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Presidential Documents

Title 3—

The President

Proclamation 9304 of July 27, 2015

World Hepatitis Day, 2015

By the President of the United States of America

A Proclamation

Around the world, doctors, medical researchers, and other professionals dedicated to health care and public health are working hard every day to combat disease and build healthier communities. Their efforts have led to improved sanitation, cleaner water, better access to care, and improvements in how we diagnose, treat, and prevent disease. Today, on World Hepatitis Day, we join in these efforts to improve lives here at home and abroad by raising awareness of a silent epidemic and reaffirming our commitment to combat it.

Nearly 400 million people worldwide are living with viral hepatitis, and more than 1 million people die each year from this disease. Yet because hepatitis often persists silently for years before revealing any symptoms, many — including about two-thirds of the Americans who live with it — are unaware of their infection status, which can lead to long-term liver damage and death.

Prevention and early detection are essential to saving lives. Safe and effective vaccines for hepatitis A and B are widely available, and simple blood tests for hepatitis B and C can lead to early detection and life-saving care and treatment, including the cure of the infection. I encourage all Americans to ask their health care provider about hepatitis, and to learn more by visiting www.CDC.gov/Hepatitis.

As President, I am committed to advancing the fight against viral hepatitis infections. The Affordable Care Act has increased access to quality, affordable health care for millions of Americans — creating more opportunities for early detection of viral hepatitis — and it requires most insurance plans to cover recommended preventive services without copays, including hepatitis A and B vaccines and hepatitis B and C screenings. New protections under the law also eliminate annual and lifetime dollar limits on coverage and prohibit insurers from denying coverage because of pre-existing conditions, including hepatitis.

Guided by our Action Plan for the Prevention, Care, and Treatment of Viral Hepatitis, my Administration is working with government, private, and non-profit organizations to ensure that new cases of viral hepatitis are prevented. We also remain invested in addressing related health issues such as liver cancer, HIV infection, and substance use disorders, and the disproportionate impact viral hepatitis infections have on African Americans, Asian Americans and Pacific Islanders, and American Indians and Alaska Natives, as well as our Nation's young people.

Today, we renew our commitment to those impacted by hepatitis and to all those we have lost to this disease. Let us resolve to break the silence surrounding hepatitis, and redouble our efforts to defeat it in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 28, 2015, as World Hepatitis Day. I encourage citizens, Government agencies, non-profit organizations, and communities across the Nation to join in activities that

will increase awareness about hepatitis and what we can do to prevent it.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of July, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–18946
Filed 7–30–15; 8:45 am]
BILLING CODE 3295–F5

Rules and Regulations

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FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1200

RIN 2590–AA75

Organization and Functions, and Seal Amendments

AGENCY: Federal Housing Finance Agency.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Agency (FHFA) is adopting a final rule that makes technical amendments to descriptions of its organization and structure and its seal and logo.

DATES: Effective July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Alfred M. Pollard, General Counsel, Office of the General Counsel, (202) 649–3050 (not a toll-free number), *Alfred.Pollard@fhfa.gov,* 400 Seventh Street SW., Eighth Floor, Washington, DC 20024. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Effective July 30, 2008, Division A of the Housing and Economic Recovery Act of 2008 (HERA), Public Law 110–289, 122 Stat. 2654 (2008), titled the Federal Housing Finance Regulatory Reform Act of 2008, amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 *et seq.*) (Safety and Soundness Act) and created FHFA as an independent agency of the federal government. HERA provided for the abolishment of the Office of Federal Housing Enterprise Oversight (OFHEO) and the Federal Housing Finance Board (Finance Board) one year after the date of enactment. Those agencies, together with the Housing and Urban Development Enterprise mission staff, were combined to establish FHFA. FHFA was established to oversee the prudential operations of the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the Federal Home Loan Banks; and to ensure that they operate in a safe and sound manner, remain adequately capitalized, foster liquid, efficient, competitive and resilient national housing finance markets, comply with the Safety and Soundness Act and their respective authorizing statutes, as well as all rules, regulations, guidelines and orders under those statutes, and carry out their missions through activities that are authorized by their respective statutes and are consistent with the public interest. FHFA also has regulatory authority over the Federal Home Loan Bank System's Office of Finance under section 1311(b)(2) of the Safety and Soundness Act (12 U.S.C. 4511(b)(2)).

II. Description of the Rule

The final rule makes minor changes to delete references to offices within FHFA that no longer exist and to more clearly express the ability to create positions and offices within the agency. Additionally, FHFA has changed its official logo and seal.

III. Regulatory Impact

Administrative Procedure Act

In promulgating this final rule, FHFA has determined that notice and public comment are not necessary. Section 553(b)(A) of title 5, United States Code, provides that when regulations involve matters of agency organization, procedure or practice, the agency may publish regulations in final form. In addition, FHFA finds, in accordance with 5 U.S.C. 553(d), that a delayed effective date is unnecessary. Accordingly, this rule is effective upon publication.

Paperwork Reduction Act

This final rule does not contain any information collection requirements that require the approval of the Office of Management and budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility (5 U.S.C. 601 *et seq.*) do not apply. *See* 5 U.S.C. 601(2) and 603(a).

List of Subjects in 12 CFR Part 1200

Organization and functions (Government agencies), Seals and insignia.

Authority and Issuance

Accordingly, for the reasons stated in the Supplementary Information, under the authority of 12 U.S.C. 4526, 12 U.S.C. 4512, and 5 U.S.C. 552, FHFA is amending part 1200 of Chapter XII, title 12 of the Code of Federal Regulations as follows:

PART 1200—ORGANIZATION AND FUNCTIONS

■ 1. The authority citation for part 1200 continues to read as follows:

Authority: 5 U.S.C. 552, 12 U.S.C. 4512, 12 U.S.C 4526.

■ 2. Amend § 1200.2 by revising paragraph (f) to read as follows:

§ 1200.2 Organization of the Federal Housing Finance Agency.

* * * * *

(f) *Other Offices and Departments.* The Director may from time to time establish or terminate Offices and Divisions of the agency as the Director deems necessary or appropriate to carry out FHFA's mission. The Director may establish Offices and positions as the Director deems necessary and appropriate to support the operations of a federal agency, such as a Deputy Director for one or more specified areas of responsibility, a Chief Operating Officer, a Chief Financial Officer, an Office of Information Technology, and such other offices, departments, and positions as are necessary and appropriate or may be required by statute.

* * * * *

■ 3. Amend § 1200.3 by revising paragraphs (a) and (b) to read as follows:

§ 1200.3 Official logo and seal.

* * * * *

(a) *Description.* The logo is a disc consisting of three polygons each drawn in a manner resembling a silhouette of a pitched roof house and with distinctive eaves under its roof. Each polygon is placed one in front of the other, two of which are diminished in size from the polygon behind it. Placed

in the center of the smallest polygon is the acronym for the organization, ''FHFA.'' The polygons are encircled by a designation scroll having a solid background and containing the words ''FEDERAL HOUSING FINANCE AGENCY'' in capital letters with serifs, with two mullets on the extreme left and right of the scroll. Upon approval by the Director, FHFA may employ variations of the color or shading of its logo and seal for specified purposes; these will be available for reference on the agency Web site at *www.fhfa.gov.*

(b) *Display.* FHFA's official logo and seal appears below:

Dated: July 27, 2015.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2015–18812 Filed 7–30–15; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31027; Amdt. No. 3652]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective July 31, 2015. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 31, 2015.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, incorporation by reference, Navigation (air).

Issued in Washington, DC, on July 2, 2015.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [AMENDED]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
23–Jul–15	WI	Middleton	Middleton Muni—Morey Field.	5/4207	6/9/2015	This NOTAM, published in TL 15–16, is hereby rescinded in its entirety.
23–Jul–15	WI	Middleton	Middleton Muni—Morey Field.	5/9942	6/9/2015	This NOTAM, published in TL 15–16, is hereby rescinded in its entirety.
20–Aug–15	AK	St Mary's	St Mary's	5/0483	06/23/15	RNAV (GPS) RWY 35, Amdt 2B.
20–Aug–15	FL	Marathon	The Florida Keys Marathon.	5/0558	06/23/15	Takeoff Minimums and (Obstacle) DP, Amdt 1.
20–Aug–15	FL	Okeechobee	Okeechobee County	5/0639	06/16/15	RNAV (GPS) RWY 5, Amdt 1A.
20–Aug–15	FL	Okeechobee	Okeechobee County	5/0640	06/16/15	RNAV (GPS) RWY 14, Amdt 1A.
20–Aug–15	FL	Okeechobee	Okeechobee County	5/0642	06/16/15	RNAV (GPS) RWY 23, Amdt 2A.
20–Aug–15	FL	Okeechobee	Okeechobee County	5/0643	06/16/15	RNAV (GPS) RWY 32, Orig-B.
20–Aug–15	SC	Florence	Florence Rgnl	5/0708	06/23/15	RNAV (GPS) RWY 27, Orig-A.
20–Aug–15	SC	Florence	Florence Rgnl	5/0709	06/23/15	ILS OR LOC RWY 9, Amdt 12A.
20–Aug–15	SC	Florence	Florence Rgnl	5/0710	06/23/15	RNAV (GPS) RWY 9, Orig-B.
20–Aug–15	SC	Florence	Florence Rgnl	5/0711	06/23/15	VOR OR TACAN–A, Amdt 6A.
20–Aug–15	TN	Jacksboro	Campbell County	5/0721	06/23/15	RNAV (GPS) RWY 23, Amdt 1.
20–Aug–15	FL	Tampa	Tampa Intl	5/0960	06/23/15	ILS OR LOC RWY 1L, ILS RWY 1L (SA CAT I), ILS RWY 1L (CAT II), ILS RWY 1L (CAT III), Amdt 17.
20–Aug–15	VT	Burlington	Burlington Intl	5/0968	06/23/15	ILS OR LOC/DME RWY 33, Amdt 1A.
20–Aug–15	GA	Jefferson	Jackson County	5/0971	06/23/15	RNAV (GPS) RWY 17, Amdt 2A.
20–Aug–15	GA	Jefferson	Jackson County	5/0973	06/23/15	RNAV (GPS) RWY 35, Amdt 2A.
20–Aug–15	MI	Grand Ledge	Abrams Muni	5/0974	06/23/15	RNAV (GPS) RWY 9, Orig-A.
20–Aug–15	ME	Greenville	Greenville Muni	5/0975	06/23/15	RNAV (GPS) RWY 14, Orig.
20–Aug–15	MS	Louisville	Louisville Winston County.	5/1073	06/16/15	RNAV (GPS) RWY 35, Amdt 1.
20–Aug–15	MS	Louisville	Louisville Winston County.	5/1074	06/16/15	RNAV (GPS) RWY 17, Amdt 1.
20–Aug–15	FL	Apalachicola	Apalachicola Rgnl-Cleve Randolph Field.	5/1250	06/22/15	RNAV (GPS) RWY 14, Amdt 2A.
20–Aug–15	FL	Apalachicola	Apalachicola Rgnl-Cleve Randolph Field.	5/1251	06/22/15	RNAV (GPS) RWY 18, Orig-A.
20–Aug–15	FL	Apalachicola	Apalachicola Rgnl-Cleve Randolph Field.	5/1252	06/22/15	RNAV (GPS) RWY 6, Amdt 1A.
20–Aug–15	FL	Apalachicola	Apalachicola Rgnl-Cleve Randolph Field.	5/1253	06/22/15	RNAV (GPS) RWY 24, Amdt 1A.
20–Aug–15	FL	Apalachicola	Apalachicola Rgnl-Cleve Randolph Field.	5/1254	06/22/15	RNAV (GPS) RWY 32, Amdt 2A.
20–Aug–15	FL	Apalachicola	Apalachicola Rgnl-Cleve Randolph Field.	5/1255	06/22/15	RNAV (GPS) RWY 36, Orig-A.
20–Aug–15	FL	Apalachicola	Apalachicola Rgnl-Cleve Randolph Field.	5/1256	06/22/15	NDB RWY 14, Amdt 2A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
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20–Aug–15	TN	Smyrna	Smyrna	5/1498	06/23/15	RNAV (GPS) RWY 32, Amdt 1.
20–Aug–15	TN	Smyrna	Smyrna	5/1499	06/23/15	ILS OR LOC/DME RWY 32, Amdt 6.
20–Aug–15	TN	Smyrna	Smyrna	5/1500	06/23/15	RNAV (GPS) RWY 19, Orig.
20–Aug–15	TN	Smyrna	Smyrna	5/1501	06/23/15	RNAV (GPS) RWY 14, Amdt 1.
20–Aug–15	TN	Jasper	Marion County-Brown Field.	5/1688	06/16/15	NDB RWY 4, Amdt 5.
20–Aug–15	KS	Phillipsburg	Phillipsburg Muni	5/1742	06/24/15	RNAV (GPS) RWY 13, Amdt 1.
20–Aug–15	KS	Phillipsburg	Phillipsburg Muni	5/1743	06/24/15	NDB–A, Amdt 1.
20–Aug–15	KS	Phillipsburg	Phillipsburg Muni	5/1746	06/24/15	RNAV (GPS) RWY 31, Amdt 1.
20–Aug–15	AR	Pine Bluff	Grider Field	5/1761	06/29/15	RNAV (GPS) RWY 18, Amdt 1A.
20–Aug–15	AR	Pine Bluff	Grider Field	5/1762	06/29/15	RNAV (GPS) RWY 36, Amdt 1A.
20–Aug–15	AL	Jasper	Walker County-Bevill Field.	5/2332	06/29/15	ILS OR LOC/DME RWY 27, Amdt 1.
20–Aug–15	OH	Wapakoneta	Neil Armstrong	5/2334	06/24/15	RNAV (GPS) RWY 8, Orig.
20–Aug–15	OH	Wapakoneta	Neil Armstrong	5/2335	06/24/15	VOR–A, Amdt 8.
20–Aug–15	OH	Wapakoneta	Neil Armstrong	5/2338	06/24/15	RNAV (GPS) RWY 26, Orig.
20–Aug–15	AL	Jasper	Walker County-Bevill Field.	5/2342	06/29/15	RNAV (GPS) RWY 27, Orig.
20–Aug–15	KY	Russellville	Russellville-Logan County.	5/2353	06/24/15	RNAV (GPS) RWY 24, Orig.
20–Aug–15	KY	Russellville	Russellville-Logan County.	5/2354	06/24/15	VOR/DME RWY 24, Amdt 7.
20–Aug–15	KY	Russellville	Russellville-Logan County.	5/2355	06/24/15	RNAV (GPS) RWY 6, Orig.
20–Aug–15	NJ	Linden	Linden	5/2435	06/24/15	GPS–A, Orig-A.
20–Aug–15	GA	Monroe	Monroe-Walton County	5/2530	06/16/15	RNAV (GPS) RWY 3, Amdt 2.
20–Aug–15	GA	Monroe	Monroe-Walton County	5/2531	06/16/15	NDB–A, Amdt 1.
20–Aug–15	TN	Rogersville	Hawkins County	5/2540	06/17/15	GPS RWY 7, Orig-A.
20–Aug–15	NJ	Wildwood	Cape May County	5/2552	06/17/15	VOR–A, Amdt 3C.
20–Aug–15	NJ	Wildwood	Cape May County	5/2554	06/17/15	LOC RWY 19, Amdt 6D.
20–Aug–15	NJ	Wildwood	Cape May County	5/2555	06/17/15	RNAV (GPS) RWY 19, Orig-C.
20–Aug–15	NJ	Wildwood	Cape May County	5/2557	06/17/15	RNAV (GPS) RWY 10, Orig-B.
20–Aug–15	NC	Rockingham	Richmond County	5/2578	06/17/15	RNAV (GPS) RWY 32, Orig-A.
20–Aug–15	KS	Great Bend	Great Bend Muni	5/2589	06/24/15	RNAV (GPS) RWY 17, Orig.
20–Aug–15	KS	Great Bend	Great Bend Muni	5/2590	06/24/15	RNAV (GPS) RWY 35, Orig.
20–Aug–15	MN	New Ulm	New Ulm Muni	5/2781	06/29/15	RNAV (GPS) RWY 15, Orig-A.
20–Aug–15	PA	Gettysburg	Gettysburg Rgnl	5/2829	06/16/15	Takeoff Minimums and (Obstacle) DP, Orig.
20–Aug–15	GA	Butler	Butler Muni	5/2888	06/16/15	RNAV (GPS) RWY 36, Amdt 1A.
20–Aug–15	MN	Aitkin	Aitkin Muni-Steve Kurtz Field.	5/2973	06/24/15	RNAV (GPS) RWY 34, Orig-A.
20–Aug–15	MN	Aitkin	Aitkin Muni-Steve Kurtz Field.	5/2974	06/24/15	RNAV (GPS) RWY 16, Orig-A.
20–Aug–15	MN	Aitkin	Aitkin Muni-Steve Kurtz Field.	5/2975	06/24/15	NDB RWY 16, Amdt 5A.
20–Aug–15	TN	Oneida	Scott Muni	5/3079	06/26/15	VOR/DME–A, Amdt 5A.
20–Aug–15	SC	Winnsboro	Fairfield County	5/3125	06/29/15	RNAV (GPS) RWY 22, Amdt 1A.
20–Aug–15	SC	Winnsboro	Fairfield County	5/3126	06/29/15	RNAV (GPS) RWY 4, Amdt 1A.
20–Aug–15	SC	Winnsboro	Fairfield County	5/3128	06/29/15	NDB RWY 4, Amdt 4A.
20–Aug–15	NY	Schenectady	Schenectady County	5/3146	06/24/15	ILS OR LOC RWY 4, Amdt 5C.
20–Aug–15	NY	Schenectady	Schenectady County	5/3148	06/24/15	RNAV (GPS) RWY 28, Orig-B.
20–Aug–15	NY	Schenectady	Schenectady County	5/3221	06/24/15	RNAV (GPS) RWY 22, Orig-A.
20–Aug–15	NY	Schenectady	Schenectady County	5/3222	06/24/15	NDB RWY 22, Amdt 16A.
20–Aug–15	PA	Philadelphia	Wings Field	5/3236	06/16/15	RNAV (GPS) RWY 24, Amdt 1.
20–Aug–15	PA	Philadelphia	Wings Field	5/3237	06/16/15	RNAV (GPS) RWY 6, Amdt 1.
20–Aug–15	MS	West Point	McCharen Field	5/3460	06/17/15	VOR–A, Amdt 4.
20–Aug–15	MS	West Point	McCharen Field	5/3461	06/17/15	VOR/DME–B, Amdt 5.
20–Aug–15	DC	Washington	Ronald Reagan Washington National.	5/3512	06/17/15	RNAV (RNP) RWY 19, Amdt 2.
20–Aug–15	AK	Kokhanok	Kokhanok	5/3611	06/11/15	Takeoff Minimums and (Obstacle) DP, Orig.
20–Aug–15	GA	Augusta	Augusta Rgnl At Bush Field.	5/3650	06/22/15	ILS OR LOC RWY 35, Amdt 28A.
20–Aug–15	NC	Roanoke Rapids	Halifax-Northampton Rgnl.	5/3666	06/16/15	VOR/DME RWY 2, Orig-A.
20–Aug–15	GA	Lafayette	Barwick Lafayette	5/3753	06/16/15	Takeoff Minimums and (Obstacle) DP, Amdt 1.
20–Aug–15	MS	Raymond	John Bell Williams	5/3779	06/16/15	NDB RWY 12, Amdt 3A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
20–Aug–15	MS	Raymond	John Bell Williams	5/3780	06/16/15	ILS OR LOC RWY 12, Amdt 1A.
20–Aug–15	MS	Raymond	John Bell Williams	5/3781	06/16/15	RNAV (GPS) RWY 12, Amdt 3A.
20–Aug–15	MS	Brookhaven	Brookhaven-Lincoln County.	5/3817	06/26/15	VOR/DME–A, Amdt 9.
20–Aug–15	FL	St Augustine	Northeast Florida Rgnl	5/3850	06/26/15	RNAV (GPS) RWY 31, Amdt 1C.
20–Aug–15	IL	Kankakee	Greater Kankakee	5/3901	06/29/15	RNAV (GPS) RWY 4, Amdt 1A.
20–Aug–15	GA	Atlanta	Fulton County Airport-Brown Field.	5/3993	06/24/15	ILS OR LOC RWY 8, Amdt 17.
20–Aug–15	NY	East Hampton	East Hampton	5/4418	06/16/15	RNAV (GPS) Y RWY 28, Amdt 1.
20–Aug–15	NY	East Hampton	East Hampton	5/4419	06/16/15	RNAV (GPS) Z RWY 28, Orig.
20–Aug–15	NY	East Hampton	East Hampton	5/4420	06/16/15	RNAV (GPS) Z RWY 10, Amdt 1.
20–Aug–15	NY	East Hampton	East Hampton	5/4422	06/16/15	RNAV (GPS) X RWY 10, Amdt 1.
20–Aug–15	NY	East Hampton	East Hampton	5/4423	06/16/15	VOR–A, Amdt 11A.
20–Aug–15	MD	Crisfield	Crisfield Muni	5/4433	06/29/15	RNAV (GPS)–B, Orig.
20–Aug–15	MD	Crisfield	Crisfield Muni	5/4450	06/29/15	Takeoff Minimums and (Obstacle) DP, Orig.
20–Aug–15	FL	Miami	Kendall-Tamiami Executive.	5/4451	06/29/15	RNAV (GPS) RWY 27R, Orig.
20–Aug–15	FL	Miami	Kendall-Tamiami Executive.	5/4456	06/29/15	RNAV (GPS) RWY 9L, Orig-A.
20–Aug–15	FL	Miami	Kendall-Tamiami Executive.	5/4457	06/29/15	ILS OR LOC RWY 9R, Amdt 11.
20–Aug–15	FL	Miami	Kendall-Tamiami Executive.	5/4460	06/29/15	RNAV (GPS) RWY 27L, Amdt 2.
20–Aug–15	FL	Miami	Kendall-Tamiami Executive.	5/4464	06/29/15	RNAV (GPS) RWY 9R, Amdt 2.
20–Aug–15	FL	Miami	Kendall-Tamiami Executive.	5/4465	06/29/15	Takeoff Minimums and (Obstacle) DP, Amdt 8.
20–Aug–15	FL	Tallahassee	Tallahassee Rgnl	5/4616	06/29/15	RNAV (GPS) RWY 36, Amdt 1A.
20–Aug–15	FL	Tallahassee	Tallahassee Rgnl	5/4621	06/29/15	VOR/DME OR TACAN RWY 36, Amdt 1A.
20–Aug–15	FL	Tallahassee	Tallahassee Rgnl	5/4622	06/29/15	VOR RWY 18, Amdt 12A.
20–Aug–15	FL	Tallahassee	Tallahassee Rgnl	5/4624	06/29/15	RADAR 1, Amdt 5B.
20–Aug–15	FL	St Augustine	Northeast Florida Rgnl	5/4637	06/17/15	RNAV (GPS) RWY 13, Orig-B.
20–Aug–15	HI	Hana	Hana	5/4752	06/11/15	RNAV (GPS) RWY 26, Orig-A.
20–Aug–15	NJ	Lumberton	Flying W	5/5169	06/16/15	RNAV (GPS) RWY 19, Amdt 1A.
20–Aug–15	NJ	Lumberton	Flying W	5/5170	06/16/15	RNAV (GPS) RWY 1, Amdt 1A.
20–Aug–15	NJ	Lumberton	Flying W	5/5171	06/16/15	VOR–A, Amdt 4.
20–Aug–15	KY	London	London-Corbin Arpt-Magee Field.	5/5399	06/29/15	VOR RWY 6, Amdt 13.
20–Aug–15	FL	Naples	Naples Muni	5/5858	06/16/15	VOR RWY 23, Amdt 6D.
20–Aug–15	OH	Cambridge	Cambridge Muni	5/5859	06/29/15	RNAV (GPS) RWY 22, Orig-A.
20–Aug–15	MA	Westfield/Springfield	Westfield-Barnes Rgnl	5/6215	06/23/15	ILS OR LOC RWY 20, Amdt 8.
20–Aug–15	NY	Rochester	Greater Rochester Intl	5/6338	06/29/15	ILS OR LOC RWY 4, ILS RWY 4 (SA CAT I), ILS RWY 4 (CAT II), Amdt 21A.
20–Aug–15	FL	Tallahassee	Tallahassee Rgnl	5/6413	06/30/15	RNAV (GPS) RWY 18, Amdt 1A.
20–Aug–15	NC	Wilson	Wilson Industrial Air Center.	5/6537	06/29/15	RNAV (GPS) RWY 21, Orig-C.
20–Aug–15	HI	Honolulu	Honolulu Intl	5/6631	06/11/15	ILS Y RWY 4R, Amdt 1A.
20–Aug–15	CA	Livermore	Livermore Muni	5/7014	06/11/15	ILS RWY 25R, Amdt 7A.
20–Aug–15	WV	Martinsburg	Eastern WV Rgnl/Shepherd Fld.	5/7093	06/23/15	ILS OR LOC RWY 26, Amdt 8A.
20–Aug–15	WV	Martinsburg	Eastern WV Rgnl/Shepherd Fld.	5/7094	06/23/15	RNAV (GPS) RWY 26, Orig-A.
20–Aug–15	AK	Coldfoot	Coldfoot	5/7196	06/11/15	Takeoff Minimums and (Obstacle) DP, Orig.
20–Aug–15	NE	Cozad	Cozad Muni	5/7288	06/29/15	Takeoff Minimums and (Obstacle) DP, Amdt 1.
20–Aug–15	AK	Point Hope	Point Hope	5/7308	06/11/15	RNAV (GPS) RWY 1, Amdt 1.
20–Aug–15	AK	Point Hope	Point Hope	5/7309	06/11/15	RNAV (GPS) RWY 19, Amdt 1.
20–Aug–15	IA	Algona	Algona Muni	5/7402	06/30/15	Takeoff Minimums and (Obstacle) DP, Amdt 4.
20–Aug–15	MN	Montevideo	Montevideo-Chippewa County.	5/7403	06/30/15	Takeoff Minimums and (Obstacle) DP, Orig.
20–Aug–15	OK	Cushing	Cushing Muni	5/7431	06/30/15	Takeoff Minimums and (Obstacle) DP, Amdt 1.
20–Aug–15	AK	Selawik	Selawik	5/7444	06/11/15	RNAV (GPS) RWY 4, Orig-B.
20–Aug–15	AK	Selawik	Selawik	5/7445	06/11/15	RNAV (GPS) Y RWY 22, Orig-B.
20–Aug–15	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	5/7587	06/22/15	ILS OR LOC/DME RWY 16, Amdt 2A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
20–Aug–15	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	5/7588	06/22/15	ILS OR LOC/DME RWY 17, Orig-B.
20–Aug–15	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	5/7589	06/22/15	ILS OR LOC/DME RWY 34, Amdt 2.
20–Aug–15	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	5/7590	06/22/15	ILS OR LOC/DME RWY 35, Orig-B.
20–Aug–15	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	5/7592	06/22/15	RNAV (GPS) RWY 16, Amdt 2.
20–Aug–15	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	5/7593	06/22/15	RNAV (GPS) RWY 17, Orig-B.
20–Aug–15	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	5/7594	06/22/15	RNAV (GPS) RWY 34, Amdt 1.
20–Aug–15	AR	Fayetteville/Springdale/	Northwest Arkansas Rgnl.	5/7595	06/22/15	RNAV (GPS) RWY 35, Orig-B.
20–Aug–15	CA	Sacramento	Sacramento Intl	5/7810	06/11/15	RNAV (GPS) Y RWY 34R, Amdt 1.
20–Aug–15	WY	Jackson	Jackson Hole	5/7820	06/11/15	RNAV (GPS) X RWY 1, Amdt 1A.
20–Aug–15	MS	Greenwood	Greenwood-Leflore	5/8306	06/16/15	ILS OR LOC RWY 18, Amdt 8.
20–Aug–15	VA	Suffolk	Suffolk Executive	5/8347	06/17/15	RNAV (GPS) RWY 25, Amdt 1.
20–Aug–15	VA	Suffolk	Suffolk Executive	5/8348	06/17/15	RNAV (GPS) RWY 22, Amdt 1.
20–Aug–15	VA	Suffolk	Suffolk Executive	5/8349	06/17/15	LOC RWY 4, Amdt 4.
20–Aug–15	VA	Suffolk	Suffolk Executive	5/8350	06/17/15	RNAV (GPS) RWY 4, Amdt 3.
20–Aug–15	NJ	Sussex	Sussex	5/8364	06/17/15	VOR–A, Amdt 6.
20–Aug–15	IL	Monticello	Piatt County	5/8511	06/16/15	VOR OR GPS–A, Amdt 1.
20–Aug–15	NM	Carlsbad	Cavern City Air Trml	5/8917	06/26/15	VOR RWY 32L, Amdt 6A.
20–Aug–15	NJ	Hammonton	Hammonton Muni	5/9012	06/23/15	RNAV (GPS) RWY 3, Amdt 1.
20–Aug–15	NJ	Hammonton	Hammonton Muni	5/9013	06/23/15	VOR–A, Amdt 7.
20–Aug–15	NJ	Hammonton	Hammonton Muni	5/9015	06/23/15	VOR–B, Amdt 2.
20–Aug–15	AK	Barrow	Wiley Post-Will Rogers Memorial.	5/9089	06/11/15	RNAV (GPS) RWY 7, Orig.
20–Aug–15	AK	Barrow	Wiley Post-Will Rogers Memorial.	5/9090	06/11/15	Takeoff Minimums and (Obstacle) DP, Orig.
20–Aug–15	CO	Leadville	Lake County	5/9091	06/11/15	GPS RWY 16, Orig.
20–Aug–15	MA	Westfield/Springfield	Westfield-Barnes Rgnl	5/9300	06/23/15	VOR OR TACAN RWY 2, Amdt 4E.
20–Aug–15	MA	Westfield/Springfield	Westfield-Barnes Rgnl	5/9304	06/23/15	RNAV (GPS) RWY 2, Orig-A.
20–Aug–15	MA	Westfield/Springfield	Westfield-Barnes Rgnl	5/9318	06/23/15	RNAV (GPS) RWY 20, Amdt 1B.
20–Aug–15	MA	Westfield/Springfield	Westfield-Barnes Rgnl	5/9321	06/23/15	VOR RWY 20, Amdt 20D.
20–Aug–15	FL	Plant City	Plant City	5/9362	06/23/15	VOR RWY 28, Amdt 3B.
20–Aug–15	AK	Anchorage	Merrill Field	5/9701	06/11/15	Takeoff Minimums and (Obstacle) DP, Amdt 1.
20–Aug–15	OK	Ardmore	Ardmore Muni	5/9780	06/26/15	RNAV (GPS) RWY 13, Orig-A.
20–Aug–15	OK	Ardmore	Ardmore Muni	5/9782	06/26/15	ILS OR LOC RWY 31, Amdt 5A.
20–Aug–15	OK	Ardmore	Ardmore Muni	5/9783	06/26/15	RNAV (GPS) RWY 31, Amdt 1A.
20–Aug–15	OK	Ardmore	Ardmore Muni	5/9784	06/26/15	VOR–B, Amdt 1A.
20–Aug–15	FL	Fort Lauderdale	Fort Lauderdale/Hollywood Intl.	5/9824	06/16/15	Takeoff Minimums and (Obstacle) DP, Amdt 6.
20–Aug–15	NY	Canandaigua	Canandaigua	5/9871	06/22/15	RNAV (GPS) RWY 31, Amdt 1.

[FR Doc. 2015–18631 Filed 7–30–15; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31026; Amdt. No. 3651]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System,such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective July 31, 2015. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 31, 2015.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs,their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on July 2, 2015.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 20 AUGUST 2015

Bentonville, AR, Bentonville Muni/Louise M Thaden Field, VOR–A, Amdt 13A
San Jose, CA, Norman Y Mineta San Jose Intl, RNAV (RNP) Z RWY 12L, Amdt 2
San Jose, CA, Norman Y Mineta San Jose Intl, RNAV (RNP) Z RWY 12R, Amdt 3
Washington, DC, Ronald Reagan Washington National, Takeoff Minimums and Obstacle DP, Amdt 8
Casey, IL, Casey Muni, NDB RWY 4, Amdt 8, CANCELED
Casey, IL, Casey Muni, NDB RWY 22, Amdt 5, CANCELED
Great Bend, KS, Great Bend Muni, NDB–A, Amdt 5A, CANCELED
Ashland, KY, Ashland Rgnl, RNAV (GPS) RWY 10, Amdt 1B
Ashland, KY, Ashland Rgnl, RNAV (GPS) RWY 28, Amdt 1B
Somerset, KY, Lake Cumberland Rgnl, RNAV (GPS) RWY 23, Amdt 1A
Great Barrington, MA, Walter J Koladza, RNAV (GPS) RWY 11, Orig-B
Aitkin, MN, Aitkin Muni-Steve Kurtz Field, Takeoff Minimums and Obstacle DP, Amdt 4
Cando, ND, Cando Muni, RNAV (GPS) RWY 16, Orig
Cando, ND, Cando Muni, RNAV (GPS) RWY 34, Orig

Cando, ND, Cando Muni, Takeoff Minimums and Obstacle DP, Orig
Blairstown, NJ, Blairstown, RNAV (GPS) RWY 7, Orig-A
Blairstown, NJ, Blairstown, RNAV (GPS) RWY 25, Amdt 2A
Las Vegas, NV, Mc Carran Intl, ILS OR LOC RWY 25L, Amdt 5
Las Vegas, NV, Mc Carran Intl, ILS OR LOC RWY 25R, Amdt 18
Alva, OK, Alva Rgnl, RNAV (GPS) RWY 18, Orig
Alva, OK, Alva Rgnl, RNAV (GPS) RWY 35, Orig, CANCELED
Alva, OK, Alva Rgnl, RNAV (GPS) RWY 36, Orig
Alva, OK, Alva Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2
Wagoner, OK, Hefner-Easley, RNAV (GPS) RWY 36, Amdt 1A
Redmond, OR, Roberts Field, ILS OR LOC RWY 23, Amdt 5
Redmond, OR, Roberts Field, RNAV (GPS) RWY 11, Amdt 2
Redmond, OR, Roberts Field, RNAV (GPS) Y RWY 5, Amdt 2
Redmond, OR, Roberts Field, RNAV (GPS) Y RWY 23, Amdt 1
Redmond, OR, Roberts Field, RNAV (RNP) Z RWY 5, Amdt 2
Redmond, OR, Roberts Field, RNAV (RNP) Z RWY 23, Amdt 2
Redmond, OR, Roberts Field, Takeoff Minimums and Obstacle DP, Amdt 6
Redmond, OR, Roberts Field, VOR/DME RWY 23, Amdt 4
West Chester, PA, Brandywine, RNAV (GPS) RWY 9, Amdt 1
West Chester, PA, Brandywine, RNAV (GPS) RWY 27, Amdt 1
West Chester, PA, Brandywine, Takeoff Minimums and Obstacle DP, Amdt 1
West Chester, PA, Brandywine, VOR–A, Amdt 4
Sonora, TX, Sonora Muni, Takeoff Minimums and Obstacle DP, Amdt 2
Stratford, TX, Stratford Field, VOR/DME OR GPS–A, Amdt 4, CANCELED
Richfield, UT, Richfield Muni, HAMET RNAV OBSTACLE THREE, GRAPHIC DP
Richfield, UT, Richfield Muni, RICHFIELD RNAV OBSTACLE TWO, GRAPHIC DP
Moneta, VA, Smith Mountain Lake, RNAV (GPS) RWY 23, Orig-B
Norfolk, VA, Norfolk Intl, RNAV (GPS) RWY 14, Orig-D
Norfolk, VA, Norfolk Intl, RNAV (GPS) RWY 32, Orig-D
Chetik, WI, Chetek Muni-Southworth, VOR/DME–A, Orig-B, CANCELED
Cumberland, WI, Cumberland Muni, VOR/DME–A, Orig-A, CANCELED

[FR Doc. 2015–18601 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–1126]

Security Zones; Seattle's Seafair Fleet Week Moving Vessels, Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce Seattle's Seafair Fleet Week Moving Vessels Security Zones from 12:00 p.m. on July 28, 2015 through 6:00 p.m. on August 3, 2015. These security zones are necessary to help ensure the security of the vessels from sabotage or other subversive acts during Seafair Fleet Week Parade of Ships. The Designated participating vessels are: The HMCS BRANDON (MM 710), the HMCS WHITEHORSE (MM 705), HMCS VANCOUVER (FFH 331), and the USCGC MIDGETT (WHEC 726). During the enforcement period, no person or vessel may enter or remain in the security zones without the permission of the Captain of the Port, Puget Sound or their Designated Representative. The COTP has granted general permission for vessels to enter the outer 400 yards of the security zones as long as those vessels within the outer 400 yards of the security zones operate at the minimum speed necessary to maintain course unless required to maintain speed by the navigation rules.

DATES: The regulations in 33 CFR 165.1333 will be enforced without actual notice from July 31, 2015 through 6 p.m. on August 3, 2015, unless canceled sooner by the Captain of the Port, Puget Sound or their Designated Representative. These regulations will be enforced with actual notice from noon on July 28, 2015 until July 31, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email LTJG Johnny Zeng, Sector Puget Sound Waterways Management, Coast Guard; telephone (206) 217–6323, *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the security zones for Seattle's Seafair Fleet Week Moving Vessels in 33 CFR 165.1333 from 12:00 p.m. on July 28, 2015 through 6:00 p.m. on August 3, 2015.

In accordance with the general regulations in 33 CFR part 165, subpart D, no person or vessel may enter or remain in the security zones without the permission of the Captain of the Port (COTP), Puget Sound or their Designated Representative. For the purposes of this rule, the following areas are security zones: All navigable waters within 500 yards of the HMCS BRANDON (MM 710), the HMCS WHITEHORSE (MM 705), HMCS VANCOUVER (FFH 331), and the USCGC MIDGETT (WHEC 726) while each such vessel is in the Sector Puget Sound COTP Zone.

The COTP has granted general permission for vessels to enter the outer 400 yards of the security zones as long as those vessels within the outer 400 yards of the security zones operate at the minimum speed necessary to maintain course unless required to maintain speed by the navigation rules. The COTP may be assisted by other federal, state or local agencies with the enforcement of the security zones.

