerns about the interaction of the amended standards in the April 2010 final rule and the use of large-volume electric storage water heaters in utility ETS programs. To gather additional information on the impact of the amended standard established in the April 2010 final rule on ETS programs that use large-volume electric storage water heaters, DOE issued a request for information (RFI) and received numerous additional comments on these topics. 77 FR 35299 (June 13, 2012). After considering comments submitted by interested parties, DOE published a notice of proposed rulemaking (NPR) proposing to establish a waiver process to allow any

manufacturer, utility, or a combination of the two to request a waiver granting an exemption from the amended energy conservation standards established in the April 2010 final rule for certain large-volume electric storage water heaters used in an ETS program. 78 FR 12969 (Feb. 26, 2013). As proposed, each waiver would have allowed manufacturers to produce, for a 1-year period, a limited number of large-volume electric storage water heaters that would not otherwise meet the April 2010 amended standard levels, provided that a specific set of features are included and conditions are met to ensure their use exclusively in utility ETS programs. More information on DOE’s waiver proposal and stakeholder feedback can be found in the rulemaking docket.<sup>4</sup>

## III. Discussion

By this document, DOE withdraws its February 26, 2013 NOPR. DOE commissioned a study to examine the capability of large-capacity water heaters, both resistance and heat pump, to support ETS programs and found both water heater types worked for such programs. For additional discussion of the capability of using large-volume electric storage water heaters that meet the April 2010 amended standard levels to support utility ETS programs, see the following reports: [http://www.pnnl.gov/main/publications/external/technical\\_reports/PNNL-23527.pdf](http://www.pnnl.gov/main/publications/external/technical_reports/PNNL-23527.pdf) and [http://www.pnnl.gov/main/publications/external/technical\\_reports/PNNL-23697.pdf](http://www.pnnl.gov/main/publications/external/technical_reports/PNNL-23697.pdf).

## IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this withdrawal.

Issued in Washington, DC, on March 26, 2015.

**Roland Risser,**

*Acting Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.*

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**BILLING CODE 6450–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 193

[Docket No.: FAA–2014–0142]

RIN 2120–AA66

#### **Federal Contract Tower Safety Action Program (SAFER–FCT and Air Traffic Safety Action Program for Engineers & Architects, Staff Support Specialists, Aviation Technical System Specialists (Series 2186) and Flight Procedures Team (ATSAP–X)**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Order Designating Safety Information as Protected from Disclosure

**SUMMARY:** The FAA is proposing that safety information provided to it by Federal Contract Tower employees (hereinafter “Vendor”) under the SAFER–FCT Program or by Air Traffic Organization Engineers & Architects, Staff Support Specialists, Aviation Technical System Specialists (Series 2186) and Flight Procedures Team (hereinafter “Region X”) under the ATSAP–X program be designated by an FAA Order as protected from public disclosure in accordance with the provisions of 14 CFR part 193. The designation is intended to encourage persons to voluntarily provide information to the FAA under the SAFER–FCT or the ATSAP–X safety reporting programs, so the FAA can learn about and address aviation safety hazards of which it was unaware or more fully understand and implement corrective measures for events known by it through other means. Under 49 U.S.C. 40123, the FAA is required to protect information from disclosure to the public, including disclosure under the Freedom of Information Act (5 U.S.C. 552) or other laws, following the issuance of such Order.

**DATES:** Comments must be received on or before May 4, 2015.

**ADDRESSES:** You may send comments identified by docket number FAA–2014–0142 using any of the following methods: via mail to U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington DC 20590–0339; telephone (202) 366–9826. You must identify the FAA Docket No. FAA–2014–0142 at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

<sup>3</sup> Energy factor is a measure of overall water heater efficiency that accounts for efficiency during active, standby, and cyclical operation.

<sup>4</sup> <http://www.regulations.gov/#/docketDetail;D=EERE-2012-BT-STD-0022>.