All vessel operators who desire to enter the inner 100 yards of the security zones or transit the outer 400 yards at greater than minimum speed necessary to maintain course must obtain permission from the COTP or a Designated Representative by contacting the on-scene Coast Guard patrol craft on VHF 13 or Ch 16. Requests must include the reason why movement within this area is necessary. Vessel operators granted permission to enter the security zones will be escorted by the on-scene Coast Guard patrol craft until they are outside of the security zones.

This notice is issued under authority of 33 CFR 165.1333 and 5 U.S.C 552(a). In addition to this notice, the Coast Guard will provide the maritime community with advanced notification of the security zones via the Local Notice to Mariners and marine information broadcasts on the day of the event.

Dated: July 17, 2015.

T.A. Griffitts,

Captain, U.S. Coast Guard, Acting Captain of the Port, Puget Sound.

[FR Doc. 2015–18845 Filed 7–30–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–0451]

Safety Zone, Seafair Air Show Performance, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the annual Seafair Air Show safety zone on Lake Washington, Seattle, WA from 8 a.m. on July 30, 2015 to 4 p.m. on August 2, 2015. This action is necessary to ensure the safety of the public from inherent dangers associated with these annual aerial displays. During the enforcement period, no person or vessel may enter or transit this safety zone unless authorized by the Captain of the Port or Designated Representative.

DATES: The regulations in 33 CFR 165.1319 will be enforced from 8 a.m. on July 30, 2015 through 4 p.m. on August 2, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email LTJG Johnny Zeng, Sector Puget Sound Waterways Management Division, Coast Guard; telephone (206) 217–6323, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Seafair Air Show Performance safety zone in 33 CFR 165.1319 daily from 8 a.m. until 4 p.m. from July 30, 2015 through August 2, 2015 unless canceled sooner by the Captain of the Port.

Under the provisions of 33 CFR 165.1319, the following area is designated as a safety zone: All waters of Lake Washington, Washington State, enclosed by the following points: Near the termination of Roanoke Way 47°35′44″ N., 122°14′47″ W.; thence to 47°35′48″ N., 122°15′45″ W.; thence to 47°36′02.1″ N., 122°15′50.2″ W.; thence to 47°35′56.6″ N., 122°16′29.2″ W.; thence to 47°35′42″ N., 122°16′24″ W.; thence to the east side of the entrance to the west high-rise of the Interstate 90 bridge; thence westerly along the south side of the bridge to the shoreline on the western terminus of the bridge; thence southerly along the shoreline to Andrews Bay at 47°33′06″ N., 122°15′32″ W.; thence northeast along the shoreline of Bailey Peninsula to its northeast point at 47°33′44″ N., 122°15′04″ W.; thence easterly along the east-west line drawn tangent to Bailey Peninsula; thence northerly along the shore of Mercer Island to the point of origin. [Datum: NAD 1983]

In accordance with the general regulations in 33 CFR part 165, subpart C, no person or vessel may enter or remain in the zone except for support vessels and support personnel, vessels registered with the event organizer, or other vessels authorized by the Captain of the Port or Designated Representatives. Vessels and persons granted authorization to enter the safety zone shall obey all lawful orders or directions made by the Captain of the Port or Designated Representative.

The Captain of the Port may be assisted by other federal, state and local law enforcement agencies in enforcing this regulation.

This notice of enforcement is issued under authority of 33 CFR 165.1319 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advanced notification of the safety zone via the Local Notice to Mariners and marine information broadcasts on the day of the event. If the COTP determines that the safety zone need not be enforced for the full duration stated in this notice of enforcement, he may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: July 17, 2015.

T.A. Griffitts,

Captain, U.S. Coast Guard, Acting Captain of the Port, Puget Sound.

[FR Doc. 2015–18846 Filed 7–30–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0187; FRL–9931–38–Region 8]

Approval and Promulgation of Implementation Plans; Wyoming; Revisions to SO_2 Ambient Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve changes to Wyoming's State Implementation Plan (SIP) that update its ambient air quality standards with regard to the 1-hour sulfur dioxide (SO_2) and secondary SO_2 National Ambient Air Quality Standards (NAAQS). On February 7, 2014, the Wyoming Department of Environmental Quality (WDEQ) submitted to EPA revisions to the Wyoming SIP. Specifically, the State revised Wyoming Air Quality Standards and Regulations (WAQSR) Chapter 2, Section 4, ''Ambient standards for sulfur oxides.'' In this action, EPA is taking direct final action to approve some of the revisions provided in that SIP submission. This action is being taken in accordance with section 110 of the Clean Air Act (CAA).

DATES: This rule is effective on September 29, 2015 without further notice, unless EPA receives adverse comment by August 31, 2015. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit comments to EPA Region 8, Office of Partnerships and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado 80202–1129.

Docket: The EPA has established a docket for this action under Docket Identification Number EPA–R08–OAR–2014–0187. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in the hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at EPA Region 8, Office of Partnerships and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. The Regional Office's official hours of business are Monday through Friday, 8:00 a.m.–4:00 p.m., excluding federal holidays. An electronic copy of the State's SIP compilation is also available at *http://www.epa.gov/region8/air/sip.html.*

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6227, *leone.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

What should I consider as I prepare my comments for EPA?

1. *Submitting Confidential Business Information (CBI).* Do not submit this information to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that

is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

d. Describe any assumptions and provide any technical information and/or data that you used.

e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

h. Make sure to submit your comments by the comment period deadline identified.

II. Background

Based on its review of the air quality criteria for oxides of sulfur and the primary NAAQS for oxides of sulfur as measured by SO_2, the EPA promulgated a revised primary SO_2 NAAQS on June 22, 2010 (75 FR 35520–35603). Specifically, the EPA established a 1-hour primary SO_2 standard of 75 parts per billion (ppb), based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. On May 22, 1996, EPA promulgated a 3-hour secondary SO_2 standard of 0.5 parts per million (ppm), not to be exceeded more than once per calendar year (61 FR 25580).

On February 7, 2014, the WDEQ submitted to EPA SIP revisions updating WAQSR Chapter 2, ''Ambient Standards,'' Section 4, ''Ambient standards for sulfur oxides.'' The State revised this chapter to incorporate the 2010 1-hour SO_2 standard into the Wyoming SIP and updated the secondary 3-hour SO_2 standard of 0.5 parts per million (ppm), not to be exceeded more than once per calendar year.

III. Wyoming Revisions and EPA Analysis

As noted, the State revised WAQSR Chapter 2, Section 4 to adopt the 2010 1-hour SO_2 standard. The language Wyoming incorporated into Chapter 2, Section 4, part (b) adopts the same language found at 40 CFR 50.17, (''National primary ambient air quality standards for sulfur oxides (sulfur dioxide)).'' EPA is taking direct final action to approve this addition into the Wyoming SIP.

Finally, Wyoming adopted the secondary 3-hour SO_2 standard into WAQSR Chapter 2, Section 4, part (c). This provision adopts the same language found at 40 CFR 50.5 (''National secondary ambient air quality standard for sulfur oxides (sulfur dioxide))'' into the WAQSR. EPA is taking direct final action to approve the addition of this language into the Wyoming SIP.

IV. EPA's Direct Final Action

EPA is taking direct final action to approve revisions, submitted on February 7, 2014, to WAQSR Chapter 2, ''Ambient Standards,'' Section 4, ''Ambient standards for sulfur oxides,'' because these revisions are consistent with the federal regulations provided in 40 CFR part 50, sections 5 and 17. In particular, we are approving proposed revisions to WAQSR Chapter 2, Section 4(a)(iii), 4(b), (b)(i), (b)(ii), (c), (c)(i), and (c)(ii). EPA is not taking action on proposed revisions to WAQSR Chapter 2, Section 4(a), 4(a)(i) and (a)(ii) in this rulemaking.

V. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the WDEQ rules described in the amendments to 40 CFR part 52 set forth in this document. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state actions, provided that they meet the criteria of the Clean Air Act. Accordingly, this direct final action merely approves state law provisions as meeting federal requirements and does not propose additional requirements beyond those imposed by state law.

For that reason, this direct final action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq,* as added by the Small Business Regulatory Enforcement

Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *September 29, 2015.* Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Greenhouse gases, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: July 1, 2015.

Shaun L. McGrath,

Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority for citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart ZZ—Wyoming

■ 2. In § 52.2620, the table titled ''State of Wyoming Regulations'' in paragraph (c)(1) is amended under Chapter 2 by revising the entry for section 4 to read as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) * * *

(1) * * *

State citation	Title/subject	State adopted and effective date	EPA approval date and citation [1]	Explanations
*	*	*	*	*
Chapter 2				
Section 4	Ambient standards for sulfur oxides.	10/5/2012, 12/19/2012	7/31/15, [*insert* ***Federal Register*** *citation*].	
*	*	*	*	*

[1] In order to determine the EPA effective date for a specific provision that is listed in this table, consult the **Federal Register** cited in this column for that particular provision.

* * * * *

[FR Doc. 2015–18515 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0413; FRL–9931–65–Region 4]

Approval and Promulgation of Implementation Plans; Georgia: Revisions to Definitions and Ambient Air Quality Standards

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve portions of State Implementation Plan (SIP) revisions submitted by the State of Georgia, through the Georgia Department of Natural Resources' Environmental Protection Division (GA EPD), on August 30, 2010, December 15, 2011, and November 12, 2014. The SIP submittals include changes to GA EPD's air quality rules that, among other things, modify definitions and modify the ambient air standards for fine particulate matter. The portions of the SIP revisions that EPA is approving are consistent with the requirements of the Clean Air Act (CAA).

DATES: This direct final rule is effective September 29, 2015 without further notice, unless EPA receives adverse comment by August 31, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0413, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email: R4-ARMS@epa.gov.*

3. *Fax:* (404) 562–9019.

4. *Mail:* ''EPA–R04–OAR–2015–0413,'' Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch (formerly Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such

deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. ''EPA–R04–OAR–2015–0413.'' EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information may not be publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Akers can be reached by phone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On August 30, 2010, December 15, 2011, and November 12, 2014, GA EPD submitted SIP revisions to EPA for review and approval into the Georgia SIP that contain changes to a number of Georgia's air quality rules at rule chapter 391–3–1. The changes that EPA is approving into the SIP today modify portions of Rule 391–3–1–.01—''Definitions,'' and Rule 391–3–1–.02(4)—''Ambient Air Standards.'' The changes requested by Georgia in the three SIP revisions are discussed below.

EPA is not acting on the changes to the following rule sections proposed by Georgia because the rule sections are not incorporated into the SIP: Rule 391–3–1–.02(8)(b)—''New Source Performance Standards'' (August 30, 2010, and November 12, 2014, submittals); Rule 391–3–1–.02(9)(b)—''Emission Standards for Hazardous Air Pollutants'' (August 30, 2010, December 15, 2011, and November 12, 2014, submittals); Rule 391–3–1–.03(9)—''Permit Fees'' (August 30, 2010, and December 15, 2011, submittals); Rule 391–3–1–.02(2)(www)—''Sewage Sludge Incineration Units Constructed On or Before October 14, 2010'' (November 12, 2014, submittal); and Rule 391–3–1–.03(10)—''Title V Operating Permits'' (November 12, 2014, submittal). EPA is not acting on changes to Rule 391–3–1–.02(2)(uuu)—''SO_2 Emissions from Electric Utility Steam Generating Units,'' included in the December 15, 2011, submittal because the rule is not part of the SIP and the State's prior request to incorporate the rule into the SIP was withdrawn from EPA consideration by the State in a letter dated December 9, 2014. At this time, the Agency is not acting on changes to Rule 391–3–1–.01(cccc)—''Synthetic Minor Permits'' or related changes to Rule 391–3–1–.03(11)—''Permit by Rule,'' in the December 15, 2011, submittal or changes to Rule 391–3–1–.03(8) in the December 15, 2011, submittal because those revisions will be addressed in a separate action. Changes to Rule 391–3–1–.02(4)—''Ambient Air Standards,'' from the August 30, 2010, and December 15, 2011, submittals were previously approved, and therefore, are not before the EPA for consideration in today's action. *See* 78 FR 28744 (May 16, 2013).

EPA is also not acting on changes to Rule 391–3–1–.02(7)—''Prevention of Significant Deterioration'' in the December 15, 2011, or November 12, 2014, submittals at this time because these changes will be addressed in a separate action. The Agency is not acting on changes to Rule 391–3–1–.02(7) from two August 30, 2010, submittals because the changes were previously submitted to EPA in an October 31, 2006, submittal and approved into the SIP. *See* 75 FR 71018 (November 22, 2010). Finally, EPA is not taking action on changes to Rule 391–3–1–.03(13)(c)—''Quantification of Emission Reduction Credits,'' included in one August 30, 2010, submittal, because the version of the rule in the SIP already contains the requested language.[1]

II. Analysis of Georgia's Submittals

A. Rule 391–3–1–.01—''Definitions''

1. Rule 391–3–1–.01(llll)—''Volatile Organic Compound''

Georgia is amending its definition of volatile organic compound (VOC) at Rule 391–3–.01(llll) [2] by adding eight additional compounds to the list of

[1] Following EPA's approval of Rule 391–3–1–.03(13) into the SIP, the State modified provision 391–3–1–.03(13)(c) and submitted that change to EPA as a SIP revision on March 5, 2007. EPA disapproved that change on December 30, 2008. *See* 73 FR 79653. Georgia subsequently reverted to the original language in 391–3–1–.03(13)(c) and submitted that original language to EPA for approval in its August 30, 2010, SIP revision. Because the version of 391–3–1–.03(13)(c) incorporated into the SIP did not change to reflect the State's proposed 2007 modification, there is currently no modification for EPA to act on.

[2] Additionally, GA EPD submitted a change to Rule 391–3–1–.01(llll) (and changes to several other rules) to EPA in an October 31, 2006, submittal (available at Docket ID: EPA–R04–OAR–2006–0649–201059). However, GA EPD did not request that EPA act to approve many of these changes into the SIP, including the change to Rule 391–3–1–.01(llll), in the submittal cover letter. Therefore, EPA does not consider the changes in the October 31, 2006, submittal that were not identified by the State for approval into the SIP to be part of an official SIP revision package. EPA has acted only on the rule changes in the October 31, 2006, submittal that Georgia requested for inclusion into the SIP. *See* 74 FR 62249 and 75 FR 71018 (November 27, 2009; November 22, 2010).

compounds excluded from the definition of VOC and by excluding one compound from VOC emissions limitations or VOC content requirements (this compound remains a ''VOC'' for recordkeeping, emissions inventories, and modeling purposes). GA EPD is revising its definition of VOC to reflect modifications to the Federal definition at 40 CFR 51.100(s) made by EPA on February 20, 2009 (74 FR 3437) (reflected in the August 30, 2010, submittal) and on November 29, 2004 (69 FR 69298), February 12, 2013 (78 FR 9823), August 28, 2013 (78 FR 53029), and October 22, 2013 (78 FR 62451) (reflected in the November 12, 2014, submittal).

EPA's policy is that compounds of carbon with a negligible level of reactivity need not be regulated to reduce ozone. *See* 42 FR 35314 (July 8, 1977). EPA determines whether a given carbon compound has ''negligible'' reactivity by comparing the compound's reactivity to the reactivity of ethane. EPA excludes these compounds in its definition of VOC at 40 CFR 51.100(s). The chemicals on this list are often called ''negligibly reactive.'' EPA may periodically add compounds to or delete compounds from the list of negligibly reactive compounds in 40 CFR 51.100(s).

The changes approved to the SIP today update the definition of VOC at Rule 391–3–1–.01(llll) for consistency with the definition of VOC at 40 CFR 51.100(s) by: (1) Adding eight additional compounds to the list of compounds excluded from the definition of VOC; [3] and (2) adding the following paragraph to clarify the status of t-butyl acetate—''[t]he following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.''

EPA is approving these changes to Rule 391–3–1–.01(llll) into the SIP to maintain consistency with the Federal definition of VOC at 40 CFR 51.100(s). These rule changes became state effective on July 20, 2009, and October 14, 2014.

[3] The eight compounds are: propylene carbonate; dimethyl carbonate; HCF_2OCF_2H (HFE–134); $HCF_2OCF_2OCF_2H$ (HFE–236cal2); $HCF_2OCF_2CF_2OCF_2H$ (HFE–338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); trans-1-chloro-3,3,3-trifluoroprop-1-ene; and 2,3,3,3-tetrafluoropropene. These compounds are excluded from the Federal definition of VOC at 40 CFR 51.100(s).

2. 391–3–1–.01(nnnn)—''Procedures for Testing and Monitoring Sources of Air Pollutants''

In the November 12, 2014, submittal, Georgia is amending the definition of ''Procedures for Testing and Monitoring Sources of Air Pollutants'' at Rule 391–3–1–.01(nnnn) to reference the February 7, 2014, version of the Georgia Department of Natural Resources document entitled ''Procedures for Testing and Monitoring Sources of Air Pollutants.'' The purpose of that document is to identify the procedures used for testing and monitoring the air pollutant sources. The August 30, 2010, submittal revised the date of the document to reflect then-current version of the document, dated March 1, 2009; and the December 15, 2011, submittal revised the date to the then-current version, dated February 1, 2011. However, the more current November 12, 2014, SIP submittal revised the date to reflect the February 7, 2014, version of the document, and this revision supersedes the revisions submitted on August 30, 2010, and December 15, 2011. This change to the SIP is approvable because it merely updates the date of the ''Procedures for Testing and Monitoring Sources of Air Pollutants'' document referenced in the SIP-approved version of Rule 391–3–1–.01(nnnn). The revision to this rule in the November 12, 2014, SIP revision became state effective on October 14, 2014.

B. Rule 391–3–1–.02(4)—''Ambient Air Standards''

Georgia is amending Rule 391–3–1–.02(4)(c)2.(ii), relating to the ambient air standards for fine particulate matter ($PM_{2.5}$), to reflect the 2012 annual national ambient air quality standards (NAAQS) for this pollutant, set at 12.0 micrograms per cubic meter on December 14, 2012. *See* 78 FR 3086 (January 15, 2013). EPA is approving this revision to the Georgia SIP to maintain consistency with the $PM_{2.5}$ NAAQS at the time that the submission was provided to EPA. Georgia's rule revision became state effective on October 14, 2014.

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporate by reference of the revised definition of ''Volatile Organic Compound'' at Rule 391–3–1–.01(llll) (state effective on July 20, 2009, and October 14, 2014), the revised definition of ''Procedures for Testing and Monitoring Sources of Air Pollutants'' at Rule 391–3–1–.01(nnnn) (state effective on October 14, 2014), and the revisions to the $PM_{2.5}$ ambient air standard at Rule 391–3–1–.02(4)(c)2.(ii) (state effective on October 14, 2014). EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

IV. Final Action

EPA is taking direct final action to approve the changes to the Georgia SIP specifically identified in section II, above, because these changes are consistent with the CAA. EPA is publishing this rule without prior proposal because the Agency views these as noncontroversial submittals and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the changes should adverse comments be filed. This rule will be effective September 29, 2015 without further notice unless the Agency receives adverse comments by August 31, 2015.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on September 29, 2015 and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting

Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 29, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Volatile organic compounds.

Dated: July 22, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart L—Georgia

■ 2. Section 52.570(c) is amended by revising the entries for ''391–3–1–.01'' and ''391–3–1–.02(4)'' to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED GEORGIA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
391–3–1–.01	Definitions	10/14/2014	7/31/2015, [Insert citation of publication].	
*	*	*	*	*	*	*
391–3–1–.02(4)	Ambient Air Standards	10/14/2014	7/31/2015, [Insert citation of publication].	
*	*	*	*	*	*	*

* * * * *

[FR Doc. 2015–18758 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2015–0411; FRL–9931–56–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2011 Base Year Emissions Inventory for the Marshall, West Virginia Nonattainment Area for the 2010 1-Hour Sulfur Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve the 2011 base year emissions inventory submitted by the State of West Virginia for the 2010 1-hour sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS). The emissions inventory was submitted to meet one of the nonattainment requirements for the Marshall, West Virginia nonattainment area (Marshall Area or Area) for the 2010 1-hour SO_2 NAAQS. EPA is approving the 2011 base year emissions inventory for the 2010 1-hour SO_2 NAAQS for the Marshall Area in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on September 29, 2015 without further notice, unless EPA receives adverse written comment by August 31, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2015–0411 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2015–0411, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2015–0411. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal is available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by email at *powers.marilyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In June 2010, EPA promulgated a new 1-hour primary SO_2 NAAQS of 75 parts per billion (ppb), which is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations does not exceed 75 ppb, as determined in accordance with Appendix T of 40 CFR part 50. *See* 40 CFR 50.17(a)–(b). On August 5, 2013, the EPA designated 29 areas of the country, including the Marshall Area, as nonattainment for the 2010 SO_2 NAAQS (77 FR 47191). The Marshall Area is comprised of Clay, Franklin, and Washington Tax Districts in Marshall County, West Virginia.

An area designated as nonattainment for the 2010 1-hour SO_2 NAAQS is required to submit a nonattainment SIP to EPA meeting the requirements of subparts 1 and 5 of part D, of Title I of the CAA, providing for attainment of the NAAQS by the applicable statutory attainment date. *See* CAA sections 172 and 191–192. These SIPs are required to provide for future attainment of the 2010 1-hour SO_2 NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of designation as nonattainment. One of the requirements for states with an SO_2 nonattainment area is the submission of an emissions inventory. Section 172(c)(3) requires the submission of a comprehensive, accurate, current accounting of actual emissions from all sources of the relevant pollutant in the nonattainment area.

II. Summary of West Virginia's Submittal

On May 6, 2015, the West Virginia Department of Environmental Protection (WVDEP) submitted the 2011 base year emissions inventory for the Marshall Area for the 2010 1-hour SO_2 NAAQS to meet the requirements of CAA section 172(c)(3). The base year inventory includes actual annual emissions of SO_2 that cover the general source categories of stationary point sources, stationary nonpoint sources, nonroad mobile sources, and onroad mobile sources. For the purpose of the base year inventory, emissions from the entire county were submitted. WVDEP used emissions from EPA's 2011 National Emissions Inventory (NEI) version 2 for the base

year inventory. EPA reviewed the results, procedures, and methodologies for the base year inventory and found them to be acceptable. EPA's technical support document (TSD) for the base year inventory, dated June 8, 2015, is available in the docket for this proposed rulemaking action at Docket ID number EPA–R03–OAR–2015–0411.

III. Final Action

Pursuant to section 172(c) of the CAA, EPA is approving the 2011 base year emissions inventory submitted by the State of West Virginia for the 2010 1-hour SO_2 NAAQS as a revision to the West Virginia SIP. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revisions if adverse comments are filed. This rule will be effective on September 29, 2015 without further notice unless EPA receives adverse comment by August 31, 2015. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 29, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action.

This action approving the 2011 base year emissions inventory for the Marshall, West Virginia nonattainment area for the 2010 1-hour SO_2 NAAQS may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: July 20, 2015.

William C. Early,

Acting, Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (e) is amended by adding the entry ''2011 Base Year Emissions Inventory for the 2010 1-hour SO_2 standard'' at the end of the table to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* *	* *	*	* *	*
2011 Base Year Emissions Inventory for the 2010 1-hour SO_2 standard.	Marshall, West Virginia 2010 1-hour SO_2 nonattainment area.	5/6/2015	7/31/2015 [Insert **Federal Register** citation].	§ 52.2531(i)

■ 3. In § 52.2531, paragraph (i) is added to read as follows:

§ 52.2531 Base year emissions inventory.

* * * * *

(i) EPA approves as a revision to the West Virginia State Implementation Plan the 2011 base year emissions inventory for the Marshall, West Virginia 2010 1-hour SO_2 nonattainment area submitted by the West Virginia Department of Environmental Protection on May 6, 2015. The 2011 base year emissions inventory for SO_2 includes emissions estimates that cover the general source categories of point sources, nonpoint sources, on road sources, and non-road sources.

[FR Doc. 2015–18760 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 80, No. 147
Friday, July 31, 2015

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AN18

Prevailing Rate Systems; Redefinition of the Harrisburg, PA and Scranton-Wilkes-Barre, PA, Appropriated Fund Federal Wage System Wage Areas

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing a proposed rule that would redefine the geographic boundaries of the Harrisburg, PA, and Scranton-Wilkes-Barre, PA, appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Montour County, PA, from the Harrisburg wage area to the Scranton-Wilkes-Barre wage area. This change is based on a recent consensus recommendation of the Federal Prevailing Rate Advisory Committee (FPRAC) to best match the county proposed for redefinition to a nearby FWS survey area.

DATES: We must receive comments on or before August 31, 2015.

ADDRESSES: You may submit comments, identified by ''RIN 3206–AN18,'' using any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Brenda L. Roberts, Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415–8200.

Email: pay-leave-policy@opm.gov.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, (202) 606–2858; email *pay-leave-policy@opm.gov;* or FAX: (202) 606–4264.

SUPPLEMENTARY INFORMATION: OPM is issuing a proposed rule that would redefine the geographic boundaries of the Harrisburg, PA, and Scranton-Wilkes-Barre, PA, appropriated fund FWS wage areas. The proposed rule would redefine Montour County, PA, from the Harrisburg wage area to the Scranton-Wilkes-Barre wage area.

OPM considers the following regulatory criteria under 5 CFR 532.211 when defining FWS wage area boundaries:

(i) Distance, transportation facilities, and geographic features;

(ii) Commuting patterns; and

(iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

In addition, OPM regulations at 5 CFR 532.211 do not permit splitting Metropolitan Statistical Areas (MSAs) for the purpose of defining a wage area, except in very unusual circumstances.

Columbia and Montour Counties, PA, comprise the Bloomsburg-Berwick, PA MSA. The Bloomsburg-Berwick MSA is split between the Harrisburg and Scranton-Wilkes-Barre wage areas. Columbia County is part of the area of application of the Scranton-Wilkes-Barre wage area, and Montour County is part of the area of application of the Harrisburg wage area.

Based on an analysis of the regulatory criteria for Columbia County, the core county in the Bloomsburg-Berwick MSA, the entire Bloomsburg-Berwick MSA would be defined to the Scranton-Wilkes-Barre wage area. When measuring to cities and host installations, the distance criterion favors the Scranton-Wilkes-Barre wage area more than the Harrisburg wage area. The commuting patterns criterion also favors the Scranton-Wilkes-Barre wage area. Columbia County does not resemble one survey area more than another survey area in terms of the overall population, employment, and the kinds and sizes of private industrial establishments criteria.

Based on this analysis, we believe Columbia County is appropriately defined to the Scranton-Wilkes-Barre wage area. OPM regulations at 5 CFR 532.211 permit splitting MSAs only in very unusual circumstances. There appear to be no unusual circumstances that would permit splitting the Bloomsburg-Berwick MSA. To comply with OPM regulations not to split MSAs, Montour County would be redefined to the Scranton-Wilkes-Barre wage area. There are currently no FWS employees working in Montour County.

FPRAC, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended this change by consensus. This change would be effective on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

Accordingly, the U.S. Office of Personnel Management is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

■ 2. Appendix C to subpart B is amended by revising the wage area listings for the Harrisburg, PA, and Scranton-Wilkes-Barre, PA, wage areas to read as follows:

* * * * *

PENNSYLVANIA
Harrisburg
Survey Area

Pennsylvania:
Cumberland
Dauphin
Lebanon
York

Area of Application. Survey area plus:

Pennsylvania:
Adams
Berks
Juniata
Lancaster

Lycoming (Allenwood Federal Prison Camp portion only)
Mifflin
Northumberland
Perry
Schuylkill
Snyder
Union

* * * * *

Scranton-Wilkes-Barre
Survey Area

Pennsylvania:
Lackawanna
Luzerne
Monroe
Area of Application. Survey area plus:
Pennsylvania:
Bradford
Columbia
Lycoming (Excluding Allenwood Federal Prison Camp)
Montour
Sullivan
Susquehanna
Wayne
Wyoming

* * * * *

[FR Doc. 2015–18746 Filed 7–30–15; 8:45 am]
BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3140; Directorate Identifier 2015–NM–063–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc. Model BD–100–1A10 (Challenger 300) airplanes. This proposed AD was prompted by multiple reports of a short circuit between the heater element and the metal sheath of the pitot-static probe heater. This proposed AD would require replacement of the left and right pitot-static probes with newly redesigned left and right pitot-static probes. We are proposing this AD to prevent degradation of the heating ability of the pitot-static probe heater, resulting in erroneous airspeed indication during flight in icing conditions and consequent reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by September 14, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone: 514–855–5000; fax: 514–855–7401; email: *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3140; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Assata Dessaline, Aerospace Engineer, Avionics and Services Branch, ANE–172, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7301; fax: 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–3140; Directorate Identifier 2015–NM–063–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2015–04, dated March 17, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc. Model BD–100–1A10 (Challenger 300) airplanes. The MCAI states:

> There have been several reports where the pitot-static probe heater came on and remained on regardless of the heater control selected position. Investigation determined that the root cause is a short circuit between the heater element and the metal sheath. If not corrected, this condition may degrade the heating, resulting in erroneous Airspeed Indication when flying in icing condition [and consequent reduced controllability of the airplane].
>
> This [Canadian] AD mandates the replacement of the pitot-static probes with a redesigned probe which will prevent this failure mode.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3140.

Related Service Information Under 1 CFR Part 51

We reviewed Bombardier Service Bulletin 100–34–38, dated January 9, 2014. The service information describes procedures for replacement of the left and right pitot-static probes with newly redesigned left and right pitot-static probes, part numbers 0856WC3 and 0856WC4 respectively. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our

bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 126 airplanes of U.S. registry.

We also estimate that it would take about 12 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $13,468 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $1,825,488, or $14,488 per product.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Bombardier, Inc.: Docket No. FAA–2015–3140; Directorate Identifier 2015–NM–063–AD.

(a) Comments Due Date

We must receive comments by September 14, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model BD–100–1A10 (Challenger 300) airplanes, certificated in any category, serial numbers 20003 through 20500 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Reason

This AD was prompted by multiple reports of a short circuit between the heater element and the metal sheath of the pitot-static probe heater. We are issuing this AD to prevent degradation of the heating ability of the pitot-static probe heater, resulting in erroneous airspeed indication during flight in icing conditions and consequent reduced controllability of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Replacement of Left and Right Pitot-Static Probes

Within 24 months after the effective date of this AD, replace the left and right pitot-static probes with newly designed pitot-static probes, part numbers (P/N) 0856WC3 and 0856WC4 respectively, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100–34–38, dated January 9, 2014.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install a pitot-static probe, P/N 0856WC1 or 0856WC2, on any airplane.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the New York ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7300; fax: 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Contacting the Manufacturer: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2015–04, dated March 17, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–3140.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone: 514–855–5000; fax: 514–855–7401; email: *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 23, 2015.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–18686 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM15–19–000]

Petition for a Rulemaking of the Liquids Shippers Group, Airlines for America, and the National Propane Gas Association

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice organizing conference.

SUMMARY: In this notice, the Federal Energy Regulatory Commission (Commission) provides information organizing the technical conference to be held on July 30, 2015, to discuss issues raised by the petition for rulemaking. The petition for rulemaking is requesting that the Commission issue a Notice of Proposed Rulemaking (NOPR) requiring changes to the FERC Form No. 6 (Annual Report of Oil Pipeline Companies), Page 700.

DATES: The technical conference will be held on July 30, 2015 between 9 a.m. and 1 p.m. (Eastern Time). Following the technical conference, the Commission will consider post-technical conference comments submitted on or before September 25, 2015. Reply comments are due on or before October 30, 2015. The written comments will be included in the formal record of the proceeding.

ADDRESSES: The July 30, 2015 conference will be held at the Commission's headquarters at 888 First Street NE., Washington, DC 20426, between 9 a.m. and 1 p.m. (Eastern Time) in the Commission Meeting Room.

FOR FURTHER INFORMATION CONTACT:

Technical Contact:

Adrianne Cook, Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, *Adrianne.Cook@ferc.gov.*, (202) 502–8849

Legal Contacts:

David Faerberg, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, *David.Faerberg@ferc.gov.*, (202) 502–8275

Rekha Chandrasekher, Office of the General Counsel,Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, *Rekha.Chandrasekher@ferc.gov.*, (202) 502–8865

SUPPLEMENTARY INFORMATION:

Notice Organizing Conference

On April 20, 2015, the Liquids Shippers Group, Airlines for America and the National Propane Gas Association (Joint Petitioners) filed a Petition for Rulemaking requesting that the Commission issue a Notice of Proposed Rulemaking (NOPR) requiring changes to the FERC Form No. 6 (Annual Report of Oil Pipeline Companies), Page 700.

On June 30, 2015, the Commission issued a notice announcing the Commission will hold a technical conference on July 30, 2015 to discuss issues raised by the Petition for Rulemaking, and solicited interested speakers.

The July 30, 2015 conference will be held at the Commission's headquarters at 888 First Street NE., Washington, DC 20426, between 9 a.m. and 1 p.m. (Eastern Time) in the Commission Meeting Room. The technical conference will be led by Commission staff and may be attended by one or more Commissioners.

The technical conference will consist of two sessions and focus on the issues raised in the Petition for Rulemaking. The appendix to this notice contains questions or issues to be addressed by panelists.

9 a.m.–9:15 a.m. Opening Remarks

9:15 a.m.–10:15 a.m. Legal/Policy Perspective: Prepared Presentations (10 minutes each)

- Steven A. Adducci, Venable LLP, on behalf of Valero Marketing and Supply Company
- Matthew Corcoran, Goldstein & Associates, P.C., on behalf of Tesoro Refining & Marketing Company LLC
- Douglas F. John, John & Hengerer, on behalf of Liquids Shippers Group
- Steven M. Kramer, Association of Oil Pipe Lines
- Richard E. Powers, Jr., Venable LLP, on behalf of Airlines for America and National Propane Gas Association
- Daniel J. Poynor, Steptoe & Johnson LLP, on behalf of Association of Oil Pipe Lines

10:15 a.m.–10:55 a.m. Legal/Policy Dialogue (40 minutes)

10:55 a.m.–11:05 a.m. Break

11:05 a.m.–12:05 p.m. Technical Perspective: Prepared Presentations (12 minutes each)

- Steve A. Adducci, Venable LLP, on behalf of Valero Marketing and Supply Company
- Dr. Daniel S. Arthur, The Brattle Group, on behalf of Airlines for America and National Propane Gas Association
- Peter K. Ashton, Premier Quantitative Consulting, Inc., on behalf of Tesoro Refining & Marketing Company LLC
- Kenneth A. Sosnick, Pendulum Energy, on behalf of Liquids Shippers Group
- Robert G. Van Hoecke, Regulatory Economics Group, on behalf of Association of Oil Pipe Lines

12:05 p.m.–12:45 p.m. Technical Dialogue (40 minutes)

12:45 p.m.–1 p.m. Closing Remarks

Following the technical conference, the Commission will consider post-technical conference comments submitted on or before September 25, 2015. Reply comments are due on or before October 30, 2015. The written comments will be included in the formal record of the proceeding.

The technical conference will be transcribed. Transcripts of the technical conference will be available for a fee from Ace-Federal Reporters, Inc. ((202) 347–3700 or 1 (800) 336–6646). There will be a free webcast of the conference. The webcast will allow persons to listen to the technical conference, but not participate. Anyone with Internet access can listen to the conference by navigating to the Calendar of Events at *www.ferc.gov* and locating the technical conference in the Calendar. The technical conference will contain a link to its webcast. The Capital Connection provides technical support for the webcast and offers the option of listing to the meeting via phone-bridge for a fee. If you have any questions, please visit *www.CapitolConnection.org* or call 703–993–3100.[1]

Advance registration is highly encouraged for all attendees. Attendees may register in advance at the following Web page: *https://www.ferc.gov/whats-new/registration/07-30-15-form.asp.* Attendees should allow time to pass through building security procedures before the 9 a.m. (Eastern Time) start time of the technical conference. In addition, information on this event will be posted on the Calendar of Events on the Commission's Web site, *www.ferc.gov,* prior to the event.

Commission conferences are accessible under section 508 of the

[1] The webcast will continue to be available on the Calendar of Events on the Commission's Web site *www.ferc.gov* for three months after the conference.

Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502 -8659 (TTY); or send a fax to 202–208–2106 with the required accommodations.

For more information about this technical conference, please contact Sarah McKinley, 202–502–8368, *sarah.mckinley@ferc.gov.*

Dated: July 23, 2015.

Kimberly D. Bose,

Secretary.

Appendix: Questions To Address

—How should segments be defined for purposes of disaggregation?
—Are there scenarios in which pipelines should be required to file disaggregated information and scenarios in which they should not? List specific scenarios.
—What would be the additional cost to report disaggregated information on the Form 6 page 700?
—What are the potential benefits of requiring disaggregated information?
—Do pipelines currently track their revenues and operating expenses by segment?
—If pipelines are required to provide cost information by segments, should they also be required to provide volumes and revenues by segments?
—What allocation methods do pipelines use to determine the share of overhead and shared costs associated with each segment? Would this have to change if the information is broken down by segment, and if so, how?
—What, if any, are the drawbacks of the current process of providing workpapers to parties once a proceeding has been initiated?
—In addition to shippers, which ''interested persons'' should be entitled to request workpapers?
—How frequently should shippers and other interested persons be entitled to access workpapers?
—Do workpapers need to be provided in electronic form to be useful? Should the Commission standardize the manner in which workpapers are presented?
—What process and protections should be required in connection with making workpapers available on request?
—What additional costs are associated with making workpapers available upon request as compared to the current process of making them available once a trial-type hearing has been initiated?

[FR Doc. 2015–18837 Filed 7–30–15; 8:45 am]

BILLING CODE 6717–01–P

PEACE CORPS

22 CFR Part 305

RIN 0420–AA26

Eligibility and Standards for Peace Corps Volunteer Service

AGENCY: Peace Corps.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would restate and update the requirements for eligibility for Peace Corps Volunteer service, and the factors considered in the assessment and selection of eligible applicants for training and service. The requirements and factors for eligibility and selection were last published in 1984. A revision of the regulation is necessary to conform to changes in Federal laws and regulations, particularly with respect to those prohibiting discrimination on the basis of disability, and to reflect policy changes made by the Peace Corps.

DATES: Comments due on or before August 31, 2015.

ADDRESSES: Address all comments to Anthony F. Marra, Associate General Counsel, Peace Corps, 1111 20th Street NW., Washington, DC 20526. Comments may also be sent electronically to the following email address: *pcfr@peacecorps.gov.*

FOR FURTHER INFORMATION CONTACT: Colin Jones, Office of the General Counsel, Policy and Program Analyst, 1111 20th Street NW., Washington, DC 20526, and 202–692–2164.

SUPPLEMENTARY INFORMATION: Under the Peace Corps Act (22 U.S.C. 2501 *et seq.*), the Peace Corps is authorized to enroll qualified US citizens and nationals as Volunteers to serve abroad, under conditions of hardship if necessary, (i) to help the people of interested countries meet their need for trained personnel, particularly in meeting the basic needs of those living in the poorest areas of such countries, (ii) to help promote a better understanding of the American people on the part of the people served, and (iii) to help promote a better understanding of other peoples on the part of the American people. The Peace Corps is authorized to establish the terms and conditions of enrollment of Volunteers, as well as the terms and conditions of service. The proposed rule would revise and update rules concerning eligibility and selection standards for Peace Corps Volunteer service, which were last published in the **Federal Register** over 30 years ago (49 FR 38939, October 2, 1984), and entered into effect November 1, 1984, and currently appear at 22 CFR part 305.

Request for Comments

The Peace Corps invites public comment on all aspects of this proposed rule and will take those comments into account before publishing a final rule.

The proposed rule would make the following changes:

(1) *Introduction.* The current introductory section (22 CFR 305.1) would be revised to provide new definitions for the three stages (Applicant, Trainee, and Volunteer) that an individual who is interested in service as a Volunteer passes through. It would also provide a definition of the term ''enrollment'', which is used in connection with an individual's service as a Volunteer. The section would include a general statement explaining the process the Peace Corps follows in the selection of Volunteers, as well as to provide notice to applicants regarding the importance of submitting complete and accurate information in the application process. The section would eliminate the recitation of the various anti-discrimination statutes that the Peace Corps is obligated to follow and replace it with a clear statement that the Peace Corps does not discriminate on various grounds in the selection of Volunteers. The section advises that applicants may be disqualified, and Volunteers and Trainees may be separated, if the Peace Corps determines they provided materially false, misleading, inaccurate or incomplete information during the Peace Corps application process.

(2) *Eligibility.* The eligibility section (22 CFR 305.2) would be simplified to cover only the existing citizenship and age criteria for Volunteer applicants. Other eligibility factors in the current § 305.2 would be moved to succeeding sections, where they would be updated and expanded.

(3) *Selection Standards.* A revised § 305.3 would incorporate the selection factors that currently appear in § 305.4. The revision would restate the current attributes that an applicant must meet for Volunteer service, with a little more detail. It would also revise the description of the various personal attributes that are taken into account when evaluating applicants. The revised § 305.3 would explain that the Peace Corps assesses each applicant's personal, professional, educational, and legal qualifications in order to select those applicants most likely to be successful in a Peace Corps assignment, serving under conditions of hardship if necessary, to achieve the goals of the Peace Corps. Meeting the several qualifications would not in and of itself entitle any individual to serve in the

Peace Corps, because the revision would state that the Peace Corps endeavors to select the best qualified individuals from among all eligible applicants.

(4) *Medical Status.* The revised part 305 would create a new § 305.4 that replaces the provision on the medical qualifications of applicants that currently appears in § 305.2. The revised section implements, in relation to applications for Volunteer service, Section 504 of the Rehabilitation Act. It states that an applicant must have the physical and mental capacity required to meet the essential eligibility requirements for a Volunteer and sets out those essential eligibility requirements, which include the capability to (i) live and work independently in an isolated location overseas at the same socio-economic level and in similar conditions as members of the community to which the applicant is assigned; (ii) perform the job to which the applicant is assigned; and (iii) complete a specified tour of service without undue disruption due to health problems.

It also requires that, in order for an applicant to be medically qualified for Volunteer service, the Peace Corps must have the capability to provide necessary or appropriate health care for the applicant. It includes a requirement that the Peace Corps consider reasonable accommodations in determining whether an applicant has the physical and mental capacity required to meet the essential eligibility requirements for a Volunteer and whether the Peace Corps has the capability to provide necessary or appropriate health care for the applicant.

A new provision provides that an applicant must not pose a direct threat, which is defined as a significant risk to the health and safety of others that cannot be eliminated by reasonable accommodation, removal of architectural, communication or transportation barriers or the provision of auxiliary aids or services.

The proposed revisions include a requirement that an applicant's medical eligibility be based on an individualized assessment of the factors applicable to reasonable medical accommodations. An applicant determined not to be medically qualified for Volunteer service would have a right to obtain a further review of the determination by a physician and, ultimately, by a review panel. The review panel would provide an applicant, who has been medically disqualified, with an opportunity to have a further review of that decision. The review panel is currently composed of at least five people; at least one is a physician and four other health care professional on the staff of the Office of Medical Services. In any case involving review of issues of mental health, at least one professional staff person from the Counseling and Outreach Unit also participates as a voting member of the review panel. The decision of the review panel constitutes a final agency action and is not subject to further appeal.

(5) *Legal Status.* A new § 305.5 would change the eligibility qualifications for an applicant who is on parole or probation, currently covered in § 305.2(d), and reframe the eligibility standard in terms the existence of an arrest or conviction record. The revision provides the Peace Corps with greater flexibility to consider the nature of the offense, how long ago the offense occurred, whether the applicant was acquitted of the offense, the terms of any applicable parole or probation, and other relevant facts or indications of rehabilitation. Specific standards would be established for drug and alcohol related offenses. An applicant rejected because of an arrest or conviction would have a right to have a review of the rejection by a more senior Peace Corps official outside of the office that made the original eligibility determination. It would also eliminate the requirement that an applicant not have any court established financial or other obligation that cannot be satisfied or postponed during a Peace Corps service period.

(6) *Intelligence Background.* The Peace Corps has a longstanding policy to exclude from Volunteer service individuals who have engaged in intelligence activity or related work or who have been employed by or connected with an intelligence agency, either for a specific period of time or permanently (depending on the agency). This policy is founded on the premise that it is crucial to the Peace Corps in carrying out its mission that there be a complete and total separation of the Peace Corps from the intelligence activities of the United States Government or any foreign government, both in reality and appearance.

The current regulation contains a one-sentence statement in § 305.2(e) regarding the eligibility of applicants having a background with an intelligence agency or intelligence activities. It refers applicants to provisions of the Peace Corps Manual for more details. The new § 305.6 is intended to provide greater transparency for applicants regarding this policy.

The policy covers both employment (defined broadly) by an intelligence agency and engagement in intelligence activities. It applies to an employee of an intelligence agency even if the employee was not engaged in intelligence activities for the intelligence agency. An applicant who was employed by an intelligence agency (other than the CIA) or engaged in intelligence activities is barred from Peace Corps service for a minimum of 10 years. An applicant who was employed by the CIA is barred from Peace Corps service permanently.

The policy also applies to applicants whose background discloses a relationship to an intelligence agency or intelligence activity, but who was not employed by an intelligence agency or engaged in intelligence activities. Such a relationship might be one based on familial, personal or financial connections to an intelligence agency or intelligence activities. In these cases, the period of ineligibility will be determined by the General Counsel based on a number of stated factors.

Serious doubts about an applicant's connection with intelligence agencies or activities are to be resolved in favor of exclusion. An applicant rejected based on an intelligence background criteria has a right to appeal the rejection to the Peace Corps Director.

(7) *Special Circumstances.* A new § 305.7 addresses special circumstances involving some applicants, which are now covered in § 305.2(f), (g) and (h).

The current § 305.2(f) places restrictions on Peace Corps Volunteer service for applicants who are married and who wish to serve without their spouse. These restrictions have been removed as they are no longer relevant to eligibility for Volunteer service. In addition, a new Section 305.7(a) expressly provides that two applicants who are married or are in a same sex or opposite sex domestic partnership or committed relationship may apply to serve together. This codifies in regulation the Peace Corps policy on placement of couples, including its recent policy to accept same-sex and opposite-sex couple applicants on an equal basis whether married, or unmarried and in a committed relationship/domestic partnership.

The current § 305.2(g) places restrictions on the ability of an applicant who has dependent children under the age of 18 to serve as a Peace Corps Volunteer. These restrictions have been removed because they are not relevant to the ability of an individual to serve as a Volunteer. However, a new provision has been added that generally prohibits dependents and other family members from accompanying a Volunteer during service. This provision permits the Peace Corps to make exceptions from time to time either on

a case-by-case basis or for particular categories of Volunteers to the extent permitted by Federal law.

The current policy on military service obligations of applicants contained in § 305.2(h) would continue in § 305.7(c), but the written statement from a commanding officer would no longer be required.

(8) *Background Investigation.* Section 22 of the Peace Corps Act requires that applicants be investigated to ensure that their assignment ''is consistent with the national interest.'' The Peace Corps currently satisfies this statutory requirement under § 305.3, which requires a National Agency Check (NAC) and background investigation for all applicants. A NAC is a clearance conducted by the Federal Investigations Services of the U.S. Office of Personnel Management (OPM) and is the minimum clearance required for all civilian Federal employees.

Peace Corps has required that Volunteer applicants be cleared through a NAC investigation for many years, in large part because it was initially the only feasible way to comply with Section 22 of the Peace Corps Act. However, there are now other commercial, non-governmental investigative entities, approved by the Government Services Administration, which can provide equivalent clearance services for Volunteer applicants.

The proposed revision of part 305 includes a new § 305.8, replacing the current § 305.3. It retains the requirement that all applicants accepted for training have an appropriate background investigation completed before they can be enrolled as Volunteers. However, it does not specify that the background investigation be OPM's Federal Investigations Services background investigation for Federal employment positions. This change would give Peace Corps flexibility to use other contractors to conduct background investigations, as well OPM's Federal Investigative Services.

Statement of Effects

Executive Order 12866

The Office of Management and Budget (OMB) has reviewed the proposed regulatory action under Executive Order 12866 and has determined that it is a significant regulatory action within the meaning of the Executive Order. Consequently, the Peace Corps is providing an explanation of the need for the regulatory action and an assessment of the potential costs and benefits of the regulatory action.

(1) *Need for Regulatory Action.* Under Section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), the Peace Corps is entitled to enroll qualified citizens and nationals into Peace Corps service and is delegated authority to establish the terms and conditions of enrollment. The Peace Corps last published its terms and conditions of enrollment in 1984 and those rules are outdated and need to reflect current laws and policies that have been implemented over the past 30 years. In addition, the structure of the current regulation needs to be revised to simplify the description of the information required in order to apply to the Peace Corps, as well as the explanation of the Peace Corps selection process as described in the Supplementary Information section.

(2) *Potential Costs and Benefits.* It is difficult to precisely quantify the costs and benefits of the proposed regulation that is designed to reflect current law and regulations and to make it easier for American citizens to apply for service as a Peace Corps Volunteer. However, the Peace Corps has concluded that the current regulatory structure, and the accompanying application form, is seen as a daunting, confusing and time-consuming process, which has discouraged many Americans who might otherwise be interested in and well-qualified for Volunteer service. The proposed regulation will improve the possibility of the most suitable candidates being selected as a Volunteer, decrease the barriers to service and broaden the rights of applicants. This will be a substantial benefit to all Americans who want to serve as Volunteers, as well as being a benefit to the Peace Corps which is interested in creating a large, diverse pool of qualified, suitable candidates to serve abroad as Volunteers. The Peace Corps estimates that agency staff will spend less time reviewing each individual application, because the application itself will be shorter. For 2015, the Peace Corps anticipates that use of the new application will result in a savings of $23.16 per application, compared to the former application. With 22,000 expected applications for the year, the new application is expected to provide a savings of $509,520 resulting from the reduction in staff time spent reviewing applications. However, the agency expects that the total number of completed applications will increase, and that the agency will not realize immediate cost savings from these changes.

The current regulation lists nine factors as relevant to the determination of eligibility. These factors include citizenship, age, medical status, legal status, intelligence background, marital status, dependents, military service, and failure to disclose requested information. This listing combines factors that are basic, clear-cut requirements for Peace Corps service, such as the citizenship requirement (under the Peace Corps Act only citizens and nationals can be Volunteers), along with factors that are more relevant to whether an applicant is suitable for Volunteer service or has the requisite qualifications to serve as a Volunteer, which involve more judgmental and situational issues. As a result, the Peace Corps has found that many potential applicants, after reviewing the nine requirements, make self-judgments that they are not eligible to apply for Volunteer service. In addition, the application form that had been in use until June 30, 2014 was over 61 Web pages long and took approximately eight hours to complete. This was an added deterrence to many potential applicants. Approximately 75 percent of the annual 40,000 individuals who started the application never finished it due to its length and density. The Peace Corps has recently introduced a new application, which is 9 Web pages rather than the former 61 pages. It is estimated that each applicant will save approximately 7 hours with the shorter application form. The shorter application will clearly benefit applicants, because it will result in a reduced paperwork burden on applicants. The Peace Corps estimates that the shorter application form will result in a savings to the public of approximately $5,840,000. This is based on: (i) An assumed hourly wage equivalent of $37.94 derived from the median wage earnings, including overhead and benefits, for persons age 25 or over who have attained a bachelor's degree; (ii) the reduction of 7 hours spent on the application; and (iii) 22,000 applications in 2015.

The shorter application should also increase the pool of individuals who complete an application from the current 10,000 per year to over 20,000 per year. Although the Peace Corps is able to simplify the application form without regard to a regulatory change, the new regulation is needed to accurately reflect the current laws and policies that relate to the Volunteer selection process. The proposed regulatory action addresses deficiencies in the current regulation that have deterred potential applicants and reduced the applicant pool. The proposed regulation specifies only two baseline eligibility requirements for applying to the Peace Corps. An applicant must be a citizen or national of the United States and at least 18 years of age. The proposed regulation clearly

enumerates the suitability and qualification standards that are used by the Peace Corps in determining who should be invited to enroll as a Volunteer. It explains that an applicant must demonstrate suitability for Peace Corps service generally and for the particular assignment for which the applicant is being considered. It describes the medical qualifications that are applied, taking into account Section 504 of the Rehabilitation Act of 1973.

The proposed regulation gives the Peace Corps greater flexibility in accepting applicants with arrest or conviction records. It provides a more complete description of how the Peace Corps considers applicants who have worked for intelligence agencies or engaged in intelligence activities. The current regulation merely says that an applicant with an intelligence background may be disqualified, without an explanation of the criteria for disqualification in the regulation. As a result, applicants may initiate and complete the lengthy application process only to be informed that they are not eligible for Volunteer service because of having worked for intelligence agencies or having engaged in intelligence activities. Other applicants may be deterred from applying because they think that any connection to an intelligence background disqualifies an applicant. By explaining the intelligence background criteria front-end, applicants will be more informed about whether they meet Peace Corps selection standards and whether it is worth their time to initiate the application process.

The proposed regulation also reflects the new policy of the Peace Corps to accept same sex and opposite sex couple applicants on an equal basis whether married or unmarried in a committed relationship. It removes some of the restrictions on applicants who have dependent children under the age of 18. Finally, the proposed regulation incorporates appeal rights when an applicant has been rejected on grounds relating to medical status, an arrest or conviction record, or for having a background in intelligence activities. Any applicant in an expanded list of protected categories who thinks that he or she had been discriminated against is given the option for review and consideration by the Office of Civil Rights and Diversity at the Peace Corps. These proposed changes to the Volunteer application process will provide an easier, clearer, faster and more equitable and consistent process for potential applicants, and result in a greater number of well-qualified applicants available for Peace Corps Volunteer service.

Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

The Director of the Peace Corps certifies that this regulatory action will not have a significant adverse impact on a substantial number of small entities. The regulation only applies to individuals who are interested in service as a Volunteer and has no application to small entities.

Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104–4)

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of $100 or more in any one year.

Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This regulatory action does not contain any paperwork or recordkeeping requirements and does not require clearance under the Paperwork Reduction Act. The Peace Corps Volunteer application form for Volunteer service referenced in the regulation has been approved by the Office of Management and Budget (Control Number 0420–0005).

Federalism (Executive Order 13132)

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 12291

This document is not a major rule as described in Executive Order 12291.

List of Subjects in 22 CFR Part 305

Aged, Citizenship and naturalization, Civil rights, Discrimination, Equal employment opportunity, Foreign aid, Handicapped, Health, Intelligence, Nondiscrimination, Political affiliation, Volunteers.

For the reasons set out in the preamble, the Peace Corps proposes to revise 22 CFR part 305 as follows:

PART 305—ELIGIBILITY AND STANDARDS FOR PEACE CORPS VOLUNTEER SERVICE

Sec.

Authority: Sec. 4(b), 5(a) and 22 of the Peace Corps Act as amended, 22 U.S.C. 2503(b), 2504(a) and 2521; E.O. 12137, May 16, 1979; Section 504 of the Rehabilitation Act of 1973; E.O. 13160.

§ 305.1 Purpose and general guidelines.

This part states the requirements for eligibility for Peace Corps Volunteer service and the factors considered in the assessment and selection of eligible applicants for Peace Corps Volunteer service.

(a) *Definitions.* For purposes of this part:

(1) *Applicant* means an applicant for enrollment as a Volunteer, who has completed and submitted the Peace Corps Volunteer application form.

(2) *Trainee* means an applicant for enrollment as a Volunteer during any period of training occurring prior to such enrollment.

(3) *Volunteer* means an individual who has taken the prescribed oath and enrolled for service in the Peace Corps.

(4) *Enrollment* means the act by which an individual becomes a Volunteer upon successful completion of training and taking the prescribed oath of office pursuant to Section 5 of the Peace Corps Act, 22 U.S.C. 2504.

(5) *Dependent* means an individual for whom an applicant or Volunteer has a legal or familial obligation to provide financial support.

(6) *Family member* means any individual related by blood or affinity whose close association with the applicant or Volunteer is the equivalent of a family relationship.

(b) *Selection.* Invitations to serve in the Peace Corps are the result of a highly competitive application process. Many more individuals apply for Peace Corps Volunteer service than can be accepted. Because the Peace Corps cannot accept all eligible and qualified Applicants who wish to serve, it evaluates Applicants to select the best qualified among eligible Applicants. The Peace Corps determines Applicants' eligibility, and assesses their relative skills, qualifications, and personal attributes, such as motivation, aptitude, fitness for service, emotional maturity, adaptability, productive competence, and ability to serve effectively as a Volunteer in a foreign country and culture.

(c) *Authority.* Under Section 5(a) of the Peace Corps Act, 22 U.S.C. 2504(a), the President may enroll in the Peace Corps for service abroad qualified

citizens and nationals of the United States. The terms and conditions of the enrollment of Volunteers are exclusively those set forth in the Peace Corps Act and those consistent therewith which the President may prescribe. The President has delegated his authority under Section 5(a) of the Peace Corps Act to the Director of the Peace Corps pursuant to Executive Order 12137 (May 16, 1979), as amended.

(d) *Non-discrimination.* The Peace Corps does not discriminate against any person on account of race, color, religion, sex, national origin, age (40 and over), disability, sexual orientation, gender identity, gender expression, pregnancy, marital status, parental status, political affiliation, union membership, genetic information, or history of participation in the EEO process, any grievance procedure or any authorized complaint procedure. Anyone who feels he or she has been discriminated against should contact the Office of Civil Rights and Diversity, 202.692.2139, *ocrd@peacecorps.gov,* Peace Corps, 1111 20th Street NW., Washington, DC 20526.

(e) *Failure to disclose requested information.* In order for the Peace Corps to be able to make appropriate selection and placement decisions, it is critical that Applicants provide complete and accurate information throughout the application process, including information provided for a mandatory background investigation. The Peace Corps may disqualify an Applicant or separate a Volunteer or Trainee from Peace Corps service at any time if the Peace Corps determines that the Applicant, Volunteer or Trainee provided materially false, misleading, inaccurate or incomplete information during the Peace Corps application process.

§ 305.2 Eligibility.

In order to be eligible for enrollment as a Volunteer, Applicants must meet mandatory citizenship and age requirements.

(a) *Citizenship.* The Applicant must be a citizen or national of the United States or have made arrangements to be naturalized prior to taking the oath prescribed for enrollment as a Volunteer. Such arrangements must be satisfactory to:

(1) The General Counsel; and

(2) The Office of Volunteer Recruitment and Selection (VRS) in the case of the standard Volunteer program, or Peace Corps Response (PCR) in case of programs managed by PCR.

(b) *Age.* The Applicant must be at least 18 years old at the time of enrollment as a Volunteer.

§ 305.3 Selection standards.

(a) *General.* To qualify for selection for overseas service as a Volunteer, an Applicant must demonstrate that he or she is suitable, possessing the requisite personal and professional attributes required for Peace Corps service generally, and for the particular Volunteer assignment for which he or she is considered. The Peace Corps assesses each Applicant's personal, professional, educational, and legal qualifications in order to select those Applicants most likely to be successful in a Peace Corps assignment, serving under conditions of hardship if necessary to achieve the goals of the Peace Corps. Meeting these qualifications does not in and of itself entitle any individual to serve in the Peace Corps. The Peace Corps endeavors to select the best qualified individuals from among all eligible Applicants.

(b) *Personal attributes.* Applicants must adequately demonstrate the following personal attributes to Peace Corps:

(1) *Motivation.* A sincere desire to carry out the goals of Peace Corps service, and a commitment to serve a full term as a Volunteer.

(2) *Productive competence.* The intelligence and professional experience or educational background to meet the needs of the individual's assignment.

(3) *Emotional maturity and adaptability.* The maturity, flexibility, cultural sensitivity, and self-sufficiency to adapt successfully to life in another culture, and to interact and communicate with other people regardless of cultural, social, and economic differences.

(4) *Skills.* In addition to any educational, professional or other qualifications and prerequisites that an individual must possess in order to be selected for a given assignment, a Trainee must demonstrate competence in the following areas by the end of pre-service training:

(i) *Language.* The ability to communicate effectively in the appropriate language or languages of the country of service with the fluency required to meet the needs of the overseas assignment.

(ii) *Technical competence.* Proficiency in the technical skills needed to carry out the Trainee's assignment as a Volunteer.

(iii) *Knowledge.* Adequate knowledge of the culture and history of the country of assignment to ensure a successful adjustment to, and acceptance by, the host country society, as well as an appropriate understanding of the history and government of the United States which qualifies the individual to represent the United States abroad.

(c) *Failure to meet standards.* Failure to meet initial selection standards, failure to attain any of the selection standards by the completion of training, or failure to maintain these standards during service, may be grounds for de-selection and disqualification from Peace Corps service.

§ 305.4 Medical status eligibility standard.

(a) *Requirements.* Under the Peace Corps Act (22 U.S.C. 2504(e)), the Peace Corps is responsible for ensuring that Peace Corps Volunteers receive all necessary or appropriate health care during their service. To ensure that the Peace Corps will be capable of doing so, Applicants must be medically qualified for Peace Corps Volunteer service. An Applicant who is otherwise qualified must meet the following requirements:

(1) The Applicant, with or without reasonable accommodation, removal of architectural, communication or transportation barriers, or the provision of auxiliary aids or services, must have the physical and mental capacity required to meet the essential eligibility requirements for a Volunteer. In this context, the essential eligibility requirements for a Volunteer include, without limitation, the capability to:

(i) Live and work independently in an isolated location overseas at the same socio-economic level and in similar conditions as members of the community to which the Applicant is assigned;

(ii) Perform the job to which the Applicant is assigned; and

(iii) Complete a specified tour of service without undue disruption due to health problems.

(2) The Peace Corps must be capable of providing the Applicant with such health care as the Peace Corps deems to be necessary or appropriate.

(3) The Applicant must not pose a direct threat (as defined in paragraph (c) of this section).

(b) *Individualized assessment.* In determining whether an Applicant is medically qualified, an individualized assessment is required regarding each of the requirements set forth in paragraph (a) of this section.

(c) *Direct threat.*

(1) A *direct threat* is a significant risk to the health or safety of others that cannot be eliminated by a reasonable accommodation, removal of architectural, communication or transportation barriers, or the provision of auxiliary aids or services.

(2) In determining whether an Applicant poses a direct threat, the Peace Corps will make an

individualized assessment based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:

(i) The nature, duration and severity of the risk;

(ii) The probability that the potential injury will actually occur; and

(iii) Whether reasonable accommodations, removal of architectural, communication or transportation barriers, or the provision of auxiliary aids or services will mitigate the risk.

(d) *Reasonable accommodation.*

(1) The term *accommodation* means modifications to the Peace Corps' rules, policies or practices.

(2) An accommodation is not reasonable if:

(i) It would modify the essential eligibility requirements for a Volunteer;

(ii) It would modify, among other things, the Applicant's Volunteer assignment or the Peace Corps' medical program in a way that would result in a fundamental alteration in the nature of the service, program, or activity; or

(iii) It would impose an undue financial and administrative burden on the operations of the Peace Corps, including its medical program.

(3) In determining whether an accommodation would impose an undue financial and administrative burden on the operations of the Peace Corps, the Peace Corps may take into account, among other things:

(i) The size and composition of the Peace Corps staff at the post of assignment;

(ii) The adequacy of local medical facilities and the availability of other medical facilities;

(iii) The nature and cost of the accommodation compared to the overall number of Volunteers and the overall size of the Peace Corps budget; and

(iv) The capacities of the host country agency and of the host community to which the Applicant would be assigned.

(e) *Medical status eligibility review.*

(1) An Applicant who is determined by medical screening staff not to be medically qualified for Peace Corps Volunteer service may request review of that decision by submitting any relevant information to the Office of Medical Services (OMS). The information submitted by the Applicant will be reviewed by a physician, and, unless the physician determines that the Applicant is medically qualified, by a Pre-Service Review Board (PSRB) composed of medical personnel in OMS and advised by the General Counsel. Procedures for such review are subject to approval by the General Counsel.

(2) The PSRB will include as voting members at least one physician and four other medical professionals in OMS. In any case involving review of issues involving mental health, at least one mental health professional from the Counseling and Outreach Unit will also participate as a voting member.

(3) The decision of the PSRB will be reviewed by the General Counsel for legal sufficiency. Subject to that review, it will constitute the final agency action.

§ 305.5 Legal status eligibility standards.

(a) *General Requirements.* The existence of an arrest or conviction record may, but will not automatically, exclude an Applicant from consideration for Peace Corps service. The Peace Corps will consider the nature of the offense, how long ago the offense occurred, whether the Applicant was acquitted of the offense, the terms of any applicable parole or probation, and other relevant facts or indications of rehabilitation.

(b) *Drug and alcohol related offenses.*

(1) An Applicant with any drug-related conviction, with a conviction for public intoxication, driving under the influence (DUI), or driving while intoxicated (DWI), with a conviction for reckless driving after having been initially charged with DUI or DWI, or with a similar alcohol-related conviction, is not eligible to have his or her application for Peace Corps service considered until 12 months has passed from the date of the incident.

(2) An Applicant who, at any time on or prior to the day of departure for Peace Corps service, is arrested for any drug offense or for public intoxication, DUI, DWI or any similar alcohol-related offense will have any pending application or invitation for Peace Corps service withdrawn. If the charges are dismissed, an Applicant whose application or invitation for Peace Corps service was terminated may immediately reapply. If the applicant is convicted of the offense, he or she may reapply after 12 months from the date of the incident.

(c) *Review process.* An Applicant who is rejected for a Volunteer position because of an arrest or conviction may request a review of that decision by submitting any relevant information to the Associate Director of VRS. The Associate Director will review the information submitted and consult with the General Counsel. The decision of the Associate Director will be the final agency decision. The Associate Director may delegate authority to conduct such a review to another senior member of VRS, but not to the supervisor of the office making the original eligibility determination.

(d) *Subsequent application.* An Applicant rejected for service due to failure to meet the legal status eligibility standard may reapply at a later date, but not sooner than 12 months after the final agency decision.

§ 305.6 Applicants with an intelligence background.

(a) *General.* It has been the longstanding policy of the Peace Corps to exclude from Volunteer service any individuals who have engaged in intelligence activity or related work or who have been employed by or connected with an intelligence agency, either for a specific period of time or permanently (depending on the agency). This policy is founded on the premise that it is crucial to the Peace Corps in carrying out its mission that there be a complete and total separation of Peace Corps from the intelligence activities of the United States Government or any foreign government, both in reality and appearance. Any semblance of a connection between the Peace Corps and the intelligence community would seriously compromise the ability of the Peace Corps to develop and maintain the trust and confidence of the people of the host countries. To ensure that there is not the slightest basis for the appearance of any connection between the Peace Corps and the intelligence community, this policy contains certain temporary and permanent bars to Peace Corps service. Serious doubts about an Applicant's connection with intelligence activities are to be resolved in favor of exclusion.

(b) *Definitions.* For purposes of this section:

(1) *Intelligence activity* includes any activities or specialized training involving or related to the clandestine collection of information, or the analysis or dissemination of such information, intended for use by the United States Government or any foreign government in formulating or implementing political or military policy in regard to other countries. The term *intelligence activity* includes any involvement in covert actions designed to influence events in foreign countries. The fact that the name of an employer or the description of a person's work uses or does not use the term ''intelligence'' does not, in and of itself, mean that the person has or has not engaged in intelligence activity or related work.

(2) *Intelligence agency* includes:

(i) Any agency, division of an agency, or instrumentality of the United States Government that is a member of the

United States Intelligence Community; and

(ii) Any other agency, division of an agency, or instrumentality of the United States Government or any foreign government, a substantial part of whose mission has been determined by the General Counsel to include intelligence activities.

(3) *Employment, employee,* or *employed* refer to the existence of a relationship of employer and employee, whether full-time or part-time, permanent or temporary, whether or not the individual is engaged in intelligence activity for an employer, without regard to the length of time the relationship existed or is proposed to exist, and includes individuals performing duties as volunteers, fellows, interns, consultants, personal services contractors, contractors (non-personal services contractors), and employees of contractors who were assigned to work for an intelligence agency or to engage in intelligence activities. Employees of contractors who were or are not themselves assigned to work for an Intelligence Agency or to engage in intelligence activities are not considered to have been or to be employed by an intelligence agency.

(c) *Employment by an intelligence agency or engagement in intelligence activities.*

(1) An Applicant currently or formerly employed by the Central Intelligence Agency (CIA) is permanently ineligible for Peace Corps Volunteer service.

(2) An Applicant who has been employed by an intelligence agency other than the CIA is ineligible for a minimum of 10 years from the last day of employment by such intelligence agency. This bar on an Applicant who is or was employed by an intelligence agency applies whether or not the Applicant was engaged in intelligence activity for the intelligence agency.

(3) An Applicant who has been engaged in intelligence activities is ineligible for service as a Volunteer for a period of 10 years from the last date on which the Applicant engaged in intelligence activities.

(4) An Applicant may be ineligible for service for a period in excess of 10 years if the General Counsel determines that the Applicant's background or work history with regard to intelligence activities warrants such action.

(d) *Relationship to intelligence agency or activity.*

(1) An Applicant whose background discloses a relationship to an intelligence agency or intelligence activity may be ineligible to serve as a Peace Corps Volunteer. The term *relationship* means any association with an intelligence agency or with an intelligence activity, if such association could be the basis for an inference or the appearance that an Applicant was engaged in an intelligence activity. The association could include, but not be limited to, one based upon a familial, personal or financial connection to an intelligence agency or with an intelligence activity.

(2) Determinations of the eligibility or periods of ineligibility of such Applicants will be made by the General Counsel on a case by case basis using the criteria set forth below. Examples of the type of relationships among others that could lead to ineligibility are Applicants whose spouses, domestic partners, or parents are or were involved in actual intelligence activities, or members of the immediate family of prominent highly placed officials in an intelligence agency who might be the target of harassment or violence overseas as the result of family connections. Employment by an organization that has been funded by an intelligence agency may also lead to ineligibility.

(3) In determining whether an Applicant's relationship to an intelligence agency or intelligence activity makes the Applicant ineligible for service, or in determining the duration of any ineligibility, the General Counsel will consider the following factors as appropriate:

(i) Nature of the relationship;

(ii) The intelligence agency with which the Applicant has the relationship;

(iii) Duration of the relationship;

(iv) Length of time that has elapsed since the last connection to the intelligence agency;

(v) Where the intelligence activity or work was performed;

(vi) Nature of the connection with intelligence activity or work;

(vii) Whether or not the intelligence activity or work involved contact with foreign nationals;

(viii) Whether the connection was known or unknown to the Applicant at the time it occurred;

(ix) Training received, if any;

(x) Regularity of the contact with foreign nationals, and nature of duties, if any;

(xi) Public knowledge of the activity or connection;

(xii) Any other information which bears on the relationship of the Applicant to an intelligence agency or intelligence activity.

(e) *Determination.* VRS is responsible for the initial screening of Peace Corps Volunteer applications for compliance with the provisions of this policy. In cases where that office is unable to make a decision regarding the eligibility of an Applicant under this policy, the individual's application will be referred to the General Counsel, who will make the determination on eligibility.

(f) *Appeal.* VRS will inform all Applicants promptly and in writing of any decision to disqualify them based on an intelligence background and the reasons for that decision. Applicants have 15 days from the date of receipt of the letter from VRS to appeal the decision to the Director of the Peace Corps. The decision of the Director of the Peace Corps will be the final agency decision.

(g) *Post Peace Corps employment by United States intelligence agencies.* Pursuant to agreements between the Peace Corps and certain intelligence agencies, those intelligence agencies will not employ former Volunteers for a specified period after the end of their Peace Corps service and will not use former Volunteers for certain purposes or in certain positions. Information regarding such agreements may be obtained from the Office of the General Counsel.

§ 305.7 Special circumstances.

(a) *Couples.* Two Applicants who are married to one another or two unmarried Applicants who are in a same-sex or opposite-sex domestic partnership or other committed relationship are eligible to apply for service as a couple. In the case of an unmarried couple, each member of the couple must provide a signed affidavit, in a form acceptable to the Peace Corps, attesting to their domestic partnership status or committed relationship (as the case may be) and their request to be considered for assignment as a couple. In all cases, both members of the couple must apply and qualify for assignment at the same location.

(b) *Serving with dependents and other family members.* In general, dependents and other family members may not accompany a Volunteer during service. However, the Peace Corps may from time to time make exceptions either on a case-by-case basis or for particular categories of Volunteers to the extent permitted by Federal law.

(c) *Military service.* The Peace Corps welcomes applications from veterans, reservists, and active duty military personnel who are interested in Peace Corps service after completion of their military service. After receiving an invitation for Peace Corps service, Applicants with reserve obligations are reminded to comply with all requirements to notify their reserve

component that they will be unavailable for drills and annual training because of their Peace Corps service. Such Applicants are urged to obtain written confirmation from their reserve component that they have complied with these requirements.

§ 305.8 Background investigation.

Section 22 of the Peace Corps Act requires that each Applicant be investigated to ensure that enrollment of the Applicant as a Volunteer is consistent with the national interest. The Peace Corps therefore obtains an appropriate background investigation for all Applicants who are invited to serve in the Peace Corps. Information revealed by the background investigation may be grounds for disqualification from Peace Corps service. Under the Peace Corps Act, if a background investigation regarding an Applicant develops any data reflecting that the Applicant is of questionable loyalty or is a questionable security risk, the Peace Corps must refer the matter to the Federal Bureau of Investigation for a full field investigation. The results of that full field investigation will be furnished to the Peace Corps for information and appropriate action.

Dated: July 24, 2015.

Alan C. Price,

Associate Director, Management.

[FR Doc. 2015–18789 Filed 7–30–15; 8:45 am]

BILLING CODE 6051–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0604]

RIN 1625–AA00

Safety Zone; Intermedix IRONMAN 70.3 Event, Savannah River; Augusta, GA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone on the waters of the Savannah River during the Intermedix IRONMAN 70.3 event on September 27, 2015. This regulation is necessary to protect the lives of the participants on the navigable waters of the Savannah River due to hazards associated with 3,600 IRONMAN athletes swimming in the Savannah River. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Savannah or a designated representative.

DATES: Comments and related material must be received by August 15, 2015. Requests for public meetings must be received by the Coast Guard by August 7, 2015.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Christopher McElvaine, Marine Safety Unit Savannah Prevention Department, Coast Guard; telephone (912) 652–4353 ext.221, email *Christopher.D.McElvaine@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2015–0604 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2015–0604 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request

for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Basis and Purpose

The legal basis for this rulemaking is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, and 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of the rule is to ensure the safety of life and vessels on a navigable waterway of the United States during the Intermedix IRONMAN 70.3 event.

C. Discussion of Proposed Rule

The Coast Guard proposes to establish this safety zone to protect the lives of those near the Savannah River during the Intermedix Ironman 70.3 event. Approximately 3,600 participants will be swimming one mile on the Savannah River from the 5th Street Marina, river mile 197, to the Boathouse at river mile 198.

The safety zone will cover all waters from river mile 197 to river mile 198. During the swim portion of the event, no vessel may enter, transit through, anchor in, or remain within the safety zone unless authorized by the COTP Savannah or a designated representative. This proposed rule would be effective on September 27, 2015 from 7:30 a.m. until 11 a.m., or until all swimmers are out of the water.

Persons or vessels desiring to enter, transit through, anchor in, or remain within the safety zone may contact the Captain of the Port Savannah by telephone at (912) 652–4353, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Savannah or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Savannah or a designated representative. The Coast Guard will provide notice of the safety zones by Broadcast Notice to Mariners, and on-scene designated representatives.

The COTP Savannah or a designated representative will inform the public through broadcast notice to mariners of the enforcement periods for this safety zone.

D. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this rule is not significant for the following reasons: (1) The safety zone will only be effective for three and one-half hours and it will only be enforced during the Intermedix IRONMAN 70.3 event; (2) although non-participant persons and vessels will not be able to enter, transit through, anchor in, or remain within the event area without authorization from the Captain of the Port Savannah or a designated representative, they may operate in the surrounding area during the enforcement period; (3) non-participant persons and vessels may still enter, transit through, anchor in, or remain within the event area during the enforcement period if authorized by the Captain of the Port Savannah or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

Notifications of the enforcement periods of this safety zone will be made to the marine community through broadcast notice to mariners. Representatives of the COTP will be on-scene to coordinate the movements of vessels seeking to enter the safety zone. These representatives will authorize vessel transits into the zone to the maximum safely allowable during the Intermedix IRONMAN 70.3.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (1) The COTP Savannah may consider granting vessels permission to enter into the safety zone if conditions allow for such transit to be conducted safely, and (2) the safety zone will only be enforced during the event.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This proposed rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This proposed rule is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the creation of a temporary safety zone. This rule is categorically excluded, under figure 2–1, paragraph (34)(g) and paragraph (35)(a), of the Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0604 to read as follows:

§ 165.T07–0604 Safety Zone; Intermedix IRONMAN 70.3, Savannah River, Augusta, GA.

(a) *Regulated Area.* The following areas are safety zones:

(1) *Fixed Safety Zone.* All waters of the Savannah River from the 5th Street Marina, river mile 197, to the Boathouse at river mile 198 in Augusta, Georgia.

(2) Reserved.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Savannah in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the proposed safety zones unless authorized by the Captain of the Port Savannah or a designated representative.

(2) Persons or vessels desiring to enter, transit through, anchor in, or remain within the safety zones may contact the Captain of the Port Savannah by telephone at (912) 652–4353, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Savannah or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Savannah or a designated representatives.

(3) The Coast Guard will provide notice of the regulated areas by Broadcast Notice to Mariners and on-scene designated representatives.

(d) *Effective period.* This rule is effective September 27, 2015 from 7:30 a.m. until 11 p.m. or until all swimmers are out of the water.

Dated: July 17, 2015.

A.M. Beach,

Commander, U.S. Coast Guard, Captain of the Port Savannah.

[FR Doc. 2015–18844 Filed 7–30–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2015–0411; FRL–9931–55–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; 2011 Base Year Emissions Inventory for the Marshall, West Virginia Nonattainment Area for the 2010 1-Hour Sulfur Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the State Implementation Plan (SIP) revision submitted by the State of West Virginia for the 2011 base year emissions inventory for the 2010 1-hour sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS). In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of the state submittal and EPA's evaluation is included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document and is also available electronically within the Docket for this rulemaking action. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by August 31, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2015–0411 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: Fernandez.Cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2015–0411, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2015–0411. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 2530.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by email at *powers.marilyn@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: July 20, 2015.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2015–18759 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0187; FRL–9931–36–Region 8]

Approval and Promulgation of Implementation Plans; Wyoming; Revisions to SO_2 Ambient Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve changes to Wyoming's State Implementation Plan (SIP) that update its ambient air quality standards with regard to the 1-hour sulfur dioxide (SO_2) and the secondary SO_2 National Ambient Air Quality Standards (NAAQS). On February 7, 2014, the Wyoming Department of Environmental Quality (WDEQ) submitted to EPA revisions to the Wyoming SIP. Specifically, the State revised Wyoming Air Quality Standards and Regulations (WAQSR) Chapter 2, Section 4, ''Ambient standards for sulfur oxides.'' In this action, EPA is proposing to approve some of the revisions provided in the February 2014 SIP submission. This action is being taken in accordance with section 110 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before August 31, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket Identification Number EPA–R08–OAR–2014–0187. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in the hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at EPA Region 8, Office of Partnership and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that you

contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. The Regional Office's official hours of business are Monday through Friday, 8:00 a.m.–4:00 p.m., excluding federal holidays. An electronic copy of the State's SIP compilation is also available at *http://www.epa.gov/region8/air/sip.html.*

Please see the Direct Final Rule which is located in the Rules Section of this **Federal Register** for detailed instruction on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6227, *leone.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP revision as a Direct Final Rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the Direct Final Rule.

If EPA receives no adverse comments, EPA will take no further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the Direct Final Rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule.

EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the **ADDRESSES** section of this notice.

Please note that if EPA receives an adverse comment on a distinct provision of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: July 1, 2015.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2015–18513 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0365; FRL–9931–72–Region 7]

Approval and Promulgation of Air Quality Implementation Plans; Iowa; Regional Haze Five-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; supplemental.

SUMMARY: The Environmental Protection Agency (EPA) is issuing a supplement to its proposed approval of a State Implementation Plan (SIP) revision submitted by the State of Iowa (Iowa) through the Iowa Department of Natural Resources (IDNR). Iowa's SIP revision addresses requirements of the Clean Air Act (CAA) and EPA's rules that require states to submit periodic reports describing progress toward reasonable progress goals established for regional haze and a determination of the adequacy of the state's existing implementation plan addressing regional haze (region haze SIP). EPA's proposed approval of Iowa's periodic report on progress toward reasonable progress goals and determination of adequacy of the state's regional haze SIP published in the **Federal Register** on July 3, 2014. This supplemental proposal addresses the potential effects on our proposed approval from the April 29, 2014, decision of the United States Supreme Court (Supreme Court) remanding to the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) EPA's Cross-State Air Pollution Rule (CSAPR) for further proceedings and the D.C. Circuit's decision to lift the stay of CSAPR.

DATES: Comments must be received on or before August 31, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R07–OAR–2014–0365, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email: harper.jodi@epa.gov.*

3. Mail or Hand Delivery: Jodi Harper, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. Hand deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2015–0365. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket. All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Jodi Harper, (913) 551–7483, or by email at *harper.jodi@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' or ''our'' refer to EPA.

I. Background

EPA previously proposed to approve a SIP revision by Iowa reporting on progress made in the first implementation period toward meeting the reasonable progress goals for Class I areas outside Iowa that are affected by emissions from Iowa's sources.[1] 79 FR 37976 (July 3, 2014). In its submittal, Iowa determined its existing regional haze SIP requires no substantive revision to achieve the established regional haze visibility improvement and emissions reduction goals for 2018.

States are required to submit a progress report in the form of a SIP revision every five years that evaluates progress toward the reasonable progress goals for each mandatory Class I area within the state and in each mandatory Class I area outside the state which may be affected by emissions from within the state. *See* 40 CFR 51.308(g). In addition, the provisions under 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze SIP. The first progress report SIP revision is due five years after submittal of the initial regional haze SIP. IDNR submitted its regional haze SIP on March 25, 2008, and submitted its progress report SIP revision on July 16, 2013. EPA proposed to find that the progress report SIP revision satisfied the requirements of 40 CFR 51.308(g) and (h) in a notice of proposed rulemaking (NPR) published in 2014. 79 FR 37976. This action supplements EPA's prior NPR by more fully explaining and soliciting comment on the basis for our proposed approval.

II. Summary of Iowa's Progress Report SIP Revision and the NPR

On July 16, 2013, Iowa submitted a SIP revision describing the progress made toward the RPGs of Class I areas outside Iowa that are affected by emissions from Iowa's sources in accordance with requirements in the Regional Haze Rule.[2] This progress report SIP also included an assessment of whether Iowa's existing regional haze SIP is sufficient to allow nearby states with Class I areas to achieve the reasonable progress goals by the end of the first planning period.

The provisions in 40 CFR 51.308(g) require a progress report SIP to address seven elements. In the NPR, EPA proposed to approve the SIP as adequately addressing each element under 40 CFR 51.308(g). The seven elements and EPA's proposed conclusions in the NPR are briefly summarized below.

The provisions in 40 CFR 51.308(g) require progress report SIPs to include a description of the status of measures in the regional haze implementation plan; a summary of the emissions reductions achieved; an assessment of the visibility conditions for each Class I area in the state; an analysis of the changes in emissions from sources and activities within the state; an assessment of any significant changes in anthropogenic emissions within or outside the state that have limited or impeded visibility improvement progress in Class I areas impacted by the state's sources; an assessment of the sufficiency of the regional haze implementation plan to enable States to meet reasonable progress goals; and a review of the state's visibility monitoring strategy. As explained in detail in the NPR, EPA proposed the Iowa's progress report SIP addressed each element and therefore satisfied the requirements under 40 CFR 51.308(g).

In addition, pursuant to 40 CFR 51.308(h), states are required to submit, at the same time as the progress report SIP revision, a determination of the adequacy of their existing regional haze SIP and to take one of four possible actions based on information in the progress report. In its progress report SIP, Iowa determined that its regional haze SIP is sufficient to meet its obligations related to the reasonable progress goals for Class I areas affected by Iowa's sources. The State accordingly provided EPA with a negative declaration that further revision of the existing regional haze implementation plan was not needed at this time. *See* 40 CFR 51.308(h)(1). As explained in detail in the NPR, EPA proposed to determine that Iowa had adequately addressed 40 CFR 51.308(h) because the visibility data trends at the Class I areas impacted by Iowa's sources and the emissions trends of the largest emitters in Iowa of visibility-impairing pollutants both indicate that the reasonable progress goals for 2018 for these areas will be met or exceeded. Therefore, in our NPR, EPA proposed to approve Iowa's progress report SIP as meeting the requirements of 40 CFR 51.308(g) and (h).

III. Impact of CAIR and CSAPR on Iowa's Progress Report

Decisions by the Courts regarding EPA rules addressing the interstate transport of pollutants have had a substantial impact on EPA's review of the regional haze SIPs of many states. In 2005, EPA issued regulations allowing states to rely on the Clean Air Interstate Rule (CAIR) to meet certain requirements of the Regional Haze Rule. *See* 70 FR 39104 (July 6, 2005).[3] A number of states, including Iowa, submitted regional haze SIPs consistent with these regulatory provisions. CAIR, however, was remanded to EPA in 2008, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008), and replaced by CSAPR.[4] 76 FR 48208 (August 8, 2011). Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR would have superseded the CAIR program. However, numerous parties filed petitions for review of CSAPR, and at the end of 2011, the DC Circuit issued an order staying CSAPR pending resolution of the petitions and directing EPA to continue to administer CAIR. Order of December 30, 2011, in *EME Homer City Generation, L.P.* v. *EPA,* D.C. Cir. No. 11–1302.

EPA finalized a limited approval of Iowa's regional haze SIP on June 26, 2012. 77 FR 38006. In a separate action, published on June 7, 2012, EPA finalized a limited disapproval of the Iowa regional haze SIP because of the state's reliance on CAIR to meet certain regional haze requirements, and issued a Federal Implementation Plan (FIP) to address the deficiencies identified in the limited disapproval of Iowa and other states' regional haze plans. 77 FR 33642 (June 7, 2012). In our FIP, we relied on CSAPR to meet certain regional haze requirements notwithstanding that it was stayed at the time. As we explained, the determination that CSAPR will provide for greater reasonable progress than BART is based on a forward-looking projection of emissions and any year up until 2018 would have been an

[1] Iowa does not have any Class I areas within its borders. Iowa states in the progress report SIP that Iowa sources were identified, through an area of influence modeling analysis based on back trajectories, as potentially impacting four Class I areas in two nearby states: Boundary Waters Canoe Area Wilderness and Voyagers National Park in Minnesota, and Isle Royale National Park and Seney Wilderness Area in Michigan.

[2] EPA promulgated a rule to address regional haze on July 1, 1999 (64 FR 35713) known as the Regional Haze Rule. The Regional Haze Rule revised the existing visibility regulations to integrate into the regulation provisions addressing regional haze impairment and established a comprehensive visibility protection program for Class I areas. *See* 40 CFR 51.308 and 51.309.

[3] CAIR required certain states like Iowa to reduce emissions of sulfur dioxide (SO_2) and nitrogen oxides (NO_X) that significantly contribute to downwind nonattainment of the 1997 National Ambient Air Quality Standard (NAAQS) for fine particulate matter ($PM_{2.5}$) and ozone. *See* 70 FR 25162 (May 12, 2005).

[4] CSAPR was issued by EPA to replace CAIR and to help states reduce air pollution and attain CAA standards. *See* 76 FR 48208 (August 8, 2011) (final rule). CSAPR requires substantial reductions of SO_2 and NO_X emissions from EGUs in 28 states in the Eastern United States that significantly contribute to downwind nonattainment of the 1997 $PM_{2.5}$ and ozone NAAQS and 2006 $PM_{2.5}$ NAAQS.

acceptable point of comparison. *Id.* at 33647. When we issued this FIP, we anticipated that the requirements of CSAPR would be implemented prior to 2018. *Id.* Following these EPA actions, however, the DC Circuit issued a decision in *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), vacating CSAPR and ordering EPA to continue administering CAIR pending the promulgation of a valid replacement. On April 29, 2014, the Supreme Court reversed the DC Circuit's decision on CSAPR and remanded the case to the DC Circuit for further proceedings. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). After the Supreme Court decision, EPA filed a motion to lift the stay on CSAPR and asked the DC Circuit to toll CSAPR's compliance deadlines by three years, so that the Phase 1 emissions budgets apply in 2015 and 2016 (instead of 2012 and 2013), and the Phase 2 emissions budgets apply in 2017 and beyond (instead of 2014 and beyond). On October 23, 2014, the DC Circuit granted EPA's motion. Order of October 23, 2014, in *EME Homer City Generation, L.P.* v. *EPA,* D.C. Cir. No. 11–1302. EPA issued an interim final rule to clarify how EPA will implement CSAPR consistent with the DC Circuit's order granting EPA's motion requesting lifting the stay and tolling the rule's deadlines. 79 FR 71663 (December 3, 2014) (interim final rulemaking).[5]

Throughout the litigation described above, EPA has continued to implement CAIR. Thus, at the time that Iowa submitted its progress report SIP revision, CAIR was in effect, and the State included an assessment of the emission reductions from the implementation of CAIR in its report. The progress report discussed the status of the litigation concerning CAIR and CSAPR, but because CSAPR was not at that time in effect, Iowa did not take emissions reductions from CSAPR into account in assessing its regional haze implementation plan. For the same reason, in our NPR, EPA did not assess at that time the impact of CSAPR or our FIP on the ability of Iowa and its neighbors to meet their reasonable progress goals.

The purpose of this supplemental proposal is to seek comment on the effect of the D.C. Circuit's October 23, 2014, order and the effect of the status of CAIR and CSAPR on our assessment of Iowa's progress report SIP and our determination that its existing implementation plan need not be revised at this time.

Iowa appropriately took CAIR into account in its progress report SIP in describing the status of the implementation of measures included in its regional haze SIP and in summarizing the emissions reductions achieved. CAIR was in effect during the 2008–2013 period addressed by Iowa's progress report. EPA approved Iowa's regulations implementing CAIR as part of the Iowa SIP in 2008, 73 FR 20177 (April 15, 2008), and neither Iowa nor EPA has taken any action to remove CAIR from the Iowa SIP. *See* 40 CFR 52.2520(c). Therefore, Iowa appropriately evaluated and relied on CAIR reductions to demonstrate the State's progress toward meeting its emission reductions.[6] The State's progress report also demonstrated Class I areas in other states impacted by Iowa sources were on track to meet their reasonable progress goals as discussed in the NPR. EPA's intention in requiring the progress reports pursuant to 40 CFR 51.308(g) was to ensure that emission management measures in the regional haze SIPs are being implemented on schedule and that visibility improvement appears to be consistent with the reasonable progress goals. (64 FR 35713, July 1, 1999). As the D.C. Circuit only recently lifted the stay on CSAPR, CAIR was in effect in Iowa through 2014, providing the emission reductions relied upon in Iowa's regional haze SIP. Thus, Iowa appropriately took into account CAIR reductions in assessing the implementation of measures in the regional haze SIP for the 2008–2013 timeframe, and EPA believes that it is appropriate to rely on CAIR emission reductions for purposes of assessing the adequacy of Iowa's progress report demonstrating progress up to the end of 2014 as CAIR remained effective until that date, pursuant to 40 CFR 51.308(g) and (h).

In addition, EPA believes reliance upon CAIR reductions to show Iowa's progress toward meeting emissions reductions from 2008–2013 is consistent with our prior actions. During the continued implementation of CAIR per the direction of the D.C. Circuit through October 2014, EPA has approved redesignations of areas to attainment of the 1997 $PM_{2.5}$ NAAQS in which states relied on CAIR as an ''enforceable measure.'' *See* 77 FR 76415 (December 28, 2012) (redesignation of Huntington-Ashland, West Virginia) and 80 FR 9207 (February 20, 2015) (redesignation of St. Louis, Missouri). While EPA did previously state in a rulemaking action on the Florida regional haze SIP that a five year progress report may be the appropriate time to address changes, if necessary, for reasonable progress goal demonstrations and long term strategies, EPA does not believe such changes were necessary for Iowa's progress report SIP. *See generally* 77 FR 73369, 77 FR 73371 (December 10, 2012) (proposed action on Florida haze SIP). In this action, EPA is proposing that the remanded status of CAIR and the implementation of its replacement CSAPR at this time do not impact the adequacy of the Iowa regional haze SIP to address reasonable progress from 2008 through 2013 or even through 2014 to meet requirements in 40 CFR 51.308(g) and (h) because CAIR was implemented during the time period evaluated by Iowa for its progress report.

EPA's December 3, 2014, interim final rule sunsets CAIR compliance requirements on a schedule coordinated with the implementation of CSAPR compliance requirements. 79 FR at 71655. As noted above, EPA's June 7, 2012, FIP replaced Iowa's reliance upon CAIR for regional haze requirements with reliance on CSAPR to meet those requirements for the long-term. Because CSAPR should result in greater emissions reductions of SO_2 and NO_X than CAIR regionally, EPA anticipates Iowa to maintain and continue its progress toward their projected emissions for 2018. *See generally* 76 FR 48208 (promulgating CSAPR). Although the implementation of CSAPR was tolled for three years, the rule is now being implemented, and CSAPR budgets of SO_2 and NO_X from EGUs in Iowa are the same as assumed by EPA when it issued the CSAPR FIP for Iowa in June 2012. *See* 76 FR 48208 (CSAPR promulgation) and 77 FR 33642 (limited disapproval of Iowa regional haze SIP and FIP for Iowa for certain regional haze requirements).

At the present time, the requirements of CSAPR apply to sources in Iowa under the terms of a FIP, because Iowa to date has not incorporated the CSAPR requirements into its SIP. The Regional Haze Rule requires an assessment of whether the current ''implementation plan'' is sufficient to enable the states to meet all established reasonable progress goals. 40 CFR 51.308(g)(6). The term ''implementation plan'' is defined for purposes of the Regional Haze Rule to mean ''any [SIP], [FIP], or Tribal Implementation Plan.'' 40 CFR 51.301.

[5] Subsequent to the interim final rulemaking, EPA began implementation of CSAPR on January 1, 2015.

[6] EPA discussed in the NPR the significance of reductions in SO_2 and NO_X as Iowa and the Central Regional Air Planning Association (CENRAP) identified SO_2 and NO_X as the largest contributor pollutants to visibility impairment at the Class I areas affected by Iowa's sources, specifically, and in the CENRAP region generally.

EPA is, therefore, proposing to determine that we may consider measures in any issued FIP as well as those in a state's regional haze SIP in assessing the adequacy of the ''existing implementation plan'' under 40 CFR 51.308(g)(6) and (h). Because CSAPR will ensure the control of SO_2 and NO_X emissions reductions relied upon by Iowa and other states in setting their reasonable progress goals beginning in January 2015 at least through the remainder of the first implementation period in 2018, EPA is proposing to approve Iowa's finding that there is no need for revision of the existing implementation plan for Iowa to achieve the reasonable progress goals for the Class I areas in nearby states impacted by Iowa sources.

We note that the Regional Haze Rule provides for periodic evaluation and assessment of a state's reasonable progress toward achieving the national goal of natural visibility conditions by 2064 for CAA section 169A(b). The regional haze regulations at 40 CFR 51.308 required states to submit initial SIPs in 2007 providing for reasonable progress toward the national goal for the first implementation period from 2008 through 2018. 40 CFR 51.308(b). Pursuant to 40 CFR 51.308(f), SIP revisions reassessing each state's reasonable progress toward the national goal are due every the years after that time. For such subsequent regional haze SIPs, 40 CFR 51.308(f) requires each state to reassess its reasonable progress and all the elements of its regional haze SIP required by 40 CFR 51.308(d), taking into account improvements in monitors and control technology, assessing the state's actual progress and effectiveness of its long term strategy, and revising reasonable progress goals as necessary. 40 CFR 51.308(f)(1)–(3). Therefore, Iowa has the opportunity to reassess its emissions trends and the adequacy of its regional haze SIP, including its reliance upon CSAPR for emission reductions from EGUs, when it prepares and submits its second regional haze SIP to cover the implementation period from 2018 through 2028. As discussed in the NPR and in Iowa's progress report, emissions of SO_2 and NO_X from EGUs are far below original projections for 2018. In addition, the visibility data provided by Iowa show the Class I areas impacted by Iowa sources are all currently on track to achieve their projected emissions reductions. EPA is seeking comment only on the issues raised in this supplemental proposal and is not reopening for comment other issues addressed in its prior proposal.

IV. Summary of Reproposal

In summary, EPA is proposing to approve Iowa's progress report SIP revision. EPA solicits comments on this supplemental proposal, with respect to only the specific issues raised in this action. EPA is not reopening the comment period on any other aspect of the July 3, 2014, NPR, as an adequate opportunity to comment on those issues has already been provided. The purpose of this supplemental proposal is limited to review of the Iowa progress report in light of the Supreme Court's decision in *EME Homer City* and the D.C. Circuit's recent Order lifting the stay on CSAPR. This supplemental proposal reflects EPA's desire for public input into how it should proceed in light of those decisions when acting on the pending progress report, in particular the requirements that the State assess whether the current implementation plan is sufficient to ensure that reasonable progress goals are met. 40 CFR 51.308(g)(6) and (h).[7]

V. Statutory and Executive Order Reviews

In this action, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Iowa Nonregulatory Provisions described in the proposed amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

Under the Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this proposed action and other required information to the U.S. Senate, the U.S. House of

[7] EPA previously determined that CSAPR (like CAIR before it) was ''better than BART'' because it would achieve greater reasonable progress toward the national goal than would source-specific BART. 77 FR 33642 (June 7, 2012). EPA is not taking comment in this supplemental proposal on whether the Iowa implementation plan meets the BART requirements or whether CSAPR is an alternative measure to source-specific BART in accordance with 40 CFR 52.301(e)(2).

Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This proposed action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 29, 2015. Filing a petition for reconsideration by the Administrator of this proposed rule does not affect the finality of this rulemaking for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such future rule or action. This proposed action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: July 21, 2015.

Mark Hague,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et. seq.*

Subpart Q—Iowa

■ 2. In § 52.820(e) the table is amended by adding entry (42) at the end of the table in numerical order to read as follows:

§ 52.820 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED IOWA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* *	* *	*	*	*
(42) State Implementation Plan (SIP) Revision for the Attainment and Maintenance of National Ambient Air Quality Standards for Regional Haze (2013 Five-Year Progress Report).	Statewide	7/19/13	7/3/2014, 79 FR 37976.	

[FR Doc. 2015–18826 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2015–0413; FRL–9931–64–Region 4]

Approval and Promulgation of Implementation Plans; Georgia: Revisions to Definitions and Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve portions of the State Implementation Plan (SIP) revisions submitted by the State of Georgia, through the Georgia Department of Natural Resources' Environmental Protection Division (GA EPD) on August 30, 2010, December 15, 2011, and November 12, 2014. The SIP submittals include changes to GA EPD's air quality rules that, among other things, modify definitions and modify the ambient air standards for fine particulate matter. The portions of the SIP revisions that EPA is approving are consistent with the requirements of the Clean Air Act (CAA). In the Final Rules Section of this **Federal Register**, EPA is approving these portions of the SIP revisions as a direct final rule without prior proposal because the Agency views these as a noncontroversial submittals and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule.

DATES: Written comments must be received on or before August 31, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0413, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email: R4-ARMS@epa.gov.*

3. *Fax:* (404) 562–9019.

4. *Mail:* ''EPA–R04–OAR–2015–0413,'' Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch (formerly Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Akers can be reached by phone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**. A detailed rationale for the approval is set forth in the direct final rule. If no

adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

Dated: July 22, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–18757 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2010–0816; FRL–9931–63–Region 4]

Air Plan Disapproval; Georgia: Disapproval of Automatic Rescission Clause

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to disapprove a portion of a revision to the Georgia State Implementation Plan (SIP), submitted through the Georgia's Department of Natural Resources Environmental Protection Division (EPD), on January 13, 2011, that would allow for the automatic rescission of federal permitting-related requirements in certain circumstances. EPA is proposing to disapprove Georgia's automatic rescission provision because the Agency has preliminarily determined that this provision is not consistent with the Clean Air Act (CAA or Act) or federal regulations related to SIPs.

DATES: Written comments must be received on or before August 31, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2010–0816, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email: R4–ARMS@epa.gov.*

3. *Fax:* (404) 562–9019.

4. *Mail:* ''EPA–R04–OAR–2010–0816,'' Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2010–0816. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information may not be publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9043. Mr. Lakeman can be reached via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background for EPA's Proposed Action

On September 8, 2011, EPA took final action to approve portions of a requested revision to the Georgia SIP, submitted by EPD on January 13, 2011. *See* 76 FR 55572. Specifically, the portions of Georgia's January 13, 2011, SIP submittal that EPA approved incorporated two updates to the State's air quality regulations under Georgia's New Source Review (NSR) Prevention of Significant Deterioration (PSD) program. First, the SIP revision established appropriate emission thresholds for determining which new stationary sources and modification projects become subject to Georgia's PSD permitting requirements for their greenhouse gas (GHG) emissions. Second, the SIP revision incorporated provisions for implementing the PSD program for the fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS). EPA noted in its September 8, 2011, final rule approving portions of Georgia's January 13, 2011, SIP submittal that the Agency was still evaluating the portion of the SIP submittal related to a provision (at 391–3–1–.02(7)(a)(2)(iv)) that would automatically rescind portions of Georgia's SIP in the wake of certain court decisions or other triggering

events (the automatic rescission clause), and consequently was not taking action on that provision in that final action. *See* 76 FR at 55573. Today, EPA is proposing to disapprove the automatic rescission clause at 391–3–1–.02(7)(a)(2)(iv) in Georgia's January 13, 2011, SIP submittal.[1] More detail on EPA's analysis of Georgia's automatic rescission clause is provided below.

II. EPA's Analysis of Georgia's Submission Related to the Automatic Rescission Clause

As mentioned above, Georgia's January 13, 2011, SIP revision included a provision that allowed for the automatic rescission of federal permitting-related requirements under certain circumstances. Specifically, at 391–3–1–.02(7)(a)(2)(iv), Georgia's rules read as follows: ''The definition and use of the term 'subject to regulation' in 40 CFR, Part 52.21, as amended June 3, 2010, is hereby incorporated by reference; provided, however, that in the event all or any portion of 40 CFR, Part 52.21 containing that term is: (I) Declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit or for the District of Columbia Circuit; or (II) withdrawn, repealed, revoked or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order. Such action shall render the regulation as incorporated herein, or that portion thereof that may be affected by such action, as invalid, void, stayed, or otherwise without force and effect for purposes of this rule upon the date such action becomes final and effective; provided, further, that such declaration, adjudication, stay, or other action described herein shall not affect the remaining portions, if any, of the regulation as incorporated herein, which shall remain of full force and effect as if such portion so declared or adjudged invalid or unconstitutional or stayed or otherwise invalidated or effected were not originally a part of this rule. The Board declares that it would [not] have incorporated the remaining parts of the federal regulation if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional or stayed or otherwise rendered of no force and effect.''

EPA is proposing to disapprove the portion of Georgia's January 13, 2011, SIP submittal that would add the automatic rescission clause at Georgia Rule 391–3–1–.02(7)(a)(2)(iv) to the SIP. In assessing the approvability of this clause, EPA considered two key factors: (1) Whether the public will be given reasonable notice of any change to the SIP that occurs as a result of the automatic rescission clause; and (2) whether any future change to the SIP that occurs as a result of the automatic rescission clause would be consistent with EPA's interpretation of the effect of the triggering action (*e.g.*, the extent of an administrative or judicial stay) on federal permitting requirements at 40 CFR 52.21. These criteria are derived from the SIP revision procedures set forth in the CAA and federal regulations.

Regarding public notice, CAA section 110(l) provides that any revision to a SIP submitted by a State to EPA for approval ''shall be adopted by such State after reasonable notice and public hearing.'' *See* 42 U.S.C. 7410(l). Under Georgia's proposed automatic rescission clause, the SIP would automatically be revised as a result of a triggering action without public notice. To the extent that there is any ambiguity regarding how a court order or other triggering action impacts the federal permitting requirements at 40 CFR 52.21, that ambiguity will lead to ambiguity regarding the extent to which the triggering action results in a SIP revision (and indeed, whether a particular court ruling or other action in fact triggers an automatic SIP revision under Georgia's automatic rescission clause). EPA preliminarily concludes that Georgia's proposed automatic rescission clause would not provide reasonable public notice of a SIP revision as required by CAA 110(l), 42 U.S.C. 7410(l).

EPA's consideration of whether any SIP change resulting from the proposed automatic rescission clause would be consistent with EPA's interpretation of the effect of the triggering action on federal permitting requirements at 40 CFR 52.21 is based on 40 CFR 51.105. Under 40 CFR 51.105, ''[r]evisions of a plan, or any portion thereof, will not be considered part of an applicable plan until such revisions have been approved by the Administrator in accordance with this part.'' However, the Georgia rescission clause takes effect immediately upon certain triggering actions without any EPA intervention. The effect of this is that EPA is not given the opportunity to determine the effect and extent of the triggering court order or federal law change on the federal permitting requirements at 40 CFR 52.21; instead, the SIP is modified without EPA's approval. EPA preliminarily concludes that Georgia's proposed automatic rescission clause is inconsistent with 40 CFR 51.105.

III. Proposed Action

EPA is proposing to disapprove the provision in Georgia's January 13, 2011, SIP submittal (at Georgia Rule 391–3–1–.02(7)(a)(2)(iv)) that would automatically rescind permitting-related federal requirements in certain circumstances. Previously, EPA approved the remainder of Georgia's January 13, 2011, SIP revision, which related to PSD requirements for GHG-emitting sources and for the $PM_{2.5}$ NAAQS. *See* 76 FR 55572 (September, 8, 2011). Today's action does not change what EPA previously approved. EPA notes that the State has the option to withdraw the portion of the January 13, 2011, SIP submittal that is the subject of this disapproval action prior to EPA taking final action. Also, EPA notes that this disapproval action does not trigger a requirement for a Federal Implementation Plan because this provision is not a necessary or required element for the SIP.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely disapproves a state law as not meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

[1] On November 12, 2014, EPD submitted a SIP package that included, among other things, an additional change to Georgia's PSD rules at 391–3–1–.02(7)(a)(2)(iv), which is the provision at issue in this notice. The revised version of Georgia Rule 391–3–1–.02(7)(a)(2)(iv) continues to include the automatic rescission clause at issue in today's notice. However, in its cover letter and subsequent explanations of revisions, EPD did not address the change made to 391–3–1–.02(7)(a)(2)(iv), nor did EPD ask the EPA to approve any revision to this provision. Therefore, EPA does not consider the change to 391–3–1–.02(7)(a)(2)(iv) included in the November 12, 2014, submittal to be part of an official SIP revision package.

- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: July 22, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–18754 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 80, No. 147
Friday, July 31, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of Solicitation of Members to the National Agricultural Research, Extension, Education, and Economics Advisory Board

AGENCY: Research, Education, and Economics, USDA.

ACTION: Solicitation for membership.

SUMMARY: In accordance with the Federal Advisory Committee Act, U.S.C. App., the United States Department of Agriculture announces solicitation for nominations to fill 9 vacancies on the National Agricultural Research, Extension, Education, and Economics Advisory Board.

Correction

In the **Federal Register** of June 22 2015 (80 FR 35625), in the **DATES** section, read as follows:

DATES: Deadline for Advisory Board member nominations is August 14 2015.

Yvette Anderson,

Federal Register Liaison Officer.

[FR Doc. 2015–18792 Filed 7–30–15; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2015–0014]

Codex Alimentarius Commission: Meeting of the Codex Committee on Fresh Fruits and Vegetables; Correction

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice; correction.

SUMMARY: This document corrects a notice published in the **Federal Register** of June 17, 2015, announcing a public meeting and requesting comments on agenda items and draft United States (U.S.) positions that will be discussed at the 19th Session of the Codex Committee on Fresh Fruits and Vegetables (CCFFV) of the Codex Alimentarius Commission (Codex). This correction fixes a clerical error in the public meeting dates announced in the notice.

For Further Information About the 19th Session of CCFFV Contact: Dorian LaFond, Agricultural Marketing Service, Fruits and Vegetables Division, Stop 0235–Room 2086, United States Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250. Phone: (202) 690–4944, Fax: (202) 720–0016, email: *dorian.lafond@usda.gov.*

For Further Information About the Public Meeting Contact: Kenneth Lowery, U.S. Codex Office, 1400 Independence Avenue, Room 4861, Washington, DC 20250. Phone: (202) 690–4042, Fax: (202) 720–3157, email: *Kenneth.Lowery@fsis.usda.gov.*

Correction

In the notice, Codex Alimentarius Commission: Meeting of the Codex Committee on Fresh Fruits and Vegetables, beginning on page 34606 in the issue of Wednesday, June 17, 2015, make the following corrections in the **SUMMARY** section, **DATES** section, and **SUPPLEMENTARY INFORMATION** section.

On page 34607, in the first column, in the **SUMMARY** Section and the **DATES** section, ''August 6, 2015'' is corrected to read ''August 11, 2015''.

On page 34607, in the third column, in the **SUPPLEMENTARY INFORMATION**, Public Meeting section, ''August 6, 2015'' is corrected to read ''August 11, 2015''.

USDA Nondiscrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce it on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password-protect their accounts.

Done at Washington, DC, on July 28, 2015.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2015–18841 Filed 7–30–15; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2015–0013]

Codex Alimentarius Commission: Meeting of the Codex Committee on Spices and Culinary Herbs; Correction

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice; correction.

SUMMARY: This document corrects a notice published in the **Federal Register** of June 17, 2015, announcing a public meeting and requesting comments on agenda items and draft United States (U.S.) positions that will be discussed at the 2nd Session of the Codex Committee on Spices and Culinary Herbs (CCSCH) of the Codex Alimentarius Commission (Codex). This correction fixes a clerical error in the public meeting dates announced in the notice.

For Further Information About the 2nd Session of CCSCH Contact: Dorian LaFond, Agricultural Marketing Service, Fruits and Vegetables Division, Stop 0235–Room 2086, United States Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250. Phone: (202) 690–4944, Fax: (202) 720–0016, email: *dorian.lafond@usda.gov.*

For Further Information About the Public Meeting Contact: Kenneth Lowery, U.S. Codex Office, 1400 Independence Avenue, Room 4861, Washington, DC 20250. Phone: (202) 690–4042, Fax: (202) 720–3157, email: *Kenneth.Lowery@fsis.usda.gov.*

Correction

In the notice, Codex Alimentarius Commission: Meeting of the Codex Committee on Spices and Culinary Herbs, beginning on page 34608 in the issue of Wednesday, June 17, 2015, make the following corrections in the **SUMMARY** section, **DATES** section, and **SUPPLEMENTARY INFORMATION** section.

On page 34608, in the first column, in the **SUMMARY** Section and the **DATES** section, ''August 19, 2015'' is corrected to read ''August 12, 2015''.

On page 34608, in the third column, in the **SUPPLEMENTARY INFORMATION**, Public Meeting section, ''August 19, 2015'' is corrected to read ''August 12, 2015''.

USDA Nondiscrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce it on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password-protect their accounts.

Done at Washington, DC, on July 28, 2015.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2015–18835 Filed 7–30–15; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–855, A–570–024, A–533–861, A–523–810]

Certain Polyethylene Terephthalate Resin From Canada, the People's Republic of China, India, and the Sultanate of Oman: Postponement of Preliminary Determinations of Antidumping Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective date July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Karine Gziryan at (202) 482–4081 (Canada); Tyler Weinhold or Steve Bezirganian at (202) 482–1121 and (202) 482–1131, respectively (the People's Republic of China (the PRC)); Fred Baker at (202) 482–2924 (India); or Jonathan Hill at (202) 482–3518 (the Sultanate of Oman (Oman)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 30, 2015, the Department of Commerce (Department) initiated antidumping duty investigations on certain polyethylene terephthalate resin from Canada, the PRC, India, and Oman.[1] Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(b)(1) state the Department will make a preliminary determination no later than 140 days after the date of the initiation. The current deadline for the preliminary determinations of these investigations is no later than August 17, 2015.

Postponement of Preliminary Determination

On July 21, 2015, DAK Americas, LLC, M&G Chemicals, and Nan Ya Plastics Corporation, America (Petitioners) made a timely request, pursuant to 19 CFR 351.205(e), for postponement of the preliminary determinations, in order to give the Department the necessary time to further develop the record in this proceeding through additional questionnaires, which Petitioners will in turn need time to analyze and

[1] *See Certain Polyethylene Terephthalate Resin From Canada, the People's Republic of China, India, and the Sultanate of Oman: Initiation of Less-Than-Fair-Investigations,* 80 FR 18376 (April 6, 2015).

possibly comment on. Because there are no compelling reasons to deny Petitioners' request, in accordance with section 733(c)(1)(A) of the Act, the Department is postponing the deadline for the preliminary determinations by 50 days.

For the reasons stated above, the Department, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations to no later than 190 days after the date on which the Department initiated these investigations. Therefore, the new deadline for the preliminary determinations is October 6, 2015. In accordance with section 735(a)(1) of the Act, the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: July 24, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–18843 Filed 7–30–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE027

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the South Atlantic States; Amendment 37

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Intent (NOI) to prepare an environmental impact statement (EIS); request for comments; notice of scoping meetings.

SUMMARY: NMFS, Southeast Region, in collaboration with the South Atlantic Fishery Management Council (South Atlantic Council), intends to prepare an EIS to evaluate a range of alternative management actions in association with Amendment 37 to the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 37). The purpose of this NOI is to solicit public comments on the scope of issues to be addressed in the EIS and to announce a scoping meeting.

DATES: The Council will discuss alternatives and take scoping comments at a public meeting held via webinar beginning at 6 p.m. on August 10, 2015.

Written comments on the scope of issues to be addressed in the EIS will be accepted until August 31, 2015.

ADDRESSES: Registration and technical information for the public scoping meeting held via webinar is found under the Scoping Meeting heading below.

Written comments may be submitted on the NOI identified by ''NOAA–NMFS–2015–0083'' by either of the following methods:

• *Electronic submissions:* Submit electronic comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0083,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Nikhil Mehta, NMFS Southeast Regional Office (SERO), 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, NMFS SERO, telephone: 727–824–5305, or email: *nikhil.mehta@noaa.gov.* Kim Iverson, Public Information Officer, South Atlantic Fisheries Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; telephone: 843–571–4376, or email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: Currently, hogfish are managed under two FMPs. The Gulf of Mexico Fishery Management Council (Gulf of Mexico Council) manages one hogfish stock in the FMP for the Reef Fish Resources of the Gulf of Mexico. The South Atlantic Council manages the other hogfish stock in the FMP for the Snapper-Grouper Fishery of the South Atlantic Region. In August 2014, the Florida Fish and Wildlife Conservation Commission completed a benchmark stock assessment for hogfish as part of the Southeast Data, Assessment, and Review (SEDAR) process (SEDAR 37). Amendment 37 responds to the August 2014 benchmark stock assessment of hogfish that defined three separate stocks in the South Atlantic and Gulf of Mexico, including one stock that is subject to overfishing and is overfished. Amendment 37 and the associated EIS consider new reference points, status determination criteria, catch levels, and management measures for the two new stocks in the South Atlantic, including a rebuilding plan for the stock that is overfished.

In October 2014, the South Atlantic Council's Scientific and Statistical Committee (SSC) reviewed the stock assessment and provided recommended approaches for calculating fishing level recommendations, which the South Atlantic Council reviewed at their December 2014 meeting. Based on genetic evidence used in the stock assessment, the SSC supported the assessment's approach of defining two separate hogfish stocks in the South Atlantic, one stock off Georgia and North Carolina (GA-NC) and one stock off the Florida Keys and eastern Florida (FLK/EFL), and a third stock in the eastern Gulf of Mexico off the west coast of Florida (WFL).

The SSC determined that the stock assessment for the GA-NC stock does not represent the best scientific information available for determining stock status, *i.e.,* whether the stock is subject to overfishing or is overfished, or for informing management decisions. Instead, they recommended that catch level recommendations for the GA-NC hogfish stock be developed using the Only Reliable Catch Stocks (ORCS) approach set forth in Level 4 of the Council's acceptable biological catch (ABC) control rule. Using the ORCS approach, the ABC for the GA-NC stock recommended by the SSC is 28,161 pounds whole weight (lb ww).

For the FLK/EFL stock, the SSC determined that the benchmark stock assessment represents the best scientific information available and recommended it for use in management decisions. The assessment results indicate the FLK/EFL stock is undergoing overfishing and is overfished.

Amendment 37 and the associated EIS consider and evaluate a number of management actions responding to this new scientific information and the recommendations from the South Atlantic Council's SSC. The management actions include modifying the hogfish management unit from one stock to two separate stocks in the South Atlantic, and defining individual stock boundaries, including the boundary between the FLK/EFL stock managed by

the South Atlantic Council and the WFL stock managed by the Gulf of Mexico Council. These boundary demarcations will aid in enforcing regulations and in tracking the annual catch limits (ACLs) and annual catch targets (ACTs) for each stock.

On February 17, 2015, NMFS notified the South Atlantic and Gulf of Mexico Councils that the FLK/EFL stock is overfished and undergoing overfishing, based on the results of the 2014 benchmark stock assessment. Within two years of such a notification, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires an FMP amendment or proposed regulations be prepared and implemented to end overfishing immediately and to rebuild the affected stock. Therefore, Amendment 37 and the associated EIS also contain rebuilding plan alternatives to increase the biomass of the FLK/EFL stock to a sustainable level within a specified time period.

Finally, for both the FLK/EFL and GA-NC stocks, Amendment 37 and the associated EIS also contain alternatives for management reference points (optimum yield and maximum sustainable yield), status determination criteria (overfishing limit and minimum stock size threshold), ACLs (including by sector), ACTs, accountability measures, and new or modified commercial and recreational minimum size limits, commercial trip limits, and recreational bag limits.

In accordance with NOAA's Administrative Order 216–6, Section 5.02(c), Scoping Process, NMFS, in collaboration with the South Atlantic Council, is conducting scoping to help identify significant environmental issues related to these proposed actions and alternatives. The public is invited to attend the scoping meeting (date and address below) and provide written comments on the actions and alternatives in the Amendment 37 scoping document. A copy of the Amendment 37 scoping document is available at *http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/index.html.* The preliminary actions and alternatives included in the scoping document may not represent the full range of actions and alternatives that will be considered and evaluated in Amendment 37 and the associated EIS. The South Atlantic Council will review scoping comments at their September meeting.

After the draft EIS (DEIS) associated with Amendment 37 is completed, it will be filed with the Environmental Protection Agency (EPA). After filing, the EPA will publish a notice of availability of the DEIS for public comment in the **Federal Register**. NMFS will solicit public comment on the DEIS for 45 days pursuant to regulations issued by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of the National Environmental Policy Act (NEPA; 40 CFR parts 1500–1508) and to NOAA's Administrative Order 216–6 regarding NOAA's compliance with NEPA and the CEQ regulations.

The South Atlantic Council and NMFS will consider public comments received on the DEIS in developing the final EIS (FEIS), and before the South Atlantic Council votes to submit Amendment 37 to NMFS for Secretarial review, approval, and implementation under the Magnuson-Stevens Act. NMFS will announce in the **Federal Register** the availability of the final amendment and proposed implementing regulations for public review during the Magnuson-Stevens Act Secretarial review period. The EPA will announce the availability of the FEIS for public review. NMFS will consider all public comments received during the Secretarial review period, whether they are on the final amendment, the proposed regulations, or the FEIS, prior to final agency action.

Scoping Meeting

The scoping meeting will be held via webinar on August 10, 2015. The scoping meeting will begin at 6 p.m. and will be accessible via the internet from the South Atlantic Council's Web site at *www.safmc.net.* Registration for the webinar is required. Registration information will be posted on the South Atlantic Council's Web site at *www.safmc.net* as it becomes available. Webinar registrants may test or confirm their computer setup for the webinar one hour prior to the meeting and contact Mike Collins at 843–763–1050 to address any questions regarding webinar setup.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 27, 2015.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–18736 Filed 7–30–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC969

Draft Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing—Acoustic Threshold Levels for Onset of Permanent and Temporary Threshold Shifts

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS), on behalf of NMFS and the National Ocean Service (referred collectively here as the National Oceanic and Atmospheric Administration (NOAA)), announces the availability of a revised version of draft guidance for assessing the effects of anthropogenic sound on marine mammal species under NOAA's jurisdiction. The guidance provides updated received levels, or thresholds, above which individual marine mammals are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for all underwater anthropogenic sound sources. NOAA solicits public comment on the revised draft guidance based on updated scientific information and comments received during the first public comment period.

DATES: Comments must be received by September 14, 2015.

ADDRESSES: The revised draft guidance is available in electronic form via the Internet at *http://www.nmfs.noaa.gov/pr/acoustics/.*

You may submit comments, which should be identified with NOAA–NMFS–2013–0177, by any of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov.*

Mail: Send comments to: Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: Acoustic Guidance.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (*e.g.,* name, address, etc.) voluntarily

submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Amy Scholik-Schlomer, Office of Protected Resources, 301–427–8449, *Amy.Scholik@noaa.gov.*

SUPPLEMENTARY INFORMATION: NOAA has developed draft guidance for assessing the effects of anthropogenic sound on the hearing of marine mammal species under NOAA's jurisdiction (*i.e.,* whales, dolphins, porpoises, seals and sea lions). Specifically, the guidance identifies the received levels, or thresholds, above which individual marine mammals are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for all underwater anthropogenic sound sources. This guidance is intended to be used by NOAA analysts and managers and other relevant user groups and stakeholders, including other federal agencies, when seeking to determine whether and how their activities are expected to result in particular types of impacts to marine mammals via acoustic exposure. The document outlines NOAA's updated acoustic threshold level, describes in detail how the thresholds were developed, and explains how they will be updated in the future. NOAA published a **Federal Register** Notice on December 27, 2013, announcing the availability of the draft guidance and a 30-day public comment period (78 FR 78822), which was extended another 45 days based upon public request on January 29, 2014 (79 FR 4672). Please refer to these **Federal Register** Notices for additional background about the draft guidance.

While NOAA was in the process of evaluating and addressing public comments, the U.S. Navy updated its methodology for the development of marine mammal auditory weighting functions and acoustic threshold levels. NOAA evaluated the proposed methodology and preliminarily determined that it reflects the best available science. Accordingly, we have incorporated it into our draft guidance. NOAA also re-evaluated its methods for defining threshold usage for sources characterized as ''impulsive'' or ''non-impulsive'' based on comments received during the initial public comment period. As a result, NOAA is now soliciting public comment, via this second public comment period, on this revised version of the draft guidance that incorporates these changes.

Updated sections can be found in the following locations: (1) A summary of the updated draft acoustic threshold levels and marine mammal auditory weighting functions is in the main body of the document, with additional details provided in Appendix A (Navy Technical Report); (2) NOAA's proposed methodology for defining threshold usage for sources characterized as ''impulsive'' or ''non-impulsive'' is in Section 2.3.1 of the main document, with additional details in Appendix C; (3) a new appendix identifying research recommendations and data gaps in response to comments submitted during the initial public comment period is Appendix D; and a new appendix providing optional alternative methodology for user groups unable to apply the guidance's more complex acoustic threshold levels and auditory weighting functions is Appendix E.

Before the guidance is finalized, NOAA will address substantive public comments received from the initial public comment period, as well as from this second public comment period. Therefore, NOAA encourages the public to currently focus comments on the revised and new sections of the document. We are particularly interested in identification of any additional datasets for inclusion in the assessment, comments on our proposed methodology for transitioning from ''impulsive'' to ''non-impulsive'' acoustic threshold levels, and evaluation of the methodology associated with updated marine mammal auditory weighting functions and acoustic thresholds.

The guidance is classified as a Highly Influential Scientific Assessment by the Office of Management and Budget. As such, independent peer review is required prior to broad public dissemination by the Federal Government. NOAA recently conducted two independent peer reviews in association with the revised draft guidance (in addition to the peer review on the first draft of the guidance). Details of both peer reviews can be found within the draft guidance and at the following Web site: *http://www.nmfs.noaa.gov/pr/acoustics/.*

Dated: July 27, 2015.

Perry F. Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–18790 Filed 7–30–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Establishment of the Advisory Committee for the Sustained National Climate Assessment and Solicitation for Nominations for Membership

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of establishment of the Advisory Committee for the Sustained National Climate Assessment and solicitation for nominations for membership.

SUMMARY: Notice is hereby given that the Secretary of Commerce has determined that the establishment of the Advisory Committee for the Sustained National Climate Assessment (Committee) is necessary and in the public interest. Accordingly, NOAA has chartered the Advisory Committee for the Sustained National Climate Assessment. NOAA is also soliciting nominations for membership on the Committee.

The Committee's mission is to provide advice on sustained National Climate Assessment activities and products to the Under Secretary of Commerce for Oceans and Atmosphere (Under Secretary) who will forward the advice to the Director of the Office of Science and Technology Policy (OSTP). The Committee's scope is—as requested by the Under Secretary—to advise on the engagement of stakeholders and on sustained assessment activities and the quadrennial National Climate Assessment report.

Points of View: Individuals are sought with expertise in communications, engagement, and education; risk management and risk assessment; economics and social sciences; technology, tools, and data systems; and other disciplines relevant to the sustained National Climate Assessment process. In addition, individuals are sought with expertise in climate change and variability, spanning the range from climate science (physical, biological, chemical) to impacts and societal responses. Individuals with experience in the private sector, academia, public sector, non-governmental organizations,

and others will all be given consideration.

Nominations: Interested persons may nominate themselves or third parties.

Applications: An application is required to be considered for membership, regardless of whether a person is nominated by a third party or self-nominated. The application package must include: (1) The nominee's full name, title, institutional affiliation, and contact information; (2) the nominee's area(s) of expertise; (3) a short description of his/her qualifications relative to the kinds of advice being solicited by NOAA in this Notice; and (4) a current resume (maximum length four pages). Information obtained as a result of this request may be used by the government for program planning on a non-attribution basis. Do not include any information that might be considered proprietary or confidential.

If selected, members will be appointed as special government employees (SGEs) and will be subject to the ethical standards applicable to SGEs. They will also be asked to certify that they are not required to register under the Foreign Agents Registration Act, and that they are not Federally-registered lobbyists.

DATES: Nominations should be submitted via the web address specified below and must be received by forty-five (45) days after this notice is published.

ADDRESSES: Applications should be submitted electronically via *http://globalchange.gov/notices.*

FOR FURTHER INFORMATION CONTACT: Emily Therese Cloyd, NCA Public Participation and Engagement Coordinator, U.S. Global Change Research Program Office, Telephone (202) 223–6262, Fax (202) 223–3064, Email *ecloyd@usgcrp.gov.* For more information on the NCA process, please visit *http://assessment.globalchange.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Global Change Research Program (USGCRP), the principal program responsible for coordinating and integrating U.S. federal research on climate change. Under the Global Change Research Act of 1990, the USGCRP is responsible for producing the National Climate Assessment, the last iteration of which was published in May 2014. The USGCRP is now building a process to ensure all future assessments are responsive to stakeholder needs, scientifically credible and conducted in an efficient manner, coordinating the efforts of partners both inside and outside of the government. It is the goal of the USGCRP to create a sustainable assessment process that involves networks of participants in regions and sectors across the country in addition to engaging federal scientists in multiple agencies. This will enable assessment activities and products to address national, regional, sectoral, and topical needs over time and to serve important policy and science objectives. Establishing an ongoing, consistent, and replicable approach to assessment of current and projected climate impacts and climate-related risk will help identify opportunities as well as hazards associated with changes in climate conditions. It will also support U.S. contributions to international assessment, adaptation and mitigation programs. This information can be used to prioritize federal activities that support adaptation and mitigation decisions in the federal government as well as within states, regions, and sectors and to continuously reassess priorities for federal science investments.

The Committee will consist of non-government experts who will advise on the engagement of stakeholders and on sustained assessment activities and the quadrennial National Climate Assessment report. Within the scope of its mission, the Committee's specific objective is to provide advice on a sustained National Climate Assessment process that:

1. Integrates, evaluates, and interprets the findings of the U.S. Global Change Research Program (USGCRP) and discusses the scientific uncertainties with such findings;

2. Analyzes the effects of current and projected climate change upon ecosystems and biological diversity, agriculture, energy production and use, land and water resources, transportation, human health and welfare, and social systems, including in a regional context;

3. Analyzes current trends in global change, both human-induced and natural, and projects major trends for the subsequent 25 to 100 years;

4. Is a continuing, inclusive National process that synthesizes relevant science and information about changes in the Earth system as they affect the Nation's climate, and about how such changes relate to and interact with changes in social, economic, ecological, and technological systems;

5. Addresses risk-based vulnerabilities for business and industry as related to the impacts of weather and climate variations and changes; and

6. Supports climate-related decisions by providing information in formats that are useful to decision support.

To assure a balanced representation of views among preeminent scientists, engineers, educators, and other experts reflecting the full scope of issues addressed in the National Climate Assessment and/or relevant to the sustained national assessment process, the Committee will consist of fifteen (15) non-Federal members. The Under Secretary, in consultation with the Director of OSTP, shall select and appoint members.

Members will be selected for appointment on a clear and standardized basis in accordance with Department of Commerce guidance. Each member shall be appointed for a term of one, two, or three years and shall serve at the discretion of the Under Secretary. Thereafter, members may be reappointed for successive terms of two years. To the extent possible, not more than one-third of the total membership shall change in any one year. Members will be appointed as special government employees (SGEs) and will be subject to the ethical standards applicable to SGEs. Members are reimbursed for actual and reasonable travel and per diem expenses incurred in performing such duties, but will not be reimbursed for their time. As a Federal Advisory Committee, the Committee's membership is required to be balanced in terms of viewpoints represented and the functions to be performed as well as the interests of geographic regions of the country and the diverse sectors of U.S. society.

The Committee is expected to meet in person at least once each year, plus additional teleconferences or subgroup meetings. Committee members must be willing to serve as liaisons to Committee subgroups and/or participate in reviews and activities as requested by the Under Secretary.

The Advisory Committee for the Sustained National Climate Assessment will function solely as an advisory body and in compliance with provisions of the Federal Advisory Committee Act. Copies of the charter will be filed with the appropriate Committees of the Congress and with the Library of Congress.

Dated: July 27, 2015.

Christine Blackburn,

Deputy Chief of Staff, National Oceanic and Atmospheric Administration.

[FR Doc. 2015–18781 Filed 7–30–15; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No: CFPB–2015–0035]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is requesting to renew the approval for an existing information collection titled, ''Mortgage Acts And Practices (Regulation N) 12 CFR 1014.''

DATES: Written comments are encouraged and must be received on or before August 31, 2015 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1275 First Street NE., Washington, DC 20002.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Mortgage Acts And Practices (Regulation N) 12 CFR 1014.

OMB Control Number: 3170–0009.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Businesses and other for-profit institutions.

Estimated Number of Respondents: 483.

Estimated Total Annual Burden Hours: 242.

Abstract: Regulation N (12 CFR 1014), prohibits misrepresentations about the terms of mortgage credit products in commercial communications and requires that covered persons keep certain related records for a period of twenty-four (24) months from last dissemination. The information that Regulation N requires covered persons to retain is necessary to ensure efficient and effective law enforcement to address deceptive practices that occur in the mortgage advertising area.

The Bureau issued a 60-day **Federal Register** notice on May 18th, 2015 (80 FR 28244). Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Dated: July 28, 2015.

Linda F. Powell,

Chief Data Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2015–18809 Filed 7–30–15; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0028]

Proposed Collection; Comment Request

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 29, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information. Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the U.S. Army Corps of Engineers, 441 G Street NW., Washington, DC 20314–1000, Attn: CECW–CO–R, or call Department of the Army Reports clearance officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Customer Service Survey—Regulatory Program, US Army Corps of Engineers, ENG Form 5065, OMB Control Number 0710–0012.

Needs and Uses: The information collection requirement is necessary for the Corps to conduct surveys of customers served by our district offices, currently a total of 38 offices.

Only voluntary opinions will be solicited and no information requested on the survey instrument will be mandatory. The survey form will be provided to the applicants when they receive a regulatory product, primarily a permit decision or wetland determination. The information collected will be used to assess whether Regulatory business practices or policies warrant revision to better serve the public. Without this survey the Corps would have to rely on less structured, informal methods of obtaining public input. The data collection instrument was minimized for respondent burden, while maximizing data quality. The following strategies were used to achieve these goals:

1. Questions are clearly written.

2. The questionnaire is of reasonable length;

3. The questionnaire includes only items that have been shown to be successful in previous analyses and ease in navigation.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; farms; or other agencies who receive permits or jurisdictional determinations for the Corps of Engineers Regulatory program.

Annual Burden Hours: 320 hours.

Number of Respondents: 2000.

Responses per Respondent: 1.

Average Burden per Response: 0.16 hours.

Frequency: On occasion.

The Corps of Engineers is required by three federal laws, passed by Congress, to regulate construction-related activities in waters of the United States. This customer survey provides feedback on the service the public has received from the Regulatory program during their permit or jurisdictional determination evaluations.

Dated: July 28, 2015.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2015–18840 Filed 7–30–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0076]

Proposed Collection; Comment Request

AGENCY: Sexual Assault Prevention Office, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Sexual Assault Prevention Office for the Department of Defense announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 29, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Diana Rangoussis, Senior Policy Advisor, Sexual Assault Prevention and Response Office (SAPRO), (703) 696–9422.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Sexual Assault Incident Database (DSAID); DD Form 2965; OMB Control Number 0704–0482.

Needs and Uses: The information collection requirement is necessary to create a DoD database that captures uniform data provided by the Military Services and maintains all sexual assault data collected by the Military Services. This database shall be a centralized, case-level database for the uniform collection of data regarding incidence of sexual assaults of military members. DSAID will include information when available, or when not limited by Restricted Reporting, or otherwise prohibited by law, about the nature of the assault, the victim, the offender, and the disposition of reports associated with the assault. Information in the DSAID will be used to respond to congressional reporting requirements, support Military Service SAPR Program management, and inform DoD SAPRO oversight activities.

Affected Public: Individuals or Households.

Annual Burden Hours: 3,200.

Number of Respondents: 3,200.

Responses per Respondent: 1.

Annual Responses: 3,200.

Average Burden per Response: 60 minutes.

Frequency: On occasion.

It is DoD policy to establish a culture free of sexual assault by providing an environment of prevention, education and training, response capability, victim support, reporting procedures, and accountability that enhances the safety and well-being of all persons covered by the regulation.

Dated: July 28, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–18797 Filed 7–30–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Extension of Public Comment Period for the Draft Environmental Impact Statement/Overseas Environmental Impact Statement for Commonwealth of the Northern Mariana Islands Joint Military Training

AGENCY: Department of the Navy, Department of Defense.

ACTION: Notice.

SUMMARY: On April 03, 2015, the Department of Navy (DoN) published a Notice of Availability and Notice of Public Meetings for the Draft Environmental Impact Statement/ Overseas Environmental Impact Statement for Commonwealth of the Northern Mariana Islands Joint Military Training. A notice extending the public comment period by 60 days was published on May 14, 2015. The purpose of this notice is to announce an additional 14-day extension of the public comment period to August 17, 2015 Eastern Daylight Time (E.D.T.) [August 18, 2015, Chamorro Standard Time (ChST)]. This extension is made in recognition of the communications disruptions in the CNMI caused by the damage to the undersea cable between Guam and Saipan.

DATES: The public comment period for the Draft EIS began on April 03, 2015, EDT [April 04, 2015, ChST) with the publication of the Notice of Availability in the **Federal Register** by the U.S. Environmental Protection Agency, and with this extension, will end on August 17, 2015, EDT [August 18, 2015, ChST] for a total of 134 days. Mailed comments should be postmarked no later than August 17, 2015, EDT [August 18, 2015, ChST] to ensure they are considered.

ADDRESSES: The public may provide comments through the project Web site at *www.CNMIJointMilitaryTraining EIS.com,* or by mail at: Naval Facilities Engineering Command, Pacific, Attn: 09PA, Public Affairs Office, 258 Makalapa Drive, Suite 100, JBPHH, HI 96860–3134.

The Draft EIS/OEIS was distributed to federal and local agencies, elected officials, and other interested individuals and organizations. The Draft EIS/OEIS is available for public review at *www.CNMIJointMilitaryTraining EIS.com,* and at the following libraries:

(1) Joeten Kiyu Public Library, Saipan; (2) Northern Marianas College Olympio T. Borja Memorial Library, Saipan; (3) Tinian Public Library, Tinian; (4) Antonio C. Atalig Memorial Rota Public Library, Rota; (5) University of Guam Robert F. Kennedy Memorial Library, Guam; (6) Nieves M. Flores Memorial Library, Guam.

SUPPLEMENTARY INFORMATION: On April 03, 2015, the Department of Navy (DoN) published a Notice of Availability and Notice of Public Meetings for the Draft Environmental Impact Statement/ Overseas Environmental Impact Statement for Commonwealth of the Northern Mariana Islands Joint Military Training (80 FR 18385, April 03, 2015). A notice extending the public comment period by 60 days was published on May 14, 2015 (80 FR 27678). The purpose of this notice is to announce an additional 14-day extension of the public comment period to August 17, 2015 Eastern Daylight Time (E.D.T.) [August 18, 2015, Chamorro Standard Time (ChST)]. This extension is made in recognition of the communications disruptions in the CNMI caused by the damage to the undersea cable between Guam and Saipan.

The DoN's proposed action is to establish live-fire Range Training Areas (RTAs) within the CNMI to address the U.S. Pacific Command Service Components' unfilled unit level and combined level training requirements in the Western Pacific. The DoN recognizes that public comments are an essential part of the National Environmental Policy Act (NEPA) process. Accordingly, the DoN established a 60-day public comment period in lieu of the minimum 45-day period required by NEPA implementing regulations. A notice extending the public comment period by 60 days was published on May 14, 2015 (80 FR 27678). Due to a break in an undersea cable and associated communications disruptions in the CNMI, the DoN is further extending the Draft EIS public comment period by 14 days to August 17, 2015, EDT [August 18, 2015, ChST] for a total of 134 days.

FOR FURTHER INFORMATION CONTACT: CNMI Joint Military Training EIS/OEIS Project Manager by email via the project Web site (*www.CNMIJointMilitary TrainingEIS.com*).

Dated: July 27, 2015.

N.A. Hagerty-Ford,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2015–18858 Filed 7–30–15; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Docket Number EERE–2015–BT–BLDG–0012]

Request for Information (RFI) for High-Performance Energy Efficiency Measures in Separate Spaces

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

ACTION: Request for Information (RFI).

SUMMARY: As part of the requirements of Section 103 of the Energy Efficiency Improvement Act of 2015, the U.S. Department of Energy (DOE) is requesting public comment regarding effective methods, measures, and practices for the design and construction of separate building spaces (also known as tenant spaces) to create high-performance, energy efficient spaces. In preparation for completing a study required by the Energy Efficiency Improvement Act of 2015, DOE is requesting information on the feasibility of significantly improving energy efficiency in commercial buildings through the design and construction, by owners and tenants, of separate spaces with high-performance energy efficiency measures; and encouraging owners and tenants to implement high-performance energy efficiency measures in separate spaces. The term 'high-performance energy efficiency measure' means a technology, product, or practice that will result in substantial operational cost savings by reducing energy consumption and utility costs while maintaining indoor air quality, appropriate light levels and occupant comfort. DOE will use input from this **Federal Register** notice to inform the study, to be completed by April 30, 2016.

DATES: Written comments and information are requested on or before September 30, 2015.

ADDRESSES: The content that we are requesting your feedback on is located at *http://www.regulations.gov/#!docketDetail;D=EERE-2015-BT-BLDG-0012.* Interested persons are encouraged to submit comments electronically. Interested persons may submit comments, identified by docket number EERE–2015–BT–BLDG–0012. Your response should be limited to 8 pages.

Email: SeparateSpaces2015BLDG0012@ee.doe.gov. Include EERE–2015–BT–BLDG–0012 in the subject line of the message. Submit electronic comments

in Microsoft Word or Microsoft Excel, and avoid the use of special characters or any form of encryption.

Or Mail to: U.S. Department of Energy, 1000 Independence Ave. SW., Mailstop EE–5B, Washington, DC 20585.

Instructions: All submissions received must include the agency name and docket number.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, comments, and other supporting documents/materials (search EERE–2015–BT–BLDG–0012). All documents in the docket are listed in the *www.regulations.gov* index.

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2015-BT-BLDG-0012.* This Web page contains a link to the docket for this notice on the *www.regulations.gov* site. The *www.regulations.gov* Web page contains instructions on how to access all documents, including public comments, in the docket. See section II, Public Participation for further information on submitting comments.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information may be sent to Mr. Jason Hartke, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: 202–586–9632.

SUPPLEMENTARY INFORMATION:

I. Discussion

DOE is seeking public input on questions that will help inform a study on the feasibility of significantly improving energy efficiency in commercial buildings through the design and construction, by owners and tenants, of separate tenant spaces using high-performance energy efficiency measures; and encouraging owners and tenants to implement high-performance energy efficiency measures in separate spaces.

This request seeks comments related to the following: (1) High-performance energy efficiency measures that should be considered as part of the initial design and construction of separate spaces; (2) actual energy savings measured as a result of implementing energy efficiency measures in tenant space design and construction; (3) processes that owners, tenants, architects, engineers and other building experts may replicate when designing and constructing separate spaces with high-performance energy efficiency measures, and the cost-effectiveness and scalability of such processes; (4) policies and best practices to achieve reductions in energy intensities for lighting, plug loads, heating, cooling, cooking, laundry, and other systems that support the commercial building tenant; (5) financial metrics like return on investment and payback analyses of the incremental cost and projected energy savings of the proposed set of high-performance energy efficiency measures, including consideration of available incentives; (6) models and simulation methods that predict the quantity of energy used by separate spaces with high-performance energy efficiency measures and that compare predicted quantity to the quantity of energy used by separate spaces without high-performance energy efficiency measures but that would otherwise comply with applicable code requirements; (7) measurement and verification platforms and methods that allow measurement of the impact of high-performance energy efficiency measures installed in separate spaces, including metering configurations and data access; (8) best practices and existing systems or programs that encourage an integrated approach to designing and constructing separate spaces to perform at optimum energy efficiency in conjunction with the central systems of a commercial building; (9) any impact on employment and job creation resulting from the design and construction of separate spaces using high-performance energy efficiency measures; (10) case studies or other analyses or studies that report the economic and energy savings returns in the design and construction of separate spaces with high-performance energy efficiency measures; (11) best practices for encouraging owners and tenants to implement high-performance energy efficiency measures in separate spaces; and; (12) prevalence and configuration of energy sub metering nationwide at the level of individual tenant spaces in commercial buildings, including information about whether critical consumption activities such as HVAC, data storage, or lighting are separately sub metered; (13) identification of data on key determinants of energy performance in tenant spaces that could be used to guide the development of wider national data collection and most feasible approaches for collecting such data; and (14) availability of hourly data and information on specific energy management programs in place in tenant spaces.

II. Public Participation

All interested parties are invited to submit in writing by the date specified in the **DATES** section of this RFI, comments and information on all elements listed in the discussion section above. Comments may be submitted on or before September 30, 2015. Please submit comments only and cite docket number EERE–2015–BT–BLDG–0012, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. Visit *http://www.doe.gov/cbi* for more information.

Please limit comments to no more than a total of 8 pages.

Issued in Washington, DC, July 27, 2015.

Kathleen B. Hogan,

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

[FR Doc. 2015–18868 Filed 7–30–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–106–000.

Applicants: GenOn Mid-Atlantic, LLC.

Description: Notice of Self-Recertification of Exempt Wholesale Generator Status.

Filed Date: 7/24/15.

Accession Number: 20150724–5035.

Comments Due: 5 p.m. ET 8/14/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2819–004; ER14–413–002; ER10–2358–005; ER14–1397–003; ER10–3131–005; ER10–2431–005; ER15–2255–001; ER14–1390–003.

Applicants: ALLETE, Inc., ALLETE Clean Energy, Inc., Storm Lake Power Partners I LLC, Storm Lake Power Partners II, LLC, Condon Wind Power, LLC, Chanarambie Power Partners, LLC, Armenia Mountain Wind, LLC, Lake Benton Power Partners LLC.

Description: Notice of Non-Material Change in Status of ALLETE, Inc., *et al.*

Filed Date: 7/23/15.

Accession Number: 20150723–5173.

Comments Due: 5 p.m. ET 8/13/15.

Docket Numbers: ER15–1560–001.

Applicants: Nevada Power Company.

Description: Compliance filing: OATT Revision to Attachment N 07.22.15 to be effective 7/22/2015.

Filed Date: 7/22/15.

Accession Number: 20150722–5123.

Comments Due: 5 p.m. ET 8/12/15.

Docket Numbers: ER15–2232–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. Resource Termination—Enerwise Global Technologies, Inc.

Filed Date: 7/21/15.

Accession Number: 20150721–5121.

Comments Due: 5 p.m. ET 8/11/15.

Docket Numbers: ER15–2257–000.

Applicants: Pacific Gas and Electric Company.

Description: Tariff Cancellation: eTariff System Migration: Cancellation of Tariff ID 1000 to be effective 7/23/2015.

Filed Date: 7/23/15.

Accession Number: 20150723–5133.

Comments Due: 5 p.m. ET 8/13/15.

Docket Numbers: ER15–2258–000.

Applicants: Pacific Gas and Electric Company.

Description: Tariff Cancellation: eTariff System Migration: Cancellation of Tariff ID 2000 to be effective 7/23/2015.

Filed Date: 7/23/15.

Accession Number: 20150723–5134.

Comments Due: 5 p.m. ET 8/13/15.

Docket Numbers: ER15–2259–000.

Applicants: Pacific Gas and Electric Company.

Description: Tariff Cancellation: eTariff System Migration: Cancellation of Tariff ID 3000 to be effective 7/23/2015.

Filed Date: 7/23/15.

Accession Number: 20150723–5135.

Comments Due: 5 p.m. ET 8/13/15.

Docket Numbers: ER15–2261–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2855R1 KMEA & KCPL Meter Agent Agreement to be effective 7/1/2015.

Filed Date: 7/24/15.

Accession Number: 20150724–5016.

Comments Due: 5 p.m. ET 8/14/15.

Docket Numbers: ER15–2262–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: § 205(d) Rate Filing: 2015–7–24 NSP-Manitoba-US Interface 598–NSP_0.0.0 to be effective 9/1/2015.

Filed Date: 7/24/15.

Accession Number: 20150724–5045.

Comments Due: 5 p.m. ET 8/14/15.

Docket Numbers: ER15–2263–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1154R11 Associated Electric Cooperative NITSA and NOA to be effective 7/1/2015.

Filed Date: 7/24/15.

Accession Number: 20150724–5047.

Comments Due: 5 p.m. ET 8/14/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15–32–000.

Applicants: Duquesne Light Company.

Description: Amendment to June 5, 2015 Application of Duquesne Light Company Pursuant to Section 204 of the Federal Power Act for an Order Authorizing the Issuance of Short-Term Indebtedness.

Filed Date: 7/23/15.

Accession Number: 20150723–5148.

Comments Due: 5 p.m. ET 8/3/15.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH15–17–000.

Applicants: Wisconsin Energy Group, Inc.

Description: Wisconsin Energy Group, Inc. submits FERC 65–B Notice of Material Change in Facts of Waiver Notification.

Filed Date: 7/23/15.

Accession Number: 20150723–5164.

Comments Due: 5 p.m. ET 8/13/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 24, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–18786 Filed 7–30–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2219–046]

Garkane Energy Cooperative, Inc.; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Request for Amendment of License.

b. *Project No.:* 2219–046.

c. *Date Filed:* June 29, 2015.

d. *Applicant:* Garkane Energy Cooperative, Inc. (licensee).

e. *Name of Project:* Boulder Creek Hydroelectric Project.

f. *Location:* Garfield County, Utah.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Daniel R. Simon, Counsel for licensee, (202) 739–2813, or *dsimon@stroock.com.*

i. *FERC Contact:* Erich Gaedeke, (503) 552–2716, or *erich.gaedeke@ferc.gov.*

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments.

Please include the project number (P–2219–046) on any comments, motions, or recommendations filed.

k. *Description of Request:* Due to the October 9, 2014 permanent injunction ruling by the Sixth Judicial District Court of Garfield County, Utah prohibiting the licensee from continuing to provide the minimum flow releases required under U.S. Forest Service (USFS) 4(e) Condition 14(1) due to a conflict with senior water rights, the licensee is proposing new mitigation measures designed to replace the Water

Release Schedule and improve Colorado River cutthroat habitat quality. The licensee requests approval of three new mitigation measures as the primary replacements for the Water Release Schedule stipulated under Condition No. 14(1) of the Commission's August 31, 2007 Order Issuing New License. Specifically, the licensee proposes to replace a culvert crossing under USFS road 30166 to improve passage of all life stages of Colorado River cutthroat trout; remove two fish passage barriers located in the West Fork of Boulder Creek to improve system connectivity with the East Fork; and install a fish trap to support a trapping and spawning operation for native Colorado River cutthroat trout to benefit the Project area and elsewhere within the local watershed populations.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project operations, which are the subject of the variance. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: July 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18839 Filed 7–30–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM15–20–000]

Five-Year Review of the Oil Pipeline Index; Notice Organizing Conference

On June 30, 2015, the Commission issued a notice of inquiry (NOI) initiating its five-year review of the oil pipeline index and announcing a conference on July 30, 2015, regarding the issues raised by the NOI.[1] On July 10, 2015, the Commission issued a notice soliciting presentations for the conference.

Attached is an agenda for the event, including the schedule of speakers. The July 30, 2015 conference will be held at the Commission's headquarters at 888 First Street NE., Washington, DC 20426, between 2:00 p.m. and 4:00 p.m. (Eastern Time) in the Commission Meeting Room. The conference will be led by Commission staff and may be attended by one or more Commissioners.

If you have not already done so, those who plan to attend the technical conference are strongly encouraged to complete the registration form located at: *https://www.ferc.gov/whats-new/registration/07-30-15-form.asp.* Those interested in attending are encouraged to register by close of business July 27, 2015.

The Commission will post information on the technical conference on the Calendar of Events on the Commission's Web site, *http://www.ferc.gov,* prior to the conference. This conference will be webcast but not transcribed. Anyone with Internet access who desires to watch the conference can do so by navigating to the Calendar of Events on the Commission's Web site, *http://www.ferc.gov,* and locating the technical conference in the Calendar. The Calendar will contain a link to the webcast. Capitol Connection provides technical support for the webcast and offers the option of listening to the meeting via a phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100.[2]

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For more information about this technical conference, please contact Sarah McKinley, 202–502–8368, *sarah.mckinley@ferc.gov.*

Dated: July 24, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–18788 Filed 7–30–15; 8:45 am]

BILLING CODE 6717–01–P

[1] *Five-Year Review of the Oil Pipeline Index,* 151 FERC ¶ 61,278 (2015).

[2] The webcast will continue to be available on the Calendar of Events on the Commission's Web site at *www.ferc.gov* for three months after the conference.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–30–000]

Marathon Pipe Line LLC, Ohio River Pipe Line LLC; Notice of Petition for Declaratory Order

Take notice that on July 16, 2015, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2014), Marathon Pipe Line LLC and Ohio River Pipe Line LLC filed a petition for a declaratory order seeking approval of the overall rate structure and terms of service, including priority and non-priority service, for the proposed Cornerstone Pipeline and associated Utica Build-Out Projects to transport condensate and natural gasoline, including diluent, from Utica Shale facilities in Ohio to Marathon's refinery and tank farm in Canton and East Sparta, Ohio, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call(866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern time on August 14, 2015.

Dated: July 22, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18836 Filed 7–30–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–175–000.

Applicants: Wisconsin Public Service Corporation.

Description: Application for Approval of Transaction Under Section 203(a)(1)(B) of the Federal Power Act of Wisconsin Public Service Corporation.

Filed Date: 7/24/15.

Accession Number: 20150724–5121

Comments Due: 5 p.m. ET 8/14/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–2318–005; ER13–2317–005; ER13–2319–005.

Applicants: All Dams Generation, LLC, PE Hydro Generation, LLC, Lake Lynn Generation, LLC.

Description: Supplement to March 23, 2015 Notification of Change in Status of the Cube Hydro MBR Sellers.

Filed Date: 7/24/15.

Accession Number: 20150724–5097.

Comments Due: 5 p.m. ET 8/14/15.

Docket Numbers: ER14–2281–000.

Applicants: Homer City Generation, L.P.

Description: Report Filing: Reactive Refund Report to be effective N/A.

Filed Date: 7/24/15.

Accession Number: 20150724–5112.

Comments Due: 5 p.m. ET 8/14/15.

Docket Numbers: ER15–1839–001.

Applicants: Interstate Power and Light Company.

Description: Tariff Amendment: Amendment to IPL Change in Depreciation Rates for Wholesale Production Service to be effective 7/1/2015.

Filed Date: 7/24/15.

Accession Number: 20150724–5122.

Comments Due: 5 p.m. ET 8/14/15.

Docket Numbers: ER15–2264–000.

Applicants: CP Power Sales Seventeen, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation to be effective 7/25/2015.

Filed Date: 7/24/15.

Accession Number: 20150724–5054.

Comments Due: 5 p.m. ET 8/14/15.

Docket Numbers: ER15–2265–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions to Modify Procedures for Establishing Trading Hubs and Resource Hubs to be effective 9/23/2015.

Filed Date: 7/24/15.

Accession Number: 20150724–5055.

Comments Due: 5 p.m. ET 8/14/15.

Docket Numbers: ER15–2266–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 35 2d Revised—NITSA with The Town of Philipsburg to be effective 10/1/2015.

Filed Date: 7/24/15.

Accession Number: 20150724–5070.

Comments Due: 5 p.m. ET 8/14/15.

Docket Numbers: ER15–2267–000.

Applicants: Chevron Power Holdings Inc.

Description: Baseline eTariff Filing: MBR Application to be effective 9/23/2015.

Filed Date: 7/24/15.

Accession Number: 20150724–5086.

Comments Due: 5 p.m. ET 8/14/15.

Docket Numbers: ER15–2268–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Attachment AF Tariff Revisions Regarding Components of Mitigated Offers to be effective 9/22/2015.

Filed Date: 7/24/15.

Accession Number: 20150724–5123.

Comments Due: 5 p.m. ET 8/14/15.

Docket Numbers: ER15–2269–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2015–07–24 2nd Quarter Tariff Clean-Up Filing to be effective 7/25/2015.

Filed Date: 7/24/15.

Accession Number: 20150724–5125.

Comments Due: 5 p.m. ET 8/14/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15–39–000.

Applicants: AEP Generating Company, AEP Texas North Company, AEP Texas Central Company, Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, Wheeling Power Company.

Description: Application Under Section 204 of the Federal Power Act for

Authorization to Issue Securities of AEP Generating Company.

Filed Date: 7/24/15.

Accession Number: 20150724–5096.

Comments Due: 5 p.m. ET 8/14/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 24, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–18787 Filed 7–30–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–535–000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

Take notice that on July 17, 2015, National Fuel Gas Supply Corporation (National Fuel) 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP15–535–000 a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act for authorization to abandon certain minor underground natural gas storage facilities within the Colden Storage Field in Erie County, New York, under its blanket certificate issued in Docket No. CP83–4–000, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed Kenneth E. Webster, Attorney for National Fuel, 6363 Main Street, Williamsville, New York 14221, at (716) 857–7067.

Specifically, National Fuel proposes to abandon three observation wells: 1013–I, 1028–I and 1229–I (within the Colden Storage Field).

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: July 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18838 Filed 7–30–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9022–2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs)

Filed 07/20/2015 Through 07/24/2015 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20150203, Final, NIH, MD, NIH Bethesda Chilled Water Systems Improvements, Review Period Ends: 08/31/2015, Contact: Valerie Nottingham 301–496–7775.

EIS No. 20150204, Final, BOP, KY, U.S. Penitentiary and Federal Prison Camp, Review Period Ends: 08/31/2015, Contact: Issac Gaston 202–514–6470.

EIS No. 20150205, Final, NRC, IL, Generic—License Renewal of Nuclear Plants, Supplement 54, Regarding Byron Station, Units 1 and 2, NUREG–1437, Review Period Ends: 08/31/2015, Contact: Lois M. James 301–415–3306.

EIS No. 20150206, Final, USACE, CA, Elverta Specific Plan Project, Review Period Ends: 08/31/2015, Contact: Marc A. Fugler 916–557–5255.

EIS No. 20150207, Draft, DOE, NH, Northern Pass Transmission Line Project, Comment Period Ends: 10/29/2015, Contact: Brian Mills 202–586–8267.

Amended Notices

EIS No. 20150088, Draft, USMC, Other, Commonwealth of the Northern Mariana Islands (CJMT) Joint Military Training, Comment Period Ends: 08/17/2015, Contact: Lori Robertson 808–472–1409, Revision to FR Notice Published 05/15/2015; Extending the Comment Period from 08/03/2015 to 08/17/2015.

EIS No. 20150196, Draft Supplement, BR, CA, Bay Delta Conservation Plan/

California Water Fix, Comment Period Ends: 10/30/2015, Contact: Michelle Banonis 916–930–5676, Revision to FR Notice Published 07/17/2015; Extending the Comment Period from 08/31/2015 to 10/30/2015.

Dated: July 28, 2015.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2015–18842 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2011–0742; FRL—9931–69–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Aircraft Engines—Supplemental Information Related to Exhaust Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Aircraft Engines—Supplemental Information Related to Exhaust Emissions'' (EPA ICR No. 2427.03, OMB Control No. 2060–0680) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR. Public comments were previously requested via the **Federal Register** during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before August 31, 2015.

ADDRESSES: Submit your comments, referencing the above listed Docket ID Number, to (1) EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Alan Stout, Office of Air and Radiation, U.S. Environmental Protection Agency; telephone number: 734–214–4805; email address: *stout.alan@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Clean Air Act section 231 (42 U.S.C. 7571) authorizes EPA to adopt emission standards for aircraft engines. The Clean Air Act additionally provides broad authority for EPA to collect information related to the regulations we adopt for aircraft and other emission sources (42 U.S.C. 7414(a)(1)). EPA is accordingly adopted emission standards for aircraft gas turbine engines and added a requirement for manufacturers to submit information related to compliance with the emission standards. EPA will use the data to verify compliance with emission standards and to better understand the characteristics of aircraft engines that are subject to emission standards.

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 10 (total).

Frequency of response: Annual.

Total estimated burden: 60 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: No annualized capital or operation & maintenance costs.

Changes in the estimates: There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2015–18716 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R10–OAR–2015–0323: FRL–9931–61–Region 10]

Adequacy Determination for the Grants Pass, Oregon PM_{10} State Implementation Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy determination.

SUMMARY: The Environmental Protection Agency (EPA) is notifying the public of its finding that the Grants Pass, Oregon second 10-year limited maintenance plan (LMP) for particulate matter with an aerodynamic diameter of a nominal 10 microns or less (PM_{10}) is adequate for transportation conformity purposes. The LMP was submitted to the EPA by the State of Oregon Department of Environmental Quality (ODEQ or the State) on April 22, 2015. As a result of our adequacy finding, regional emissions analyses will no longer be required as part of the transportation conformity demonstrations for PM_{10} for the Grants Pass area.

DATES: This finding is effective August 17, 2015.

FOR FURTHER INFORMATION CONTACT: The finding will be available at the EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.* You may also contact Dr. Karl Pepple, U.S. EPA, Region 10 (OAWT–107), 1200 Sixth Ave., Suite 900, Seattle, WA 98101; (206) 553–1778; or by email at *pepple.karl@epa.gov.*

SUPPLEMENTARY INFORMATION: This action provides notice of the EPA's adequacy finding regarding the second 10-year PM_{10} limited maintenance plan (LMP) for the Grants Pass area for purposes of transportation conformity. The EPA's finding was made pursuant to the adequacy review process for implementation plan submissions delineated at 40 CFR 93.118(f)(1) under which the EPA reviews the adequacy of a state implementation plan (SIP) submission prior to the EPA's final action on the implementation plan.

The State submitted the LMP to the EPA on April 22, 2015. Pursuant to 40 CFR 93.118(f)(1), the EPA notified the public of its receipt of this plan and its review for an adequacy determination on the EPA's Web site and requested public comment by no later than June 3, 2015. The EPA received no comments on the plan during the comment period. As part of our analysis, we also

reviewed the State's compilation of public comments and response to comments that were submitted during the State's public process for the LMP. There were no adverse comments directed at the on-road portion of the LMP.

Based on our review, the EPA believes it is appropriate to find this LMP adequate for use in transportation conformity prior to final action on the LMP. The EPA has moved forward with an approval notice for the Grants Pass PM_{10} LMP. Until that action is final and effective, this adequacy finding allows the State to apply the LMP for transportation conformity purposes.

The EPA notified ODEQ in a letter dated June 24, 2015 (adequacy letter), subsequent to the close of the EPA comment period, that the EPA had found the LMP to be adequate for use in transportation conformity. A copy of the adequacy letter and its enclosure are available in the docket for this action and at the EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.*

Pursuant to 40 CFR 93.109(e), limited maintenance plans are not required to contain on-road motor vehicle emissions budgets. Accordingly, as a result of this adequacy finding, regional emissions analyses will no longer be required as a part of the transportation conformity demonstrations for PM_{10} for the Grants Pass area. However, other conformity requirements still remain such as consultation (40 CFR 93.112), transportation control measures (40 CFR 93.113), and project level analysis (40 CFR 93.116).

Transportation conformity is required by section 176(c) of the Clean Air Act. Transportation conformity to a SIP means that on-road transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The minimum criteria by which we determine whether a SIP is adequate for conformity purposes are specified at 40 CFR 93.118(e)(4). The EPA's analysis of how the LMP satisfies these criteria is found in the adequacy letter and its enclosure.

Authority: 42 U.S.C. 7401–767Iq.

Dated: July 15, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2015–18831 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R10–OAR–2013–0005: FRL–9931–60–Region 10]

Adequacy Determination for the Klamath Falls, Oregon $PM_{2.5}$ State Implementation Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy determination.

SUMMARY: The Environmental Protection Agency (EPA) is notifying the public of its finding that the motor vehicle emissions budgets (MVEBs) for particulate matter with an aerodynamic diameter of a nominal 2.5 microns or less ($PM_{2.5}$) and nitrogen oxides (NO_X) in the Klamath Falls $PM_{2.5}$ state implementation plan (SIP or attainment plan) are adequate for transportation conformity purposes. The attainment plan was submitted to the EPA by the State of Oregon Department of Environmental Quality (DEQ or the State) on December 12, 2012, with a clarification to the MVEB submitted on December 19, 2013. As a result of this adequacy finding, the Oregon DEQ, the Oregon Department of Transportation, and the U.S. Department of Transportation will be required to use these MVEBs for future transportation conformity determinations.

DATES: This finding is effective August 17, 2015.

FOR FURTHER INFORMATION CONTACT: The finding will be available at the EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.* You may also contact Dr. Karl Pepple, U.S. EPA, Region 10 (OAWT–107), 1200 Sixth Ave., Suite 900, Seattle WA 98101; (206) 553–1778; or by email at *pepple.karl@epa.gov.*

SUPPLEMENTARY INFORMATION: This action provides notice of the EPA's adequacy finding regarding the MVEBs located in the attainment plan for the 2006 $PM_{2.5}$ national ambient air quality standards for purposes of transportation conformity. The EPA's finding was made pursuant to the adequacy review process for state attainment plan submissions delineated at 40 CFR 93.118(f)(1) under which the EPA reviews the adequacy of an attainment plan submission prior to the EPA's final action on the attainment plan.

Before the attainment plan was submitted to the EPA, consultation among federal, State, and local agencies occurred. Full attainment plan documentation was provided to EPA, and EPA's stated concerns were addressed. The State submitted the attainment plan to the EPA on December 12, 2012 with a clarification to the MVEBs submitted on December 19, 2013. Pursuant to 40 CFR 93.118(f)(1), the EPA notified the public of its receipt of this plan and its review for an adequacy determination on the EPA's Web site and requested public comment by no later than April 9, 2015. The EPA received no comments on the plan during the comment period. As part of our analysis, we also reviewed the State's compilation of public comments and response to comments that were submitted during the State's public process for the attainment plan. The State subsequently provided a clarification to the MVEBs in the attainment plan on December 19, 2013. The EPA finds that the MVEBs in the attainment plan, as clarified, are adequate for purposes of transportation conformity. There were no other comments directed at the on-road portion of the attainment plan that were submitted during the State public process.

The EPA notified Oregon DEQ in a letter dated June 24, 2015 (adequacy letter), subsequent to the close of the EPA comment period, that the EPA had found the MVEBs located in the attainment plan to be adequate for use in transportation conformity. A copy of the adequacy letter and its enclosure are available in the docket for this action and at the EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.* The MVEBs that the EPA determined to be adequate for purposes of transportation conformity are listed in the following table.

2014 Motor Vehicle Emissions Budgets for Klamath Falls

$PM_{2.5}$	699 lbs/day.
NO_X	4,834 lbs/day.

Transportation conformity is required by section 176(c) of the Clean Air Act. Transportation conformity to an attainment plan means that on-road transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The minimum criteria by which we determine whether an attainment plan is adequate for conformity purposes are specified at 40 CFR 93.118(e)(4). The EPA's analysis of how the attainment plan satisfies these criteria is found in the adequacy letter and its enclosure.

The EPA's adequacy review is separate from the EPA's attainment plan completeness review and it is not dispositive of the EPA's ultimate action on the attainment plan.

Authority: 42 U.S.C. 7401–767Iq.

Dated: July 15, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2015–18832 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R10–OAR–2015–0322: FRL–9931–62–Region 10]

Adequacy Determination for the Grants Pass, Oregon Carbon Monoxide State Implementation Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy determination.

SUMMARY: The Environmental Protection Agency (EPA) is notifying the public of its finding that the Grants Pass, Oregon second 10-year limited maintenance plan (LMP) for carbon monoxide (CO) is adequate for transportation conformity purposes. The LMP was submitted to the EPA by the State of Oregon Department of Environmental Quality (ODEQ or the State) on April 22, 2015. As a result of our adequacy finding, regional emissions analyses will no longer be required as part of the transportation conformity demonstrations for CO for the Grants Pass area.

DATES: This finding is effective August 17, 2015.

FOR FURTHER INFORMATION CONTACT: The finding will be available at the EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.* You may also contact Dr. Karl Pepple, U.S. EPA, Region 10 (OAWT–107), 1200 Sixth Ave., Suite 900, Seattle WA 98101; (206) 553–1778; or by email at *pepple.karl@epa.gov.*

SUPPLEMENTARY INFORMATION: This action provides notice of the EPA's adequacy finding regarding the second 10-year CO limited maintenance plan (LMP) for the Grants Pass area for purposes of transportation conformity. The EPA's finding was made pursuant to the adequacy review process for implementation plan submissions delineated at 40 CFR 93.118(f)(1) under which the EPA reviews the adequacy of a state implementation plan (SIP) submission prior to the EPA's final action on the implementation plan.

The State submitted the LMP to the EPA on April 22, 2015. Pursuant to 40 CFR 93.118(f)(1), the EPA notified the public of its receipt of this plan and its review for an adequacy determination on the EPA's Web site and requested public comment by no later than June 3, 2015. The EPA received no comments on the plan during the comment period. As part of our analysis, we also reviewed the State's compilation of public comments and response to comments that were submitted during the State's public process for the LMP. There were no adverse comments directed at the on-road portion of the LMP.

Based on our review, the EPA believes it is appropriate to find this LMP adequate for use in transportation conformity prior to final action on the LMP. The EPA has moved forward with an approval notice for the Grants Pass CO LMP. Until that action is final and effective, this adequacy finding allows the State to apply the LMP for transportation conformity purposes.

The EPA notified ODEQ in a letter dated June 24, 2015 (adequacy letter), subsequent to the close of the EPA comment period, that the EPA had found the LMP to be adequate for use in transportation conformity. A copy of the adequacy letter and its enclosure are available in the docket for this action and at the EPA's conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.*

Pursuant to 40 CFR 93.109(e), limited maintenance plans are not required to contain on-road motor vehicle emissions budgets. Accordingly, as a result of this adequacy finding, regional emissions analyses will no longer be required as a part of the transportation conformity demonstrations for CO for the Grants Pass area. However, other conformity requirements still remain such as consultation (40 CFR 93.112), transportation control measures (40 CFR 93.113), and project level analysis (40 CFR 93.116).

Transportation conformity is required by section 176(c) of the Clean Air Act. Transportation conformity to a SIP means that on-road transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards. The minimum criteria by which we determine whether a SIP is adequate for conformity purposes are specified at 40 CFR 93.118(e)(4). The EPA's analysis of how the LMP satisfies these criteria is found in the adequacy letter and its enclosure.

Authority: 42 U.S.C. 7401–767Iq.

Dated: July 15, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2015–18830 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–EPA–HQ–OAR–2003–0085; FRL–9931–71–OEI]

Proposed Information Collection Request; Comment Request; NESHAP for Radionuclides (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''NESHAP for Radionuclides (Renewal)'' (EPA ICR No. 1100.15, OMB Control No. 2060–0249) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before September 29, 2015.

ADDRESSES: Submit your comments, referencing the above referenced Docket ID Number online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Philip Egidi, Radiation Protection Division, Office of Radiation and Indoor Air, Mail Code 6608J, Environmental Protection Agency, 1200 Pennsylvania

Ave. NW., Washington, DC 20460; telephone number: (202) 343–9186; fax number: (202) 343–2304; email address: *egidi.philip@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In the context of the Clean Air Act (42 U.S.C. 1857), Section 114 authorizes the Administrator of EPA to require any person who owns or operates any emission source or who is subject to any requirements of the Act to: (1) Establish and maintain records, (2) make reports, install, use, and maintain monitoring equipment or method, (3) sample emissions in accordance with EPA prescribed locations, intervals and methods, and (4) provide information as may be requested. EPA's regional offices use the information collected to ensure that public health continues to be protected from the hazards of radionuclides by compliance with health based standards. This information is required for those facilities meeting the definition of each Subpart. EPA's compliance monitoring activities vary widely. EPA could issue a letter requesting information about compliance or could conduct a full-scale investigation, including on site inspections. The information required to be submitted is not confidential in nature.

Respondents/affected entities: The NAICS Codes of facilities associated with the activity of the respondents are: (1) Elemental Phosphorous 325188, (2) Phosphogypsum Stacks 212392, (3) Underground Uranium Mines 212291, and (4) Uranium Mill Tailings 212291

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 20 (total).

Frequency of response: Initially (Once), Annually, Random (Occasionally).

Total estimated burden: 2,872 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $500,572, which includes $283,460 in annualized capital and O&M costs.

Changes in Estimates: The final ICR submitted to OMB will contain revised burden estimates that reflect any changes to the collection over the past three years and any public comments received.

Courtney Kerwin,

Acting Director, Collections Strategies Division.

[FR Doc. 2015–18717 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9931–59–Region 9]

Public Water System Supervision Program Revision for the State of Hawaii

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Hawaii revised its approved Public Water System Supervision Program (PWSSP) under the federal Safe Drinking Water Act (SDWA) pertaining to administrative penalty authority. The Environmental Protection Agency (EPA) has determined that these revisions by the State are no less stringent than the corresponding Federal regulations and otherwise meet applicable SDWA primacy requirements. Therefore, EPA intends to approve these revisions to Hawaii's PWSSP.

DATES: Written comments and/or request for a public hearing must be received on or before August 31, 2015.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the following offices: Hawaii Department of Health, Safe Drinking Water Branch, Environmental Management Division, 919 Ala Moana Blvd., Room 308, Honolulu, Hawaii 96814; and United States Environmental Protection Agency, Region 9, Drinking Water Management Section, 75 Hawthorne Street (WTR–3–1), San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Anna Yen, EPA Region 9, Drinking Water Management Section, at the address given above; telephone number: (415)972–3976; email address: *yen.anna@epa.gov.*

SUPPLEMENTARY INFORMATION: Background. EPA approved the State's original application for PWSSP primary enforcement authority which, following the public notice period, became effective on October 20, 1977 (42 FR 47244, no request for public hearing received). EPA subsequently approved and finalized revisions to Hawaii's PWSSP on the following dates: May 6, 1993 (58 FR 17892); July 19, 1993 (58 FR 33442); September 29, 1993 (58 FR 45491); March 13, 1995 (60 FR 7962); and May 23, 1996 (61 FR 17892).

Public Process. Any interested party may submit written comments on this determination and/or request a public hearing. All comments will be considered and, if necessary, EPA will issue a response. A request for a public hearing and/or comments must be submitted by August 31, 2015, to the Regional Administrator at the EPA Region 9 address shown above. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. If a substantial request for a public hearing is made by August 31, 2015, EPA Region 9 will hold a public hearing. Any request for a public hearing shall include the following information: 1. The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; 2. A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and 3. The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity,

the signature of a responsible official of the organization or other entity.

If EPA Region 9 does not receive a timely and appropriate request for a hearing and the Regional Administrator does not elect to hold a hearing on his own motion, and if no comments are received which cause EPA to modify its tentative approval, this determination shall become final and effective on August 31, 2015, and no further public notice will be issued.

Authority: Section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 3006–2 (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Dated: July 20, 2015.

Alexis Strauss,

Acting Regional Administrator, EPA, Region 9.

[FR Doc. 2015–18833 Filed 7–30–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0647]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before August 31, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0647.

Title: Annual Survey of Cable Industry Prices, FCC Form 333.

Form Number: FCC Form 333.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; State, local or Tribal Government.

Number of Respondents and Responses: 776 respondents and 776 responses.

Estimated Time per Response: 7 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 5,432 hours.

Total Annual Cost: None.

Obligation to Respond: Mandatory. The statutory authority for this information collection is in Sections 4(i) and 623(k) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: If individual respondents to this survey wish to request confidential treatment of any data provided in connection with this survey, they can do so upon written request, in accordance with Sections 0.457 and 0.459 of the Commission's rules. To request confidential treatment of their data, respondents must describe the specific information they wish to protect and provide an explanation of why such confidential treatment is appropriate. If a respondent submits a request for confidentiality, the Commission will review it and make a determination.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The Cable Television Consumer Protection and Competition Act of 1992 (''Cable Act'') requires the Commission to publish annually a report on average rates for basic cable service, cable programming service, and equipment. The report must compare the prices charged by cable operators subject to effective competition and those that are not subject to effective competition. The Annual Cable Industry Price Survey is intended to collect the data needed to prepare that report. The data from these questions are needed to complete this report.

Federal Communications Commission.

Sheryl Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2015–18735 Filed 7–30–15; 08:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 14, 2015.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *George K. Miller,* Ft. Lauderdale, Florida; to acquire voting shares of Cornerstone Financial Corporation, and thereby indirectly acquire voting shares of Cornerstone Bank, both in Mt. Laurel, New Jersey.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Mary K. Sullivan, individually, and as trustee of the following trusts: The John C. Wheeler Irrevocable Trust dated 7/14/89 FBO John Douglas Wheeler; The Mary Alice Wheeler Trust FBO John Douglas Wheeler dated 4/28/98; and The Mary Alice Wheeler Trust FBO John D. Wheeler Family dated 4/12/06, together with John D. Wheeler, as trustee of The John D. Wheeler Revocable Trust,* all of Countryside, Illinois, as a group acting in concert, to acquire, voting shares of SBC, Incorporated, and thereby indirectly voting shares of Countryside Bank, both in Countryside, Illinois.

Board of Governors of the Federal Reserve System, July 27, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–18714 Filed 7–30–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 24, 2015.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Southwest United Bancshares, Inc.,* El Paso, Texas; to become a bank holding company through the acquisition of United Bank of El Paso del Norte, El Paso, Texas.

Board of Governors of the Federal Reserve System, July 27, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–18715 Filed 7–30–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of ETAC Meeting

TIME AND DATE: 1:00 p.m., August 6, 2015.

PLACE: 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Approval of the minutes of the May 18, 2015 Joint Board/ETAC meeting
2. Thrift Savings Fund Statistics
3. Withdrawal Options
4. Mutual Fund Window Project and Policy
5. Investment Advice Discussion
6. Impact of Proposed Changes to G Fund
7. New Business

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: July 28, 2015.

James B. Petrick,

Secretary, Federal Retirement Thrift Investment Board.

[FR Doc. 2015–18867 Filed 7–29–15; 4:15 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Disaster Information Collection Plans.

OMB No.: NEW.

Description: This request is for approval of a plan for conducting more than one information collection that is very similar, voluntary, low-burden and uncontroversial. The Information collections under this generic clearance will be activated during a disaster. These forms will be used after a disaster to develop a technical assistance plan for affected ACF programs.

Presidential Policy Directive-8 (PPD–8), which was signed into law in 2011, provides federal guidance and planning procedures under established phases—protection, preparedness, response, recovery, and mitigation. The data collection addresses response, and recovery for ACF programs with a statutory preparedness planning requirement and other programs without that requirement.

ACF/Office of Human Services Emergency Preparedness and Response (OHSEPR) has a requirement under PPD–8, the National Response Framework, and the National Disaster Recovery Framework to report impacts of disasters to ACF-supported human services programs to the HHS Secretary's Operation Center (SOC). ACF/OHSEPR works in conjunction with the Assistant Secretary for Preparedness and Response (ASPR), and the Federal Emergency Management Agency (FEMA) to ensure that impacted ACF programs are returned to their normal or close to normal operations.

The primary purpose of the information collection pertains to ACF's initiative to provide real time updates during the response and recovery phases of a disaster; the information will be used to respond to inquiries about human services response and recovery efforts, specifically for individuals, children, and families that need support from ACF programs. Further, the information collection will be used to support ACF/OHSEPR's goal to quickly identify critical gaps, resources, needs, and services to support State, local and non-profit capacity for disaster case management and to augment and build capacity where none exists.

Respondents: Varies, depending on programmatic impact (could be state administrators, or grantees).

Annual Burden Estimates

The estimate is based on a single disaster per year. The estimate is for one state administrator to go through all the applicable questions with the Regional and Central Office staff, if applicable.

Instrument	Number of respondents	Number of responses per respondent	Burden hours per response	Total burden hours
Program Specific Disaster Information Collection	50	15	0.5	25

In compliance with the requirements of section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–18711 Filed 7–30–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Tribal TANF Data Report, TANF Annual Report, and Reasonable Cause/Corrective Action Documentation Process—Final.

OMB No.: 0970–0215.

Description: 42 U.S.C. 612 (Section 412 of the Social Security Act as amended by Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)), mandates that federally recognized Indian Tribes with an approved Tribal TANF program collect and submit to the Secretary of the Department of Health and Human Services data on the recipients served by the Tribes' programs. This information includes both aggregated and disaggregated data on case characteristics and individual characteristics. In addition, Tribes that are subject to a penalty are allowed to provide reasonable cause justifications as to why a penalty should not be imposed or may develop and implement corrective compliance procedures to eliminate the source of the penalty. Finally, there is an annual report, which requires the Tribes to describe program characteristics. All of the above requirements are currently approved by OMB and the Administration for Children and Families is simply proposing to extend them without any changes.

Respondents: Indian Tribes.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Final Tribal TANF Data Report	70	4	451	126,280
Tribal TANF Annual Report	70	1	40	2,800
Tribal TANF Reasonable Cause/Corrective	70	1	60	4,200

Estimated Total Annual Burden Hours: 133,280.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–18793 Filed 7–30–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0309]

International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products; Bracketing and Matrixing Designs for Stability Testing of New Veterinary Drug Substances and Medicinal Products; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry (GFI) #198 entitled ''Bracketing and Matrixing Designs for Stability Testing of New Veterinary Drug Substances and Medicinal Products'' (VICH GL45). This guidance has been developed for veterinary use by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). This VICH guidance is an annex to a VICH guidance GFI #73 entitled ''Stability Testing of New Veterinary Drug Substances and Medicinal Products (Revision)'' VICH GL3(R). This VICH guidance document is intended to provide guidance on the application of reduced designs (*i.e.,* bracketing and matrixing) for stability studies conducted in accordance with the principles outlined in VICH GL3(R).

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Mai Huynh, Center for Veterinary Medicine (HFV–142), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0670, *mai.huynh@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seek scientifically based harmonized technical procedures for the development of pharmaceutical products. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use for several years to develop harmonized technical requirements for the approval of human pharmaceutical and biological products among the European Union, Japan, and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United States, and includes input from both regulatory and industry representatives.

The VICH Steering Committee is composed of member representatives from the European Commission; European Medicines Evaluation Agency; European Federation of Animal Health; Committee on Veterinary Medicinal Products; FDA; the U.S. Department of Agriculture; the Animal Health Institute; the Japanese Veterinary Pharmaceutical Association; the Japanese Association of Veterinary Biologics; and the Japanese Ministry of Agriculture, Forestry, and Fisheries.

Six observers are eligible to participate in the VICH Steering Committee: One representative from the government of Australia/New Zealand, one representative from the industry in Australia/New Zealand, one representative from the government of Canada, one representative from the industry of Canada, one representative from the government of South Africa, and one representative from the industry of South Africa. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation for Animal Health (IFAH). An IFAH representative also participates in the VICH Steering Committee meetings.

II. Guidance on Bracketing and Matrixing Designs for Stability Testing of New Veterinary Drug Substances and Medicinal Products

In the **Federal Register** of July 21, 2009 (74 FR 35875), FDA published a notice of availability for a draft guidance entitled ''Bracketing and Matrixing Designs for Stability Testing of New Veterinary Drug Substances and Medicinal Products'' (VICH GL45) giving interested persons until August 20, 2009, to comment on the draft guidance. FDA did not receive comments on the draft guidance. Comments received by other VICH member regulatory agencies were considered as the guidance was finalized. The guidance announced in this notice finalizes the draft guidance dated July 20, 2009. The final guidance is a product of the Expert Quality Working Group of the VICH.

This VICH guidance document provides guidance on bracketing and matrixing study designs. Specific principles are defined in this guidance for situations in which bracketing or matrixing can be applied. This VICH guidance document is intended to address recommendations on the application of bracketing and matrixing to stability studies conducted in accordance with principles outlined in the VICH guidance GFI #73 entitled ''Stability Testing of New Veterinary Drug Substances and Medicinal Products (Revision) VICH GL3(R)'' that published in the **Federal Register** of November 23, 2007 (72 FR 65751).

III. Significance of Guidance

This guidance, developed under the VICH process, has been revised to conform with FDA's good guidance practices regulation (21 CFR 10.115). For example, the document has been designated ''guidance'' rather ''guideline.'' In addition, guidance documents must not include mandatory language such as ''shall,'' ''must,'' ''require,'' or ''requirements,'' unless FDA is using these words to describe a statutory or regulatory requirement. The guidance represents the current thinking of FDA on Bracketing and Matrixing Designs for Stability Testing of New Veterinary Drug Substances and Medicinal Products. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of applicable statutes and regulations.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 514 have been approved under OMB control number 0910–0032.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

VI. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/cvm* or *http://www.regulations.gov.*

Dated: July 27, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–18796 Filed 7–30–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1051]

Modified Risk Tobacco Product Applications: Applications for 10 Products Submitted by Swedish Match North America Inc.; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of the comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the period for public comment on modified risk tobacco product applications (MRTPAs) submitted by Swedish Match North America Inc. for 10 tobacco products and announcing the availability for public comment of amendments to the MRTPAs. The notice of availability for the originally-filed applications appeared in the **Federal Register** of August 27, 2014 (79 FR 51183). In that notice, FDA requested comments on the 10 originally-filed MRTPAs that are posted on *http://www.regulations.gov* and FDA's Web site. The comment period on these originally-filed applications closed on February 23, 2015. FDA is reopening the comment period to seek comment specifically on amendments made to the originally-filed MRTPAs submitted by Swedish Match North America Inc.

DATES: Submit either electronic or written comments on the amendments by August 31, 2015.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with Docket Number FDA–2014–N–1051.

FOR FURTHER INFORMATION CONTACT: Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 1–877–287–1373, *AskCTP@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of August 27, 2014 (79 FR 51183), FDA published a notice of availability of MRTPAs submitted by Swedish Match North America Inc. for 10 tobacco products and gave the public 180 days to comment on the applications.

FDA is required by section 911(e) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 387k(e)) to make an MRTPA available to the public (except for matters in the application that are trade secrets or otherwise confidential commercial information) and to request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying the application. The determination of whether an order is appropriate under section 911 of the FD&C Act is based on the scientific information submitted by the applicant as well as the scientific evidence and other information that is made available to the Agency, including through public comments.

FDA has received and accepted a number of amendments to Swedish Match North America Inc.'s 10 originally-filed MRTPAs and is making these amendments available (except for matters in the amendments that are trade secrets or otherwise confidential commercial information) for public comment. FDA is reopening the period for public comment so that the public has the opportunity to review and comment on these amendments.

II. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Persons with access to the Internet may obtain the document at either *http://www.accessdata.fda.gov/Static/widgets/tobacco/SMNA_MRTPA_FDA-2014-N-1051.html* or *http://www.regulations.gov.*

Dated: July 27, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–18782 Filed 7–30–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

David Anderson, University of Oregon, Eugene: Based on an assessment conducted by the University of Oregon, Eugene (UOE), the Respondent's admission, and analysis conducted by ORI, ORI and UOE found that Mr. David Anderson, Graduate Student, UOE, engaged in research misconduct in research supported by National Institute of Mental Health (NIMH), National Institutes of Health (NIH), grants R01 MH087214, R01 MH077105, and TA MH020002.

ORI found that Respondent engaged in research misconduct by falsifying and/or fabricating data in the following four (4) publications:

- *Journal of Neuroscience* 31(3):1128–38, 2011 (hereafter referred to as ''Paper 1'').

Journal of Experimental Psychology: Human Perception and Performance

39(3):824–835, 2012 (hereafter referred to as ''Paper 2'').

• *Attention, Perception and Psychophysics* 74(5):891–910, 2012 (hereafter referred to as ''Paper 3'').

• *Psychological Science* 24(6):929–38, 2013 (hereafter referred to as ''Paper 4'').

ORI found that Respondent knowingly falsified data by removing outlier values or replacing outliers with mean values to produce results that conform to predictions. Specifically, these falsifications appear in:

1. Figures 4 and 8 in Paper 1.

2. Figures 3C, 3D, and 3E in Paper 2.

3. Figures 3B, 7C, 7D, and 8B in Paper 3.

4. Figures 3E and 3F in Paper 4.

Mr. Anderson has entered into a Voluntary Settlement Agreement and has voluntarily agreed for a period of three (3) years, beginning on June 23, 2015:

(1) To have his research supervised; Respondent agreed that prior to the submission of an application for U.S. Public Health Service (PHS) support for a research project on which his participation is proposed and prior to his participation in any capacity on PHS-supported research, Respondent shall ensure that a plan for supervision of his duties is submitted to ORI for approval; the supervision plan must be designed to ensure the scientific integrity of his research contribution; Respondent agreed that he shall not participate in any PHS-supported research until such a supervision plan is submitted to and approved by ORI; Respondent agreed to maintain responsibility for compliance with the agreed upon supervision plan;

(2) that any institution employing him shall submit in conjunction with each application for PHS funds, or report, manuscript, or abstract involving PHS-supported research in which Respondent is involved, a certification to ORI that the data provided by Respondent are based on actual experiments or are otherwise legitimately derived, and that the data, procedures, and methodology are accurately reported in the application, report, manuscript, or abstract;

(3) to exclude himself voluntarily from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant; and

(4) to assist UOE in advising publishers of the need to retract or correct the following papers:

• *Journal of Neuroscience* 31(3):1128–38, 2011.

• *Journal of Experimental Psychology: Human Perception and Performance* 39(3):824–835, 2012.

• *Attention, Perception and Psychophysics* 74(5):891–910, 2012.

• *Psychological Science* 24(6):929–38, 2013.

FOR FURTHER INFORMATION CONTACT: Acting Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8200.

Donald Wright,

Acting Director, Office of Research Integrity.

[FR Doc. 2015–18794 Filed 7–30–15; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–0407–60D]

Agency Information Collection Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). A 60-day **Federal Register** Notice has been published for this system. This request is to approve a revision to a currently approved collection with OMB number 0990–0407, and is not a new request for approval.

DATES: Comments on the ICR must be received on or before September 29, 2015.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–0407–60D for reference.

Information Collection Request Title: Think Cultural Health (TCH) Web site Quality Improvement Effort—OMB No. 0990–0407 REVISION–HHS/OS/OMH

Abstract: The Office of Minority Health (OMH), Office of the Secretary (OS), Department of Health and Human Services (HHS) is requesting approval by OMB on a revised data collection. The Think Cultural Health (TCH) Web site is an initiative of the HHS OMH's Center for Linguistic and Cultural Competence in Health Care (CLCCHC), and is a repository of the latest resources and tools to promote cultural and linguistic competency in health and health care. The TCH Web site is unlike other government Web sites in that its suite of e-learning programs affords health and health care professionals the ability to earn continuing education credits through training in cultural and linguistic competency. The revision to this information collection request includes the online Web site registration form, course/unit evaluations specific to the resource or e-learning program course/unit completed, follow up surveys, focus groups, and key informant interviews.

Need and Proposed Use of the Information: The data will be used to ensure that the offerings on the TCH Web site are relevant, useful, and appropriate to their target audiences. The findings from the data collection will be of interest to HHS OMH in supporting maintenance and revisions of the offerings on the TCH Web site.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (hours)	Total burden (hours)
Registration Form	Health and Health Care Professionals.	9460	1.00	3/60	473
Course/unit Evaluation Form	Health and Health Care Professionals.	9460	1.00	5/60	788

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS—Continued

Form name	Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (hours)	Total burden (hours)
Follow-Up Survey	Health and Health Care Professionals.	4208	1.00	10/60	701
Follow-Up Survey	Community Health Workers	6	2.00	10/60	2
Focus Groups	Health and Health Care Professionals.	15	1.00	120/60	29
Key Informant Interviews	Health and Health Care Professionals.	13	1.00	60/60	13
Key Informant Interviews	Community Health Workers	25	1.00	60/60	25
Total		23187			2031

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Paperwork Reduction Act Clearance Officer.

[FR Doc. 2015–18810 Filed 7–30–15; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Julie Massè, Pennsylvania State University (PSU): Based on an assessment conducted by the Pennsylvania State University College of Medicine (PSU–COM) and the Respondent's admission, ORI and PSU found that Ms. Julie Massè, former postdoctoral scholar, PSU–COM, engaged in research misconduct in research supported by National Cancer Institute (NCI), National Institutes of Health (NIH), grant 4 R00 CA138498.

ORI found that the Respondent knowingly engaged in research misconduct by falsifying and/or fabricating Western blot data and analyses that were including in the following manuscript:

• ''Cellular invasion following p120-catenin loss is mediated by AP-1, ITGA2 and MMP11,'' submitted to *Molecular Cancer Research* (hereafter referred to as the ''*Molecular Cancer Research* manuscript'').

ORI found that the Respondent knowingly falsified and/or fabricated Western blot images, by manipulating the images to give the desired results, and quantitative PCR data and cell invasion and migration data, which were included in Figures 2, 3, S1, and S2 in the *Molecular Cancer Research* manuscript.

Specifically, ORI found that the Respondent included falsified and/or fabricated data and images in the following figures, and the corresponding text, in the *Molecular Cancer Research* manuscript:

1. Bands were cut and pasted from different Western blots for the following figures:

a. Figures 2A, lanes 2 and 3, for P-cJun (S73)

b. Figure 2D, lanes 4 and 6, bands identified as ITGA2

c. Figure 3B, bands identified as ITGA2 and MMP11

d. Figure 3D, bands identified as ITGA2 and MMP11 for lanes M2Neo-↑ITGA2 control and ↓MMP1

e. Figure 3E, bands identified as ITGA2 and MMP11 for lanes M2KO-↓ITGA2 control and M2KO-↓ITGA2-↑MMP11

f. Figure S1A, bands identified as P-cJun (S73)

g. Figure S2A, bands identified as P-cJun (S73)

h. Figure S2C, bands identified as P-cJun (S73)

i. Figure S2E, bands identified ITGA2 and MMP11

j. Figures S4B and C, identical bands were used for β-actin

2. Numbers were increased or decreased in cell invasion and migration assays to give the desired results in the following figures:

a. Figure 2B, for M2KO-DMSO cells and M2KO-SR11302 cells

b. Figure 3F, for M2Neo-↑ITGA2 ↓MMP11

c. Figure 3G, for M2KO-↓ITGA2 ↑MMP11

d. Figure S1B, for F2KO-cJun peptide

e. Figure S2B, for F2KO-cJun DMSO and F2KO-cJun SR11302

f. Figure S2D, for F2KO-cJun peptide

g. Figure S2F, for F2Tom-↑ITGA2 and F2KO-↓ITGA2 peptide

h. Figures S4A, B, C, and D, for the migration for M2KO and F2KO cells

3. qPCR numbers were altered in Figure 2C, for M2KO-DMSO-PcJun ChIP and for M2KO-SR11302-PcJun ChIP, to give the desired result of PcJun binding to ITGA2 promoter.

Ms. Massè has entered into a Voluntary Settlement Agreement and has voluntarily agreed for a period of two (2) years, beginning on July 6, 2015:

(1) To have her research supervised; Respondent agreed that prior to the submission of an application for U.S. Public Health Service (PHS) support for a research project on which her participation is proposed and prior to her participation in any capacity on PHS-supported research, Respondent shall ensure that a plan for supervision of her duties is submitted to ORI for approval; the supervision plan must be designed to ensure the scientific integrity of her research contribution; Respondent agreed that she will not participate in any PHS-supported research until such a supervision plan is submitted to and approved by ORI; Respondent agreed to maintain responsibility for compliance with the agreed upon supervision plan;

(2) that any institution employing her shall submit in conjunction with each application for PHS funds, or report, manuscript, or abstract involving PHS-supported research in which Respondent is involved, a certification to ORI that the data provided by Respondent are based on actual

experiments or are otherwise legitimately derived, and that the data, procedures, and methodology are accurately reported in the application, report, manuscript, or abstract; and

(3) to exclude herself voluntarily from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

FOR FURTHER INFORMATION CONTACT: Acting Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8200.

Donald Wright,

Acting Director, Office of Research Integrity.

[FR Doc. 2015–18756 Filed 7–30–15; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Peer Review Meeting.

Date: August 24–25, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Susana, DVM, Ph.D. Mendez, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G53B, National Institutes of Health, NIAID, 5601 Fishers Lane Dr. MSC 9823, Bethesda, MD 20892–9823, (240) 669–5077, *mendezs@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 27, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–18752 Filed 7–30–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; New Assessment of NHLBI's Global Health Initiative Collaborating Centers of Excellence

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on 3/13/2015, document number 2015–05722, pages 13396–13397. One comment was received. The purpose of this notice is to allow an additional 30 days for public comment. The National Heart, Lung and Blood Institute (NHLBI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

DATES: *Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Deshiree Belis, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Dr., Suite 6185A, Bethesda, MD 20892, or call non-toll-free number 301–435–1032, or Email your request, including your address to *deshiree.belis@nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: New Assessment of NHLBI's Global Health Initiative Collaborating Centers of Excellence (NHLBI), 0925—New, National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH).

Need and Use of Information Collection: This collection proposes to conduct a one-time outcome evaluation of the NHLBI Global Health Initiative Centers of Excellence (GHI COE) Program to examine the extent to which the program achieved its intended objectives in developing sustainable research and research training capacity, and advancing information about the prevention and treatment of chronic non-communicable chronic cardiovascular and pulmonary diseases (CVPD) in low- and middle-income country (LMIC) populations. The outcome evaluation will utilize a mixed-methods approach to comprehend each COE's processes, short term outcomes, and sustainability outcomes/efforts. Specifically, the evaluation will involve triangulating quantitative data sources (*e.g.,* archived systematic reporting data), and qualitative data sources (*e.g.,* archival data and key informant interview data). Data collected will be used to develop a Case Study report for each COE outlining their experience with implementing their program as well as a comprehensive cross-site Lessons Learned Report describing knowledge and experiences from the overall program, including similarities and differences across a variety of project settings and conditions. Findings from interviews will be incorporated into the Case Studies report and Lessons Learned report, which will be used by CTRIS to inform NHLBI and NIH stakeholders about structural issues relevant to planning both global and domestic biomedical research and training programs with diverse operational conditions and challenges. Additionally, COEs may utilize the Case Studies report as a marketing tool to attract additional funding and media coverage.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 36.

ESTIMATES OF HOUR BURDEN

Type of respondent	Number of respondents	Number of responses rer respondent	Average burden per response (in hours)	Total annualized burden (in hours)
Principal Investigators	9	1	1	9
Training Directors	9	1	1	9
Developed Country Partners	9	1	1	9
Trainees	9	1	1	9
Total	36			

Dated: July 20, 2015.

Valery Gheen,

NHLBI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2015–18750 Filed 7–30–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Vascular and Hematology.

Date: August 20, 2015.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 27, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–18751 Filed 7–30–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Advisory Council (NAC) on August 28, 2015.

The meeting will include a recap of the April 17, 2015, SAMHSA NAC meeting, a brief reflection on the Joint National Advisory Council meeting (JNAC) and presentations on topics related to disparities and a council discussion.

The meeting is open to the public and will be held at the SAMHSA building, 1 Choke Cherry Road, Rockville, MD 20857. Attendance by the public will be limited to space available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before August 18, 2015. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact on or before August 18, 2015. Five minutes will be allotted for each presentation.

The meeting may be accessed via telephone and web conferencing will be available. To attend on site; obtain the call-in number, access code, and/or web access link; submit written or brief oral comments; or request special accommodations for persons with disabilities, please register on-line at: *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx,* or communicate with SAMHSA's Committee Management Officer, CDR Carlos Castillo (see contact information below).

Substantive meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council's Web site at *http://www.samhsa.gov/about-us/advisory-councils/* or by contacting CDR Castillo. Substantive program information may be obtained after the meeting by accessing the SAMHSA Council's Web site, *http://nac.samhsa.gov/,* or by contacting CDR Castillo.

Council Name: Substance Abuse and Mental Health Services, Administration National Advisory Council.

Date/Time/Type: August 28, 2015, 8:30 a.m. to 1:00 p.m. (EDT), Open.

Place: SAMHSA Building, 1 Choke Cherry Road, Rockville, Maryland 20857.

Contact: CDR Carlos Castillo, Committee Management Officer and Designated Federal Officer, SAMHSA National Advisory Council, 1 Choke Cherry Road, Rockville, Maryland 20857 (mail), Telephone: (240) 276–2787, Fax: (240) 276–2252, Email: *carlos.castillo@samhsa.hhs.gov.*

Janine Denis Cook,

Chemist, SAMHSA.

[FR Doc. 2015–18784 Filed 7–30–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the combined meeting on August 27, 2015, of the Substance Abuse and Mental Health Services Administration's (SAMHSA) four National Advisory Councils (the SAMHSA National Advisory Council [NAC], the Center for Mental Health Services NAC, the Center for Substance

Abuse Prevention NAC, the Center for Substance Abuse Treatment NAC) and the two SAMHSA Advisory Committees (Advisory Committee for Women's Services [ACWS] and the Tribal Technical Advisory Committee [TTAC]).

SAMHSA's National Advisory Councils were established to advise the Secretary, Department of Health and Human Services (HHS); the Administrator, SAMHSA; and SAMHSA's Center Directors concerning matters relating to the activities carried out by and through the Centers and the policies respecting such activities.

Under section 501 of the Public Health Service Act, the ACWS is statutorily mandated to advise the SAMHSA Administrator and the Associate Administrator for Women's Services on appropriate activities to be undertaken by SAMHSA and its Centers with respect to women's substance abuse and mental health services.

Pursuant to Presidential E.O. No. 13175, November 6, 2000, and the Presidential Memorandum of September 23, 2004, SAMHSA established the TTAC for working with Federally-recognized Tribes to enhance the government-to-government relationship, honor Federal trust responsibilities and obligations to Tribes and American Indian and Alaska Natives. The SAMHSA TTAC serves as an advisory body to SAMHSA.

The August 27, 2015, combined meeting will include a report from the SAMHSA Administrator, discussion regarding SAMHSA's role in public health crises response, a presentation and panel discussion on the National Registry of Evidence-Based Programs and Practices (NREPP), and discussion regarding the Office of the Chief Medical Officer (OCMO).

The meeting is open to the public and will be held at the SAMHSA building, 1 Choke Cherry Road, Rockville, MD 20857. Attendance by the public will be limited to space available. Interested persons may present data, information, or views orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before August 17, 2015. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations are encouraged to notify the contact on or before August 17, 2015. Five minutes will be allotted for each presentation.

The meeting may be accessed via telephone and web conferencing will be available. To attend on site; obtain the call-in number, access code, and/or web access link; submit written or brief oral comments; or request special accommodations for persons with disabilities, please register on-line at: *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx,* or communicate with SAMHSA's Committee Management Officer, CDR Carlos Castillo (see contact information below).

Meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council's Web site at *http://www.samhsa.gov/about-us/advisory-councils/* or by contacting CDR Castillo. Substantive program information may be obtained after the meeting by accessing the SAMHSA Council's Web site, *http://nac.samhsa.gov/,* or by contacting CDR Castillo.

Council Names: Substance Abuse and Mental Health Services Administration National Advisory Council; Center for Mental Health Services National Advisory Council; Center for Substance Abuse Prevention National Advisory Council; Center for Substance Abuse Treatment National Advisory Council; SAMHSA's Advisory Committee for Women's Services; SAMHSA Tribal Technical Advisory Committee.

Date/Time/Type: August 27, 2015, 8:30 a.m. to 3:45 p.m. EDT, Open.

Place: SAMHSA Building, 1 Choke Cherry Road, Rockville, Maryland 20857.

Contact: CDR Carlos Castillo, Committee Management Officer and Designated Federal Officer, SAMHSA National Advisory Council, 1 Choke Cherry Road, Rockville, Maryland 20857 (mail), Telephone: (240) 276–2787, Fax: (240) 276–2252, Email: *carlos.castillo@samhsa.hhs.gov.*

Janine Denis Cook,

Chemist, SAMHSA.

[FR Doc. 2015–18783 Filed 7–30–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2015–0475; OMB Control Number 1625–0095]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of an extension of a currently approved collection: 1625–0095, Oil and Hazardous Material Pollution Prevention and Safety Records, Equivalents/Alternatives and Exemptions. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 29, 2015.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0475] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN. PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING, JR. AVE. SE., STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket

Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2015–0475], and must be received by September 29, 2015. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2015–0475], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2015–0475'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2015–0475'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Oil and Hazardous Material Pollution Prevention and Safety Records, Equivalents/Alternatives and Exemptions.

OMB Control Number: 1625–0095.

Summary: The information is used by the Coast Guard to ensure that an oil or hazardous material requirement alternative or exemption provides an equivalent level of safety and protection from pollution.

Need: Under 33 U.S.C. 1321 and Executive Order 12777 the Coast Guard is authorized to prescribe regulations to prevent the discharge of oil and hazardous substances from vessels and facilities and to contain such discharges. Coast Guard regulations in 33 CFR parts 154–156 are intended to: (1) Prevent or mitigate the results of an accidental release of bulk liquid hazardous materials being transferred at waterfront facilities; (2) ensure that facilities and vessels that use vapor control systems are in compliance with the safety standards developed by the Coast Guard; (3) provide equipment and operational requirements for facilities and vessels that transfer oil or hazardous materials in bulk to or from vessels with a 250 or more barrel capacity; and (4) provide procedures for vessel or facility operators who request exemption or partial exemption from the requirements of the pollution prevention regulations.

Forms: None.

Respondents: Owners and operators of bulk oil and hazardous materials facilities and vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden remains unchanged at 1,440 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 24, 2015.

Thomas P. Michelli,

U.S. Coast Guard, Deputy Chief Information Officer.

[FR Doc. 2015–18853 Filed 7–30–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2015–0473; OMB Control Number 1625–0046]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget

(OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of an extension of a currently approved collection: 1625–0046, Certificates of Financial Responsibility under the Oil Pollution Act of 1990. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 29, 2015.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0473] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr Ave. SE., Stop 7710, Washington DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2015–0473], and must be received by September 29, 2015. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2015–0473], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2015–0473'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2015–0473'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Certificates of Financial Responsibility under the Oil Pollution Act of 1990.

OMB Control Number: 1625–0046.

Summary: The information collection requirements described in this supporting statement are necessary to provide evidence of a respondent's

ability to pay for removal costs and damages associated with discharges or substantial threats of discharges of hazardous material or oil into the navigable waters, adjoining shorelines or the exclusive economic zone of the United States. The requirements are imposed generally on operators and financial guarantors of vessels over 300 gross tons.

Need: If the requested information is not collected, the Coast Guard will be unable to comply with the provisions of OPA and CERCLA to ensure that responsible parties have the ability to pay for cleanup costs and damages when there is an oil or hazardous material spill or threat of a spill.

Forms: CG–5585, CG–5586, CG–5586–1, CG–5586–2, CG–5586–3, CG–5586–4.

Respondents: Vessel operators and approved insurers.

Frequency: Annually, to include collection of information on a three year cycle.

Burden Estimate: The estimated burden remains unchanged at 3,400 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 24, 2015.

Thomas P. Michelli,

U.S. Coast Guard, Deputy Chief Information Officer.

[FR Doc. 2015–18847 Filed 7–30–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2015–0634; OMB Control Number 1625–0014]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision of a currently approved collection: 1625–0014, Request for Designation and Exemption of Oceanographic Research Vessels. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 29, 2015.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0634] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn Paperwork Reduction Act Manager, US Coast Guard, 2703 Martin Luther King Jr Ave SE., STOP 7710, Washington DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2015–0634], and must be received by September 29, 2015. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2015–0634], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2015–0634'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2015–0634'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Request for Designation and Exemption of Oceanographic Research Vessels.

OMB Control Number: 1625–0014.

Summary: This collection requires submission of specific information about a vessel in order for the vessel to be designated as an Oceanographic Research Vessel (ORV).

Need: Title 46 U.S.C. 2113 authorizes the Secretary of the Department of Homeland Security to exempt Oceanographic Research Vessels (ORV), by regulation, from provisions of Subtitle II, of Title 46, Shipping, of the United States Code, concerning maritime safety and seaman's welfare laws. This information is necessary to ensure a vessel qualifies for the designation of ORV under 46 CFR part 3 and 46 CFR part 14, subpart D.

Forms: None.

Respondents: Owners or operators of certain vessels.

Frequency: On occasion.

Burden Estimate: The estimated annual burden has decreased from 51 hours to 25 hours a year due to a decrease in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 24, 2015.

Thomas P. Michelli,

U.S. Coast Guard, Deputy Chief Information Officer.

[FR Doc. 2015–18855 Filed 7–30–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2015–0629; OMB Control Number 1625–0003]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of an extension of a currently approved collection: 1625–0003, Boating Accident Report. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 29, 2015.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0629] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE. SE., STOP 7710, WASHINGTON DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of

information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2015–0629], and must be received by September 29, 2015. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2015–0629], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2015–0629'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2015–0629'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Boating Accident Report.

OMB Control Number: 1625–0003.

Summary: The Coast Guard Boating Accident Report form is the data collection instrument that ensures compliance with the implementing regulations and Title 46 U.S.C. 6102(b) that requires the Secretary to collect, analyze and publish reports, information, and statistics on marine casualties.

Need: Title 46 U.S.C. 6102 (a) requires a uniform marine casualty reporting system, with regulations prescribing casualties to be reported and the manner of reporting. The statute requires a state to compile and submit to the Secretary (delegated to the Coast Guard) reports, information, and statistics on casualties reported to the State. Implementing regulations are contained in Title 33, Code of Federal Regulations, SUBCHAPTER S—BOATING SAFETY, PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING, Subpart C—Casualty and Accident Reporting and Part 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS, Subpart C—Casualty Reporting System Requirements, and Subpart D—State reports.

States are required to forward copies of the reports or electronically transmit accident report data to the Coast Guard within 30 days of their receipt of the report as prescribed by 33 Code of Federal Regulations § 174.121 (Forwarding of casualty or accident reports). The accident report data and statistical information obtained from the reports submitted by the State reporting authorities are used by the Coast Guard in the compilation of national recreational boating accident statistics.

Forms: CG–3865 and CG–3865SP.

Respondents: Federal regulations (33 CFR 173.55) require the operator of any uninspected vessel that is numbered or used for recreational purposes to submit an accident report to the State authority when:

(1) A person dies; or

(2) A person is injured and requires medical treatment beyond first aid; or

(3) Damage to the vessel and other property totals $2,000 or more, or there is a complete loss of the vessel; or

(4) A person disappears from the vessel under circumstances that indicate death or injury.

Frequency: On occasion.

Burden Estimate: The estimated burden remains unchanged at 2,500 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 24, 2015.

Thomas P. Michelli,

U.S. Coast Guard, Deputy Chief Information Officer.

[FR Doc. 2015–18854 Filed 7–30–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2015–0630; OMB Control Number 1625–0035]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision of a currently approved collection: Lifesaving, Electrical, Engineering and Navigation Equipment, Construction and Materials & Marine Sanitation Devices. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast

Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 29, 2015.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0630] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision of a currently approved collection: 1625–0035, Title 46 CFR Subchapter Q: Lifesaving, Electrical, Engineering and Navigation Equipment, Construction and Materials & Marine Sanitation Devices (33 CFR part 159). Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2015–0630], and must be received by September 29, 2015. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2015–0630], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2015–0630'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2015–0630'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Title 46 CFR Subchapter Q: Lifesaving, Electrical, Engineering and Navigation Equipment, Construction and Materials & Marine Sanitation Devices (33 CFR part 159).

OMB Control Number: 1625–0035.

Summary: This information is used by the Coast Guard to ensure that regulations governing specific types of safety equipment, materials and Marine Sanitation Devices (MSDs) installed on commercial vessels and pleasure craft are met. Manufacturers are required to submit drawings, specifications, and laboratory test reports to the CG before any approval is given.

Need: Title 46 U.S.C. 2103, 3306, 3703, and 4302 authorize the Coast Guard to establish safety equipment and material regulations. Title 46 CFR parts 159 to 164 prescribe these requirements. Title 33 U.S.C.1322 authorizes the Coast Guard to establish MSD regulations. Title 33 CFR part 159 prescribes these rules. NVIC 8–01 (Chg 2) prescribes the standards for navigation equipment. This information is used to determine whether manufacturers are in compliance with Coast Guard regulations. When the Coast Guard approves any safety equipment, material, or MSD for use on a commercial vessel or pleasure craft, the manufacturer is issued a Certificate of Approval.

Forms: CGHQ–10030.

Respondents: Manufacturers of safety equipment, materials and marine sanitation devices.

Frequency: On occasion.

Burden Estimate: The estimated burden has increased from 58,414 hours to 118,594 hours a year due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 24, 2015.

Thomas P. Michelli,

U.S. Coast Guard, Deputy Chief Information Officer.

[FR Doc. 2015–18856 Filed 7–30–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2015–0013; OMB No. 1660–0008]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Elevation Certificate/Floodproofing Certificate

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before August 31, 2015.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Janice Waller, Acting Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, or email address *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This information collection previously published in the **Federal Register** on May 26, 2015 at 80 FRN 30091 with a 60 day public comment period. FEMA received six comments.

The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Elevation Certificate/Floodproofing Certificate.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0008.

Form Titles and Numbers: FEMA Form 086–0–33, Elevation Certificate; FEMA Form 086–0–34, Floodproofing Certificate for Non-Residential Structures.

Abstract: The Elevation Certificate and Floodproofing Certificate are used in conjunction with the flood insurance application to rate Post-FIRM budilings in Special Flood Hazard Areas. Post-FIRM buildings are buildings contructed after the puslication of the initial Flood Insurance Rate Map (FIRM) for the community.

Affected Public: Individuals or households; Businesses or other for-profits; Not-for-profit institutions; Farms; State, Local or Tribal Governments.

Estimated Number of Respondents: 9,322.

Estimated Total Annual Burden Hours: 34,950.

Estimated Cost: The estimated annual cost to respondents operations and maintenance costs for technical services is $3,262,700. There are no annual start-up or capital costs.

Dated: July 28, 2015.

Janice Waller,

Acting Director, Records Management Division, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2015–18806 Filed 7–30–15; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5838–N–05]

Notice of Proposed Information Collection for Public Comment; Rental Assistance Demonstration (RAD) Application Forms

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The Rental Assistance Demonstration allows public Housing and Moderate

Rehabilitation (Mod Rehab) properties to convert to long-term Section 8 rental assistance contracts; and Rent Supplement, Rental Assistance Payment and Mod Rehab properties upon contract expiration or termination, to convert Tenant Protection Vouchers (TPVs) to Project Based Vouchers (PBVs). Participation in the initiative will be voluntary; the attached applications will be used to determine eligibility for Public Housing and Mod Rehab owners only.

DATES: *Comment Due Date:* August 31, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). This Notice is submitting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility and clarity of information to be collected; and, (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.* permitting electronic submission of responses.

A. Overview of Information Collection

Title of Information Collection: Rental Assistance Demonstration (RAD) Application Forms.

OMB Approval Number: 2577–0278.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–5260 RAD Application; HUD–5261 RAD Mod Rehab Application.

Description of the need for the information and proposed use: The Rental Assistance Demonstration allows Public Housing and Moderate Rehabilitation (Mod Rehab) properties to convert to long-term Section 8 rental assistance contracts; and Rent Supplement (Rent Supp), Rental Assistance Payment (RAP), and Mod Rehab properties, upon contract expiration or termination, to convert tenant protection vouchers (TPVs) to project-based vouchers (PBVs). Participation in the initiative will be voluntary. Public Housing agencies and Mod Rehab owners interested in participating in the Demonstration are required to submit applications to HUD. HUD intends through the conversion process, to assure the physical and financial sustainability of properties and enable owners to leverage private financing to address immediate and long-term capital needs, improve operations, and implement energy efficiency improvements. The RAD applications are Excel based and will be pre-populated with data the Department collects and maintains for each housing agencies. Information collected by the applications will allow the Department to determine which applicants meet the eligibility requirements and have the capacity to successfully meet RAD's mission delineated in PIH Notice PIH–2012–32, REV–2: Rental Assistance Demonstration—Partial Implementation and Request for Comments.

To review draft versions of the applications please visit the RAD Web site: *www.hud.gov/rad/.* Under the Applications section follow the links provided: Obtain Draft Application for PHAs: *http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_App_PH.xlsx.* Obtain Draft Application for Owners of Mod Rehab: *http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_APP_Mod_Rehab.xlsx.*

Respondents (*i.e.,* affected public): State, Local or Tribal Government.

Estimated Number of Respondents: The estimated number of respondents is 8,855 annually with one response per respondent.

Estimated Number of Responses: 8,855.

Frequency of Response: Once.

Average Hours per Response: 2 Hours.

Total Estimated Burdens: 17,710.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Public Housing RAD—Application Form	7,500	1	7,500	2	15,000	$40	$600,000
MOD Rehab RAD Application Form	1,355	1	1,355	2	2,710	40	108,400
Total	8,855	.....	8,855	.....	17,710	.....	708,000

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of

information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35 as amended.

Dated: July 23, 2015.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2015–18834 Filed 7–30–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–38]

60-Day Notice of Proposed Information Collection: CDBG–DR Expenditure Deadline Extension Request Template (Pub. L. 113–2 Grantees Only)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* August 31, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette Pollard@hud* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Colette Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 27, 2015 at 80 FR 30626.

A. Overview of Information Collection

Title of Information Collection: CDBG–DR Expenditure Deadline Extension Request Template (Pub. L. 113–2 Grantees Only).

OMB Approval Number: 2506–0206.

Type of Request: Extension of currently approved collection.

Form Number: NA.

Description of the need for the information and proposed use: This information collection is being conducted by the Office of Community Planning and Development, Office of Block Grant Assistance to assist the Secretary of HUD in determining, as required by section 904(c) under Title IX of the Disaster Relief Appropriations Act, 2013 (Pub. L. 113–2, enacted January 29, 2013), whether to grant extensions of the twenty-four month expenditure deadline for grantees (Entitlement communities, States and units of general local governments) receiving funds under the Act.

Respondents: Entitlement communities, Nonprofits, States and units of general local governments with Community Development Block Grant (CDBG) disaster recovery grants pursuant to the Disaster Relief Appropriations Act, 2013 (Pub. L. 113–2). Thirty-four (34) CDBG–DR grantees are held to the 24-month requirement and are thus eligible to submit information through this template to request an extension.

Estimated Number of Respondents: See Chart 1.

Estimated Number of Responses: See Chart 1.

Frequency of Response: See Chart 1.

Average Hours per Response: See Chart 1.

Total Estimated Burdens: See Chart 1.

CHART 1—2-YEAR EXPENDITURE DEADLINE EXTENSION REQUEST

Information collection	Number of respondents	Frequency of response	Total responses	Burden hour per response	Total burden hours	Hourly cost per response	Total cost
CDBG–DR Expenditure Deadline Extension Request Template (P. L. 113–2 Grantees Only)	34	3	102	24	2,448	$24.34	$59,584.32

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 24, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–18829 Filed 7–30–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5828–N–31]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing

and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: July 23, 2015.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

[FR Doc. 2015–18562 Filed 7–30–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5838–N–04]

60-Day Notice of Proposed Information Collection: Public/Private Partnerships for the Mixed-Finance Development of Public Housing Units

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* September 29, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Proposal: Public/Private Partnerships for the Mixed-Finance Development of Public Housing Unit.

OMB Control Number: 2577–0275.

Description of the need for the information and proposed use: The Quality Housing and Work Responsibility Act of 1998 (Pub. L. 195–276, approved October 21, 1998), also known as the Public Housing Reform Act, created Section 35 of the U.S. Housing Act of 1937, 42 U.S.C. 1437. Section 35 allows PHAs to own, operate, assist or otherwise participate in the development and operation of mixed-finance projects. Mixed-finance development refers to the development or rehabilitation of public housing, where the public housing units are owned in whole or in part by an entity other than a PHA. Prior to this, all public housing had to be developed and owned by a Public Housing Authority (PHA). However, Section 35 allowed PHAs to provide Section 9 capital and operating assistance to mixed-finance projects, which are also financially assisted by private and other resources. Private and other resources include tax credit equity, private mortgages and other federal, state or local funds. Section 35 also allows non-PHA owner entities to own and operate mixed-finance projects that contain both public housing and non-public housing units, or only public housing units. Along with public housing unit development, mixed-finance real estate development or rehabilitation transactions are used to extend public housing appropriations in housing development and to develop mixed-income housing, where public housing residents are anonymously mixed in with affordable and market rate housing residents.

In order to approve the development of mixed-finance projects, HUD collects certain information from each PHA/Ownership Entity. Under current regulations, HUD collects and reviews the essential documents included in this ICR in order to determine whether or not approval should be given. After approval is given and the documents are recorded by the associated county, HUD collects the recorded versions of the documents in this ICR, along with all financing and legal agreements that the PHA/owner entity has with HUD and with third-parties in connection with that mixed-finance project. This includes unique legal documents along with standardized forms and ''Certifications and Assurances,'' which are not exempted under PRA. Regulations for the processing of mixed-finance public housing projects are at 24 CFR part 905 subpart F (§ 905). § 905 has replaced 24 CFR part 941 Subpart F, which was cited in the supporting statement for the previous OMB approval of this information collection. This information is collected to ensure that the mixed-finance development effort has sufficient funds to reach completion, remain financially viable, and follow HUD legal and programmatic guidelines for housing project development or rehabilitation, ownership and use restrictions, as well as preserving HUD's rights to the project.

PHAs must provide information to HUD before a proposal can be approved for mixed-finance development. Information on HUD-prescribed forms and in HUD-prescribed contracts and agreements provides HUD with sufficient information to enable a determination that funds should or should not be reserved or a contractual commitment made. Regulations at 24 CFR part 905.606, ''Development Proposal'' states that a Mixed-finance Development Proposal (Proposal) must be submitted to HUD in order to facilitate approval of the development of public housing. The subpart also lists the information that is required in the Proposal. The documentation required is submitted using the collection documents (ICs) in this ICR.

Agency form numbers: HUD–50156, HUD–50157, HUD–50158, HUD–50159, HUD–50160 and HUD–50161.

Members of affected public: Public Housing Agencies, Developers.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

	Form/document	Number of respondents	Frequency	Total responses	Hours per response	Total hours	Cost per hour	Total cost
1	HUD–50157—Mixed-Finance Development Proposal.	60	1	60	16	960	$50	$48,000
2	Supplementary Document: Unique Legal Document. Mixed-Finance Amendment to the Annual Contributions Contract.	60	1	60	24	1,440	50	72,000
3	Supplementary Document: Unique Legal Document. Mixed-Finance Declaration of Restrictive Covenants.	60	1	60	0.25	15	225	3,375
4	Supplementary Document: Unique Legal Document. Mixed-Finance Final Title Policy.	60	1	60	16	960	225	216,000
5	Supplementary Document: Unique Legal Document. Mixed-Finance Legal Opinion.	60	1	60	1	60	225	13,500
6	Supplementary Document: Unique Legal Documents. Mixed-Finance Evidentiaries.	60	1	60	116	6,960	225	1,566,000
7	Supplementary Document: Unique Legal Document. Regulatory and Operating Agreement.	60	1	60	8	480	225	108,000
8	Supplementary Document: Unique Legal Document. Transition Plan.	60	1	60	8	480	225	108,000
9	HUD–50161—Mixed-Finance Certifications and Assurances.	60	1	60	0.25	15	50	750
10 ..	Supplementary Document: Unique Legal Document. Site Acquisition Proposal.	110	1	110	8	880	50	44,000
11 ..	Supplementary Document: Unique Legal Document. Development Proposal.	50	1	50	80	4,000	50	200,000
12 ..	HUD–50156—Mixed-Finance Development Proposal Calculator.	60	1	60	1	60	50	3,000
13 ..	HUD–50059—Mixed-Finance Homeownership Term Sheet..	20	1	20	16	320	50	16,000
14 ..	Supplementary Document: Unique Legal Document. Mixed-Finance Homeownership Addendum.	20	1	20	16	320	225	72,000
15 ..	HUD–50158—Mixed-Finance Homeownership Certifications and Assurances.	20	1	20	0.25	5	50	250
16 ..	HUD–50160—Mixed-Finance and Homeownership Pre-Funding Certifications and Assurances.	80	1	80	0.25	20	50	1,000
17 ..	Supplementary Document: Unique Legal Document. Mixed-Finance Homeownership Declaration of Restrictive Covenants.	20	1	20	0.25	5	50	250
	Totals	130		920		16,980		2,472,125

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 23, 2015.

Merrie Nichols-Dixon,

Deputy Director Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2015–18824 Filed 7–30–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–MWR–RIRA–18129; PS.SMWLA0064.00.1]

Description of Land Designated as River Raisin National Battlefield Park

AGENCY: National Park Service, Interior.

ACTION: Notice of Land Description.

SUMMARY: This notice sets out the legal description of the land acquired by the United States that currently constitutes River Raisin National Battlefield Park (Park). A map depicting this property is available for public inspection and on

file at the National Park Service locations identified below.

DATES: The effective date of the Park's designation was November 10, 2010. The effective date of this notice is July 31, 2015.

ADDRESSES: The map depicting this federally owned land is available for inspection at the following locations: River Raisin National Battlefield Park, 1403 East Elm Avenue, Monroe, Michigan 48162, and National Park Service, Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Chief Realty Officer Daniel L. Betts, National Park Service, Land Resources Program Center, Midwest Region, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone (402) 661–1780.

SUPPLEMENTARY INFORMATION: Pursuant to the requirements of Section 7003 of the Omnibus Public Land Management Act of 2009, Public Law 111–11 (codified at 16 U.S.C. Sec. 430vv) and by notice published in the **Federal Register** on November 10, 2010 (FR Vol. 75, No. 217, page 69125), the Secretary of the Interior announced that sufficient lands had been acquired to designate River Raisin National Battlefield Park as a unit of the National Park System. Public Law 111–11 further required that the Secretary prepare a legal description of the land so designated as the Park. The Secretary of the Interior hereby announces that the boundary of River Raisin National Battlefield Park is comprised of the following described real property, which is owned in fee simple by the United States of America:

A parcel of land situated in the City of Monroe, Monroe County, Michigan, being a part of Private Claims 64, 81, 96, 214 and 236 described as: Commencing at the intersection of the Northerly right-of-way line of Elm Avenue and the Westerly right-of-way line of Detroit Avenue, also being the Point of Beginning and monumented by a found 5/8″ iron rod; Thence along the Northerly right-of-way line of Elm Avenue the following three (3) courses:

(1) North 42 Degrees 30 Minutes 50 Seconds West, 93.71 feet to a set 1/2″ iron rod with Cap number 50457 and

(2) North 39 Degrees 39 Minutes 03 Seconds West, 722.92 feet to a found 1/2″ iron rod and

(3) North 32 Degrees 33 Minutes 04 Seconds West, 79.60 feet to a found pinched pipe;

Thence North 57 Degrees 26 Minutes 32 Seconds East, 92.00 feet to a set 1/2″ iron rod with Cap Number 50457; Thence North 32 Degrees 33 Minutes 04 Seconds West, 399.30 feet to a found 3/4″ iron rod; Thence South 57 Degrees 26 minutes 32 Seconds West, 92.00 feet to a found pinched pipe on the Northerly right-of-way line of Elm Avenue, Thence along the Northerly right-of-way line of Elm Avenue the following three (3) courses:

(1) North 32 Degrees 33 Minutes 04 Seconds West, 146.09 feet to a found 3/4″ iron rod and

(2) North 53 Degrees 45 Minutes 29 Seconds West, 226.06 feet to a set 2 1/2″ mag nail and

(3) North 69 Degrees 27 Minutes 00 Seconds West, 69.98 feet to a set 1/2″ iron rod with Cap number 50457 on the easterly right-of-way line of the Grand Trunk Western Railroad (Canadian National);

Thence along the Easterly right-of-way line of said Grand Trunk Western Railroad (Canadian National) the following five (5) courses:

(1) North 21 Degrees 24 Minutes 05 Seconds East, 84.34 feet to a found 1″ diameter pipe and

(2) North 31 Degrees 54 Minutes 43 Seconds East, 567.33 feet to a point of curvature and a found pinched pipe and

(3) along a curve to the right 107.17 feet, said curve having a central angle of 10 Degrees 43 Minutes 01 Seconds, radius of 572.96 feet, and a chord bearing and distance of North 37 Degrees 16 Minutes 14 Seconds East, 107.01 feet to a point of reverse curvature and a found 1/2″ pipe with Cap number 19474 and

(4) along a curve to the left 107.17 feet, said curve having a central angle of 10 Degrees 43 Minutes 01 Seconds, radius of 572.96 feet, and a chord bearing and distance of North 37 Degrees 16 Minutes 14 Seconds East, 107.01 feet to a set 1/2″ iron rod with Cap number 50457 and

(5) North 31 Degrees 54 Minutes 43 Seconds East, 67.75 feet to found 1/2″ bent iron rod on the north line of a drainage easement for the Mason Run Drain, as recorded in Liber 3126, Page 428, Monroe County records;

Thence along the North line of said drainage easement for the Mason Run Drain the following two (2) courses:

(1) South 62 Degrees 44 Minutes 45 Seconds East, 368.79 feet to a found 1/2″ iron rod with an illegible Cap number and

(2) South 78 Degrees 44 Minutes 45 Seconds East, 438.81 feet to a set 1/2″ iron rod with Cap number 50457 on the westerly line of ''Harbor View Subdivision'', as recorded in Liber 6 of Plats, Page 39;

Thence along said westerly line of ''Harbor View Subdivision'' South 21 Degrees 42 Minutes 11 Seconds West, 72.45 feet to a found 1/2″ pipe with Cap number 19474, said point being on the Southerly line of ''Harbor View Subdivision''; Thence along said southerly line of ''Harbor View Subdivision'' the following three (3) courses:

(1) South 72 Degrees 17 Minutes 49 Seconds East, 279.18 feet to a set 1/2″ iron rod with Cap number 50457 and

(2) South 68 Degrees 25 Minutes 49 Seconds East, 159.34 feet to a set 1/2″ iron rod with Cap number 50457 and

(3) South 49 Degrees 28 Minutes 49 Seconds East, 111.93 feet to a set 1/2″ iron rod with Cap Number 50457 on the westerly right-of-way line of Detroit Avenue;

Thence along the Westerly right-of-way line of Detroit Avenue the following three (3) courses:

(1) South 21 Degrees 36 Minutes 13 Seconds West, 962.83 feet to a found 1/2″ pipe rod with Cap Number 19474 and

(2) South 21 Degrees 36 Minutes 13 Seconds West, 234.92 feet to a found 1/2″ pipe with Cap Number 19474 and

(3) South 21 Degrees 36 Minutes 13 Seconds West, 480.77 feet to a found 5/8″ iron rod, said point being the Point of Beginning.

Containing 42.18 acres, more or less.

Dated: April 14, 2015.

Cameron H. Sholly,

Regional Director, Midwest Region.

Editorial note: This document was received at the Office of the Federal Register on July 28th 2015.

[FR Doc. 2015–18803 Filed 7–30–15; 8:45 am]

BILLING CODE 4310–MA–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–DEWA–18193; PPNEDEWAS0/PROIESUC1.380000]

Boundary Adjustment at Delaware Water Gap National Recreation Area

AGENCY: National Park Service, Interior.

ACTION: Notification of Boundary Adjustment.

SUMMARY: The boundary of Delaware Water Gap National Recreation Area is adjusted to include one parcel of land totaling 550.65 acres, more or less. Fee simple interest in the land will be donated to the United States. The property is located in Smithfield Township, Monroe County, Pennsylvania, adjacent to the current boundary of Delaware Water Gap National Recreation Area.

DATES: The effective date of this boundary adjustment is July 31, 2015.

ADDRESSES: The map depicting this boundary adjustment is available for inspection at the following locations: National Park Service, Land Resources Program Center, Northeast Region, 200 Chestnut Street, PA 19106, and National Park Service, Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Superintendent John J. Donahue, Delaware Water Gap National Recreation Area, 1978 River Road (Off U.S. 209), Bushkill, PA 18324, telephone (570) 426–2418.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 16 U.S.C. 460*o*–2(b), the boundary of Delaware Water Gap National Recreation Area is adjusted to include 550.655 acres of land, more or less, comprising one parcel of land (Tax Parcel ID Number 16/1/1/12). This boundary adjustment is depicted on Map No. 620/128405 dated April 2015.

16 U.S.C. 460*o*–2(b) states that the Secretary of the Interior may make adjustments in the boundary of Delaware Water Gap National Recreation Area by publication of the amended description thereof in the **Federal Register:** Provided, that the area encompassed by such adjusted boundary shall not exceed the acreage included within the detailed boundary first described in the **Federal Register** on June 7, 1977 (Vol. 42, No. 109, pp 29071–29103). This boundary adjustment does not exceed the acreage of the detailed boundary so described. The Conservation Fund will donate its fee interest in the land to the United States as part of an agreement to help mitigate the effects of the upgrade and expansion of the existing Susquehanna-Roseland electric transmission line across approximately 4.3 miles of the national recreation area.

Dated: May 6, 2015.

Michael A. Caldwell,

Regional Director, Northeast Region.

[FR Doc. 2015–18801 Filed 7–30–15; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–LAVO–18130; PS.SPWLA0017.00.1]

Minor Boundary Revision at Lassen Volcanic National Park

AGENCY: National Park Service, Interior.

ACTION: Notification of boundary revision.

SUMMARY: The boundary of Lassen Volcanic National Park is modified to include 136.69 acres of land located in Tehama County, California, immediately adjoining the current park boundary. Subsequent to the proposed boundary revision, the National Park Service will acquire the land by purchase, with available funds, from willing sellers.

DATES: The effective date of this boundary revision is July 31, 2015.

ADDRESSES: The map depicting this boundary revision is available for inspection at the following locations: National Park Service, Land Resources Program Center, Pacific West Region, 333 Bush Street, Suite 500, San Francisco, CA 94104, and National Park Service, Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Chief Realty Officer Greg Gress, National Park Service, Land Resources Program Center, Pacific West Region, 333 Bush Street, Suite 500, San Francisco, CA 94104, telephone (415) 623–2120.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 54 U.S.C. 100506(c), the boundary of Lassen Volcanic National Park is modified to include 136.69 acres of land identified as Tracts 01–175 and 01–176, Tehama County tax parcel numbers 013–290–01–1, 013–290–04–1, and 013–280–25–1. The land is located in Mineral, California, immediately adjacent to the Lassen Volcanic National Park headquarters site. The boundary revision is depicted on Map No. 111/120,320 dated April 2013.

54 U.S.C. 100506(c) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make this boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. The inclusion of these tracts in the boundary and subsequent acquisition will provide the park with needed flexibility for the expansion of administrative, maintenance, and housing facilities at the Mineral headquarters site.

Dated: June 11, 2015.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region.

[FR Doc. 2015–18804 Filed 7–30–15; 8:45 am]

BILLING CODE 4312–FF–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–MWR–WICA–18608; PS.SMWLA0060.00.1]

Minor Boundary Revision at Wind Cave National Park

AGENCY: National Park Service, Interior.

ACTION: Notification of Boundary Revision.

SUMMARY: The boundary of Wind Cave National Park is modified to include 7.16 acres of land located in Custer County, South Dakota, immediately adjoining the boundary of Wind Cave National Park. Subsequent to the proposed boundary revision, the National Park Service (NPS) will purchase the land from a willing seller.

DATES: The effective date of this boundary revision is July 31, 2015.

ADDRESSES: The map depicting this boundary revision is available for inspection at the following locations: National Park Service, Land Resources Program Center, Midwest Region, 601 Riverfront Drive, Omaha, NE 68102, and National Park Service, Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Chief Realty Officer Daniel L. Betts, National Park Service, Land Resources Program Center, Midwest Region, 601 Riverfront Drive, Omaha, NE 68102, telephone (402) 661–1780.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to 54 U.S.C. 100506(c), the boundary of Wind Cave National Park is modified to include an adjoining tract containing 7.16 acres of land. The boundary revision is depicted on Map No. 108/127,898 dated March 2015.

54 U.S.C. 100506(c) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make this boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. Subsequent to the proposed boundary revision, the NPS will use available funds to acquire the tract by purchase from the willing seller. The inclusion of this tract in the boundary and subsequent acquisition will enable the NPS to prevent adverse development at the southern entrance to the park.

Dated: June 11, 2015.

Cameron H. Sholly,

Regional Director, Midwest Region.

[FR Doc. 2015–18800 Filed 7–30–15; 8:45 am]

BILLING CODE 4310–MA–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83550000, 156R5065C6, RX.59389832.1009676]

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and are new, discontinued, or completed since the last publication of this notice. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities consistent with section 9(f) of the Reclamation Project Act of 1939. Additional announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Michelle Kelly, Reclamation Law Administration Division, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2888.

SUPPLEMENTARY INFORMATION: Consistent with section 9(f) of the Reclamation Project Act of 1939, and the rules and regulations published in 52 FR 11954, April 13, 1987 (43 CFR 426.22), Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his or her designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to, (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director will furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Definitions of Abbreviations Used in the Reports

ARRA American Recovery and Reinvestment Act of 2009
BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
LCWSP Lower Colorado Water Supply Project
M&I Municipal and Industrial
NMISC New Mexico Interstate Stream Commission
O&M Operation and Maintenance
OM&R Operation, maintenance, and replacement
P–SMBP Pick-Sloan Missouri Basin Program
PPR Present Perfected Right
RRA Reclamation Reform Act of 1982
SOD Safety of Dams
SRPA Small Reclamation Projects Act of 1956
USACE U.S. Army Corps of Engineers
WD Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5344.

The Pacific Northwest Region has no updates to report for this quarter.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

The Mid-Pacific Region has no updates to report for this quarter.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8192.

New contract action:

24. Reclamation, Davis Dam (Davis Dam) and Big Bend WD, BCP, Arizona and Nevada: Enter into proposed ''Agreement for the Diversion, Treatment, and Delivery of Colorado

River Water'' in order for district to divert, treat, and deliver to Davis Dam the Davis Dam Secretarial Reservation amount of up to 100 acre-feet per year of Colorado River water.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 8100, Salt Lake City, Utah 84138–1102, telephone 801–524–3864.

Discontinued contract action:

10. City of Santa Fe, San Juan-Chama Project, New Mexico: Contract to store up to 50,000 acre-feet of project water in Elephant Butte Reservoir. The proposed contract would have a 25- to 40-year maximum term, which due to ongoing consultations with the U.S. Fish and Wildlife Service, has been executed and extended on an annual basis. The Act of December 29, 1981, Public Law 97–140, 95 Stat. 1717 provides authority to enter into this contract.

Completed contract action:

29. Uintah Water Conservancy District; Jensen Unit, CUP; Utah: Jensen Unit M&I Block Notice No. 3 will be issued as required by a 1983 contract with Chevron USA, Inc., for 200 acre-feet of M&I water that is currently being pumped upstream of Red Fleet Reservoir. Contract executed May 19, 2015.

Great Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 2021 4th Avenue North, Billings, Montana 59101, telephone 406–247–7752.

New contract actions:

61. Dugout Water Association; Lower Marias Unit, P–SMBP; Montana: Proposed renewal of 40-year contract for M&I water.

62. Garrison Diversion Conservancy District, Garrison Diversion Unit, P–SMBP, North Dakota: Consideration to enter into long-term water service contract for M&I use out of McClusky Canal.

63. Bryan Hauxwell, Frenchman Cambridge Project, Nebraska: Consideration of a long-term Warren Act contract.

Discontinued contract action:

9. Colorado River Water Conservation District, Colorado-Big Thompson Project, Colorado: Long-term exchange, conveyance, and storage contract to implement the Exhibit B Agreement of the Settlement Agreement on Operating Procedures for Green Mountain Reservoir Concerning Operating Limitations and in Resolution of the Petition Filed August 7, 2003, in Case No. 49–CV–2782 (*The United States* v. *Northern Colorado Water Conservancy District, et al.,* U.S. District Court for the District of Colorado, Case No. 2782 and Consolidated Case Nos. 5016 and 5017).

Completed contract actions:

13. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Consideration of a request for a contract for municipal-recreational purposes. Contract executed on April 2, 2015.

46. Galloway, Inc. (dba Blue Valley Ranch), Green Mountain Reservoir; Colorado-Big Thompson Project, Colorado: Consideration of a request to amend the existing contract. Contract executed on May 8, 2015.

47. Fort Clark ID; Fort Clark Unit; P–SMBP; North Dakota: Intent to enter into a new 5-year irrigation water service contract. Contract executed on May 12, 2015.

53. Grass Land Colony, Inc.; Canyon Ferry Unit, P–SMBP; Montana: Proposed 10-year contract for M&I water. Contract executed on May 22, 2015.

55. East Bench ID; East Bench Unit, Three Forks Division, P–SMBP; Montana: Consideration of a contract amendment, pursuant to Public Law 112–139; to extend the term of contract No. 14–06–600–3593 through December 31, 2019. Contract executed on May 26, 2015.

Dated: June 26, 2015.

Roseann Gonzales,

Director, Policy and Administration.

[FR Doc. 2015–18859 Filed 7–30–15; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR02800000, 15XR0680A1, RX.17868946.0000000]

Notice of Availability of the Draft Environmental Impact Statement for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation has prepared and made available for public review and comment, the Draft Environmental Impact Statement (DEIS) on impacts of implementing the 2008 U.S. Fish and Wildlife Service Biological Opinion and the 2009 National Marine Fisheries Service Biological Opinion, including the Reasonable and Prudent Alternatives, for the Coordinated Long-Term Operation of the Central Valley Project and State Water Project. This action will continue the operation of the Central Valley Project in coordination with the State Water Project. The DEIS was drafted in response to the November 16, 2009 United States Court of Appeals for the Ninth Circuit ruling that the Bureau of Reclamation must conduct a National Environmental Policy Act review to determine whether the associated 2008 U.S. Fish & Wildlife Service and 2009 National Marine Fisheries Service Reasonable and Prudent Alternatives cause a significant effect to the human environment.

DATES: Submit written comments on the DEIS on or before September 29, 2015.

Four public meetings will be held to receive oral and written comments:

- Wednesday, September 9, 2015, from 2 to 4 p.m., Sacramento, CA;
- Thursday, September 10, 2015, from 6 to 8 p.m., Red Bluff, CA;
- Tuesday, September 15, 2015, from 6 to 8 p.m., Los Banos CA; and
- Thursday, September 17, 2015, from 6 to 8 p.m., Irvine, CA.

Staff will be available to take comments and answer questions during this time.

ADDRESSES: Send written comments to Mr. Ben Nelson, Bureau of Reclamation, Bay-Delta Office, 801 I Street, Suite 140, Sacramento, CA 95814–2536; fax to (916) 414–2439; or via email to *bcnelson@usbr.gov.*

Public meetings will be held at the following locations:

- Sacramento—Federal Building, 650 Capitol Mall, Stanford Room, Sacramento, CA 95814.
- Red Bluff—Red Bluff Community Center, 1500 S. Jackson Street, Red Bluff, CA 96080.
- Los Banos—Los Banos Community Center, Grand Room 645 7th Street, Los Banos, CA 93635.
- Irvine—Hilton Hotel Irvine/Orange County Airport, 18800 MacArthur Boulevard, Irvine, CA 92612.

The DEIS may be viewed at the Bureau of Reclamation's Web site at *http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=21883.*

To request a compact disc of the DEIS, please contact Mr. Ben Nelson as indicated above, or call (916) 414–2424.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Piñero, Endangered Species Act Compliance Specialist, Bureau of Reclamation, via email at *jpinero@usbr.gov,* or by phone (916) 414–2428. For public involvement information, please contact Wilbert Moore via email at *wmoore@usbr.gov,* or phone at (916) 978–5102.

SUPPLEMENTARY INFORMATION:

I. Agencies Involved

We, the Bureau of Reclamation, are the lead Federal agency. We invited over 740 agencies to participate as

cooperating agencies. Twenty-one agencies agreed to participate as cooperating agencies for preparation of the environmental impact statement in accordance with the National Environmental Policy Act (NEPA), including:

- U.S. Fish and Wildlife Service (USFWS),
- National Marine Fisheries Service (NMFS),
- U.S. Army Corps of Engineers,
- U.S. Environmental Protection Agency (EPA),
- Bureau of Indian Affairs,
- California Valley Miwok Tribe,
- California Department of Water Resources,
- California Department of Fish and Wildlife,
- State and Federal Contractors Water Agency,
- Friant Water Authority, and
- Eleven individual Central Valley Project (CVP) or State Water Project (SWP) water users.

II. Why We Are Taking This Action

The CVP is the largest Federal Reclamation project. We operate the CVP in coordination with the SWP, under the Coordinated Operation Agreement between the Federal government and the State of California (authorized by Pub. L. 99–546). In August 2008, the Bureau of Reclamation submitted a biological assessment to USFWS and NMFS for consultation.

In December 2008, USFWS issued a Biological Opinion (BO) analyzing the effects of the coordinated long-term operation of the CVP and SWP in California on delta smelt and its designated critical habitat. The 2008 USFWS BO:

- Concluded that ''the coordinated operation of the CVP and SWP, as proposed, [was] likely to jeopardize the continued existence of the delta smelt'' and ''adversely modify delta smelt critical habitat,'' and
- Included a Reasonable and Prudent Alternative (RPA) for CVP and SWP operations designed to allow the projects to continue operating without causing jeopardy or adverse modification.

On December 15, 2008, we provisionally accepted and then implemented the USFWS RPA.

In June 2009, NMFS issued a BO analyzing the effects of the coordinated long-term operation of the CVP and SWP on listed salmonids, green sturgeon, and southern resident killer whale and their designated critical habitats. This BO concluded that the long-term operation of the CVP and SWP, as proposed, was likely to:

- Jeopardize the continued existence of Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, Southern Distinct Population Segment of North American green sturgeon, and southern resident killer whales; and
- Destroy or adversely modify critical habitat for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, and the Southern Distinct Population Segment of North American green sturgeon.

The NMFS BO included an RPA designed to allow the projects to continue operating without causing jeopardy to the analyzed species or adverse modification of their designated critical habitat. On June 4, 2009, we provisionally accepted and then implemented the NMFS RPA.

Several lawsuits were filed in the United States District Court for the Eastern District of California (District Court) challenging various aspects of the USFWS and NMFS BOs and acceptance and implementation of the associated RPAs.

III. Results of Litigation

The results of the above lawsuits were as follows.

- On November 16, 2009, the Court ruled that we violated NEPA by failing to conduct a NEPA review of the potential impacts to the human environment before provisionally accepting and implementing the 2008 USFWS BO, including the RPAs.
- On December 14, 2010, the Court found certain portions of the USFWS BO to be arbitrary and capricious, and remanded those portions of the BO to USFWS. The Court ordered us to review the BO and RPA in accordance with NEPA.
- The decision of the District Court related to the USFWS BO was appealed to the United States Court of Appeals for the Ninth Circuit (Appellate Court). On March 13, 2014, the Appellate Court reversed the District Court and upheld the BO. Therefore, the remand order related to the USFWS BO was rescinded. However, the Appellate Court ruled that we were obligated to comply with NEPA and affirmed the judgment of the District Court with respect to the NEPA claims.
- A mandate of the Appellate Court was issued on September 16, 2014. Petitions for Writ of Certiorari were submitted to the U.S. Supreme Court; however, the U.S. Supreme Court decided to not hear the cases.
- On March 5, 2010, the Court held that we violated NEPA by failing to undertake a NEPA analysis of potential impacts to the human environment before accepting and implementing the RPA in the 2009 NMFS BO.
- On September 20, 2011, in the Consolidated Salmonid Cases, the District Court remanded the NMFS BO to NMFS.
- The decisions of the District Court related to the NMFS BO were appealed to the Appellate Court. On December 22, 2014, the Appellate Court reversed the District Court and upheld the BO. Therefore, the remand order related to the NMFS BO was rescinded. A mandate of the Appellate Court was issued on February 17, 2015.

In response to these requirements, we have prepared a combined NEPA process addressing both the USFWS and NMFS RPAs and alternatives.

IV. Purpose and Need for Action

The purpose of the action is to continue the operation of the CVP, in coordination with the SWP, for its authorized purposes, in a manner that:

- Is similar to historic operational parameters with certain modifications;
- Is consistent with Federal Reclamation law; other Federal laws; Federal permits and licenses and; State of California water rights, permits, and licenses; and
- Enables the Bureau of Reclamation and the Department of Water Resources to satisfy their contractual obligations to the fullest extent possible.

Continued operation of the CVP and the SWP is needed to provide river regulation, improvement of navigation; flood control; water supply for irrigation and domestic uses; fish and wildlife mitigation, protection, and restoration; fish and wildlife enhancement; and power generation. The CVP and SWP facilities also are operated to provide recreation benefits and in accordance with the water rights and water quality requirements adopted by the State Water Resources Control Board.

Even though the coordinated operation of the CVP and SWP provides these benefits, the USFWS and NMFS concluded in their 2008 and 2009 BOs, respectively, that the coordinated operation of the CVP and SWP, as described in the 2008 Bureau of Reclamation Biological Assessment, does not comply with the requirements of section 7(a)(2) of ESA. To remedy this, USFWS and NMFS provided RPAs in their BOs. The Appellate Court confirmed the District Court's ruling that the Bureau of Reclamation must conduct a NEPA review to determine whether the RPA actions cause a significant effect to the human environment. Concepts associated with

potential modifications to the coordinated operation of the CVP and SWP included in the NEPA process should be consistent with the intended purpose of the action, within the scope of our legal authority and jurisdiction, economically and technologically feasible, and avoid the likelihood of jeopardizing listed species or resulting in the destruction or adverse modification of critical habitat in compliance with the requirements of section 7(a)(2) of ESA.

V. Project Area

The project area includes the CVP and SWP Service Areas and facilities, as described in this section.

A. CVP Facilities. The CVP facilities include reservoirs on the Trinity, Sacramento, American, Stanislaus, and San Joaquin rivers.

- A portion of the water from Trinity River is stored and re-regulated in Trinity Lake, Lewiston Reservoir, and Whiskeytown Reservoir, and diverted through a system of tunnels and powerplants into the Sacramento River. Water is also stored and re-regulated in Shasta and Folsom lakes. Water from these reservoirs and other reservoirs owned and/or operated by the SWP flows into the Sacramento River.
- The Sacramento River carries water to the Sacramento-San Joaquin Delta (Delta). The Jones Pumping Plant at the southern end of the Delta lifts the water into the Delta Mendota Canal (DMC). This canal delivers water to CVP contractors, whom divert water directly from the DMC, and exchange contractors on the San Joaquin River, whom divert directly from the San Joaquin River and the Mendota Pool. CVP water is also conveyed to the San Luis Reservoir for deliveries to CVP contractors through the San Luis Canal. Water from the San Luis Reservoir is also conveyed through the Pacheco Tunnel to CVP contractors in Santa Clara and San Benito counties.
- The CVP provides water from Millerton Reservoir on the San Joaquin River to CVP contractors located near the Madera and Friant-Kern canals. Water is stored in the New Melones Reservoir for water rights holders in the Stanislaus River watershed and CVP contractors in the northern San Joaquin Valley.

B. State Water Project Facilities. The California Department of Water Resources operates and maintains the SWP, which delivers water to agricultural and municipal and industrial contractors in northern California, the San Joaquin Valley, the San Francisco Bay Area, the Central Coast, and southern California.

- SWP water is stored and re-regulated in Lake Oroville and released into the Feather River, which flows into the Sacramento River.
- SWP water flows in the Sacramento River to the Delta and is exported from the Delta at the Banks Pumping Plant. The Banks Pumping Plant lifts the water into the California Aqueduct, which delivers water to the SWP contractors and conveys water to the San Luis Reservoir.
- The SWP also delivers water to the Cross-Valley Canal, when the systems have capacity, for CVP water service contractors.

VI. Alternatives Considered

As required by NEPA, we developed a reasonable range of alternatives, including a No Action Alternative. Development of the alternatives included discussions with the Department of Water Resources. Development of the alternatives also was informed by comments submitted to us during the scoping process and the subsequent public involvement process.

The DEIS analyzes five alternatives, in addition to the No Action Alternative, that consider modifications to operational components of the 2008 USFWS and the 2009 NMFS RPAs. All alternatives addressed continued operation of the CVP, in coordination with the SWP.

The No Action Alternative assumes continuation of existing policy and management direction in Year 2030, including implementation of the RPAs included in the 2008 USFWS and 2009 NMFS BOs. Many of the RPAs were implemented prior to 2009 under other programs, such as Central Valley Project Improvement Act implementation, or are currently being implemented in accordance with the 2008 USFWS and 2009 NMFS BOs.

In response to scoping comments, the DEIS also includes a Second Basis of Comparison that assumes coordinated operation of the CVP and SWP as if the 2008 USFWS and 2009 NMFS BOs had not been implemented. The Second Basis of Comparison includes several actions that were included in the RPAs of the 2008 USFWS and 2009 NMFS BOs and that would have occurred without the BOs, including projects that were being initiated prior to 2009 (*e.g.,* Red Bluff Pumping Plant; Battle Creek restoration; and Suisun Marsh Habitat Management, Preservation, and Restoration Plan), legislatively mandated projects (*e.g.,* San Joaquin River Restoration Program), and projects with substantial progress that would have occurred without implementation of the BOs (*e.g.,* Yolo Bypass Salmonid Habitat Restoration and Fish Passage).

Alternative 1 was informed by scoping comments from CVP and SWP water users. Alternative 1 is identical to the Second Basis of Comparison and provides an opportunity for us to select an alternative with the same assumptions as the Second Basis of Comparison as the preferred alternative.

Alternative 2 is similar to the No Action Alternative because it includes the RPA actions, except for actions that consist of projects to be evaluated for future implementation. For example, Alternative 2 does not include fish passage programs to move fish from the Sacramento River downstream of Keswick Dam to the Sacramento River upstream of Shasta Dam.

Alternative 3 was informed by scoping comments from CVP and SWP water users. Alternative 3 is similar to the Second Basis of Comparison and Alternative 1 because it generally does not include the RPA actions, but it includes additional restrictions on CVP and SWP Delta exports to reduce negative flows in the south Delta during critical periods for aquatic resources. Alternative 3 also includes provisions to reduce losses to fish that use the Delta due to predation, commercial and sport fishing ocean harvest, and fish passage through the Delta.

Alternative 4 was informed by scoping comments from CVP and SWP water users. Alternative 4 is similar to the Second Basis of Comparison and Alternative 1 because it generally does not include the RPA actions, but it includes provisions to reduce losses to fish that use the Delta due to predation, commercial and sport fishing ocean harvest, and fish passage through the Delta.

Alternative 5 was informed by scoping comments from environmental interest groups. Alternative 5 includes assumptions similar to the No Action Alternative regarding the incorporation of RPA actions, with additional provisions to provide for positive Old and Middle River (OMR) flows and increased Delta outflow from reduced exports in April and May; and modified operations for New Melones Reservoir.

The DEIS does not identify a preferred alternative. Following receipt and evaluation of public comments on the DEIS, we will determine which alternative or combinations of features within the alternatives will become the preferred alternative. A discussion of the decision-making process used to define the preferred alternative will be included in the Final EIS.

VII. Statutory Authority

NEPA [42 U.S.C. 4321 *et seq.*] requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. In addition, as required by NEPA, the Bureau of Reclamation analyzed the potential direct, indirect, and cumulative environmental effects that may result from the implementation of the alternatives, which may include, but are not limited to, the following areas of potential impact:

a. Surface water and groundwater;
b. Energy generation and use by CVP and SWP;
c. Biological resources, aquatic and terrestrial resources;
d. Land use, including agriculture;
e. Recreation.
f. Socioeconomics;
g. Environmental justice;
h. Air quality;
i. Soils and geology;
j. Visual resources;
k. Cultural resources;
l. Public health; and
m. Indian trust assets.

All alternatives and the Second Basis of Comparison were analyzed assuming conditions at Year 2030 with associated climate change and sea level rise.

VIII. Public Review of DEIS

The notice of availability of the DEIS is being distributed to interested agencies, stakeholder organizations, and individuals that participated in the scoping process and subsequent public involvement activities. This distribution provides an opportunity for interested parties to express their views regarding the environmental effects of the project, and to ensure that the information pertinent to implementation of the project is provided to cooperating agencies. Copies of the DEIS are available for public review at the Bureau of Reclamation, Bay-Delta Office, 801 I Street, Suite 140, Sacramento, CA 95814–2536; and Bureau of Reclamation, Mid-Pacific Region, Regional Library, 2800 Cottage Way, Sacramento, CA 95825.

IX. How To Request Reasonable Accommodation

If special assistance is required to participate in the public meeting, please contact Mr. Ben Nelson at (916) 414–2424, or via email at *bcnelson@usbr.gov,* or Wilbert Moore at (916) 978–5102, or via email at *wmoore@usbr.gov,* at least five working days before the meetings. If a request cannot be met, the requestor will be notified. A telephone device for the hearing impaired (TTY) is available at (800) 877–8339. The electronic version of the DEIS is published in accordance with the provisions of Section 508 of the Rehabilitation Act of 1973.

X. Public Disclosure

Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 2, 2015.

Pablo R. Arroyave,

Deputy Regional Director, Mid-Pacific Region.

[FR Doc. 2015–18307 Filed 7–30–15; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Noise Exposure

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Occupational Noise Exposure,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 31, 2015.

ADDRESSES: A copy of this ICR with supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201507-1219-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3507(a)(1)(D).

This ICR seeks to extend PRA authority for the Occupational Noise Exposure information collection requirements codified in regulations 30 CFR part 62. Noise is a harmful physical agent and one of the most pervasive health hazards in mining. Repeated exposure to high levels of sound over time causes occupational noise-induced hearing loss (NIHL), a serious and often profound physical impairment in mining, with far-reaching psychological and social effects. NIHL can be distinguished from aging and other factors that can contribute to hearing loss, and it can be prevented. According to the National Institute for Occupational Safety and Health, NIHL is among the top ten leading occupational illnesses and injuries.

Records of miner exposures to noise are necessary so that mine operators and the MSHA can evaluate the need for and effectiveness of engineering controls, administrative controls, and personal protective equipment to protect miners from harmful levels of noise that can result in hearing loss. The Agency believes, however, that extensive records are not needed for this purpose. The subject information collection requirements are part of a performance-oriented approach to monitoring. Miner hearing examination records enable mine operators and the MSHA to ensure controls in use are effective in preventing NIHL for individual miners. Training records confirm miners receive information necessary to become active participants in hearing conservation efforts. Federal Mine Safety and Health

Act of 1977 sections 101(a)(6) and 103(c) and (h) authorize this information collection. *See* 30 U.S.C. 811(a)(6); 813(c), (h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0120.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 11, 2015 (80 FR 26953).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0120. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Occupational Noise Exposure.

OMB Control Number: 1219–0120.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 12,493.

Total Estimated Number of Responses: 179,186.

Total Estimated Annual Time Burden: 13,295 hours.

Total Estimated Annual Other Costs Burden: $31,022.

Dated: July 28, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–18814 Filed 7–30–15; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

Notice: (15–057).

SUMMARY: The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Public Law 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to NASA Paperwork Reduction Act Clearance Officer, Code JF000, National Aeronautics and Space Administration, Washington, DC 20546–0001 or *Frances.C.Teel@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Ms. Frances Teel, NASA Clearance Officer, NASA Headquarters, 300 E Street SW., JF000, Washington, DC 20546, or *Frances.C.Teel@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The NASA Contractor Financial Management Reporting System is the basic financial medium for contractor reporting of estimated and incurred costs, providing essential data for projecting costs and hours to ensure that contractor performance is realistically planned and supported by dollar and labor resources. The data provided by these reports is an integral part of the Agency's accrual accounting and cost based budgeting system. Respondents are reimbursed for associated cost to provide the information, per their negotiated contract price and associated terms of the contract. There are no ''total capital and start-up'' or ''total operation and maintenance and purchase of services'' costs associated since NASA policy requires that data reported is generated from the contractors' existing system. The contractors' internal management system shall be relied upon to the maximum extent possible.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

II. Method of Collection

NASA collects this information electronically and that is the preferred manner, however information may also be collected via mail or fax.

III. Data

Title: NASA Contractor Financial Management Reports.

OMB Number: 2700–0003.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit, not-for-profit institutions.

Estimated Number of Respondents: 800.

Estimated Time per Response: 9 hrs.

Estimated Total Annual Burden Hours: 86,000.

Estimated Total Annual Cost: $0.

IV Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collection has practical utility; (2) the accuracy of NSA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to minimize the burden of the collection of information on respondents.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection.

They will also become a matter of public record.

Frances Teel,

NASA PRA Clearance Officer.

[FR Doc. 2015–18798 Filed 7–30–15; 8:45 am]

BILLING CODE 7510–13–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: White House Fellows Application, 3206–0265

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The President's Commission on White House Fellowships, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an information collection request (ICR) 3206–0265, White House Fellows Application. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection.

DATES: Comments are encouraged and will be accepted until September 29, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the President's Commission on White House Fellowships, Office of Personnel Management, 1900 E Street NW., Washington, DC 20503, Attention: Administrative Officer or sent via electronic mail to *whitehousefellows@whf.eop.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the President's Commission on White House Fellowships, Office of Personnel Management, 1900 E Street NW., Washington, DC 20503, Attention: Administrative Officer or sent via electronic mail to *whitehousefellows@whf.eop.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Founded in 1964 by Lyndon B. Johnson, the White House Fellows program is one of America's most prestigious programs for leadership and public service. White House Fellowships offer exceptional young men and women first-hand experience working at the highest levels of the federal government.

Selected individuals typically spend a year working as a full-time, paid Fellow to senior White House Staff, Cabinet Secretaries and other top-ranking government officials. Fellows also participate in an education program consisting of roundtable discussions with renowned leaders from the private and public sectors, and trips to study U.S. policy in action both domestically and internationally. Fellowships are awarded on a strictly non-partisan basis.

Analysis:

Agency: President's Commission on White House Fellowship, Office of Personnel Management.

Title: White House Fellows Application.

OMB Number: 3206–0265.

Frequency: Annually.

Affected Public: Members of the general public who meet eligibility requirements set forth in Executive Order 11183.

Number of Respondents: 2,000.

Estimated Time per Respondent: 20 hours.

Total Burden Hours: 40,000 hours.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2015–18870 Filed 7–30–15; 8:45 am]

BILLING CODE 6325–47–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–70 and CP2015–108; Order No. 2612]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract 134 negotiated service agreement to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 3, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 134 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–70 and CP2015–108 to consider the Request pertaining to the proposed Priority Mail Contract 134 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in

[1] Request of the United States Postal Service to Add Priority Mail Contract 134 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, July 24, 2015 (Request).

the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than August 3, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lyudmila Y. Bzhilyanskaya to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–70 and CP2015–108 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Lyudmila Y. Bzhilyanskaya is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than August 3, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–18778 Filed 7–30–15; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–71 and CP2015–109; Order No. 2611]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract 135 negotiated service agreement to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 3, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 135 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–71 and CP2015–109 to consider the Request pertaining to the proposed Priority Mail Contract 135 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than August 3, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis Kidd to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–71 and CP2015–109 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Curtis Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than August 3, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–18777 Filed 7–30–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Request of the United States Postal Service to Add Priority Mail Contract 135 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, July 24, 2015 (Request).

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 24, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 135 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2015–71, CP2015–109.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–18776 Filed 7–30–15; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 27, 2015,

it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 137 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2015–73, CP2015–111.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–18774 Filed 7–30–15; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 27, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 138 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2015–74, CP2015–112.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–18773 Filed 7–30–15; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 24, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 134 to Competitive Product List.* Documents are available at *www.prc.gov*, Docket Nos. MC2015–70, CP2015–108.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–18779 Filed 7–30–15; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 24, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 19 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2015–69, CP2015–107.

Stanley F. Mires,

Attorney,

Federal Compliance.

[FR Doc. 2015–18780 Filed 7–30–15; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 27, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 136 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2015–72, CP2015–110.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–18775 Filed 7–30–15; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75529; File No. SR–ICC–2015–009]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Revise the ICC Risk Management Framework

July 27, 2015.

On May 28, 2015, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to make revisions to the ICC Risk Management Framework (SR–ICC–2015–009). The proposed rule change was published for comment in the **Federal Register** on June 12, 2015.[3] To date, the Commission has not received comments on the proposal.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day from the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–75119 (Jun. 8, 2015), 80 FR 33573 (Jun. 12, 2015) (SR–ICC–2015–009).

[4] 15 U.S.C. 78s(b)(2).

publication of notice of filing of this proposed rule change is July 27, 2015.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. ICC's proposed rule change would revise the ICC Risk Management Framework to extend its General Wrong Way Risk framework to the portfolio level to account for the potential accumulation of portfolio wrong way risk through Risk Factor specific wrong way risk exposures. The Commission finds it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider ICC's proposed rule change.

Accordingly, the Commission, pursuant to section 19(b)(2) of the Act,[5] designates September 10, 2015, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–ICC–2015–009).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–18769 Filed 7–30–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission of OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 31a–2; SEC File No. 270–174, OMB Control No. 3235–0179.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 31(a)(1) of the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a–30(a)(1)) requires registered investment companies (''funds'') and certain underwriters, broker-dealers, investment advisers, and depositors to maintain and preserve records as prescribed by Commission rules. Rule 31a–1 under the Act (17 CFR 270.31a–1) specifies the books and records that each of these entities must maintain. Rule 31a–2 under the Act (17 CFR 270.31a–2), which was adopted on April 17, 1944, specifies the time periods that entities must retain certain books and records, including those required to be maintained under rule 31a–1.

Rule 31a–2 requires the following:

1. Every fund must preserve permanently, and in an easily accessible place for the first two years, all books and records required under rule 31a–1(b)(1)–(4).[1]

2. Every fund must preserve for at least six years, and in an easily accessible place for the first two years:

a. All books and records required under rule 31a–1(b)(5)–(12); [2]

b. all vouchers, memoranda, correspondence, checkbooks, bank statements, canceled checks, cash reconciliations, canceled stock certificates, and all schedules evidencing and supporting each computation of net asset value of fund shares, and other documents required to be maintained by rule 31a–1(a) and not enumerated in rule 31a–1(b);

c. any advertisement, pamphlet, circular, form letter or other sales literature addressed or intended for distribution to prospective investors;

d. any record of the initial determination that a director is not an interested person of the fund, and each subsequent determination that the director is not an interested person of the fund, including any questionnaire and any other document used to determine that a director is not an interested person of the company;

e. any materials used by the disinterested directors of a fund to determine that a person who is acting as legal counsel to those directors is an independent legal counsel; and

f. any documents or other written information considered by the directors of the fund pursuant to section 15(c) of the Act (15 U.S.C. 80a–15(c)) in approving the terms or renewal of a contract or agreement between the fund and an investment advisor.[3]

3. Every underwriter, broker, or dealer that is a majority-owned subsidiary of a fund must preserve records required to be preserved by brokers and dealers under rules adopted under section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) (''section 17'') for the periods established in those rules.

4. Every depositor of a fund, and every principal underwriter of a fund (other than a closed-end fund), must preserve for at least six years records required to be maintained by brokers and dealers under rules adopted under section 17 to the extent the records are necessary or appropriate to record the entity's transactions with the fund.

5. Every investment adviser that is a majority-owned subsidiary of a fund must preserve the records required to be preserved by investment advisers under rules adopted under section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) (''section 204'') for the periods specified in those rules.

6. Every investment adviser that is not a majority-owned subsidiary of a fund must preserve for at least six years records required to be maintained by registered investment advisers under rules adopted under section 204 to the extent the records are necessary or appropriate to reflect the adviser's transactions with the fund.

The records required to be maintained and preserved under this part may be maintained and preserved for the required time by, or on behalf of, a fund on (i) micrographic media, including microfilm, microfiche, or any similar medium, or (ii) electronic storage media, including any digital storage medium or system that meets the terms of rule 31a–2(f). The fund, or person that maintains and preserves records on its behalf, must arrange and index the records in a way that permits easy location, access, and retrieval of any particular record.[4]

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

[1] These include, among other records, journals detailing daily purchases and sales of securities, general and auxiliary ledgers reflecting all asset, liability, reserve, capital, income and expense accounts, separate ledgers reflecting separately for each portfolio security as of the trade date all ''long'' and ''short'' positions carried by the fund for its own account, and corporate charters, certificates of incorporation, by-laws and minute books.

[2] These include, among other records, records of each brokerage order given in connection with purchases and sales of securities by the fund, records of all other portfolio purchases or sales, records of all puts, calls, spreads, straddles or other options in which the fund has an interest, has granted, or has guaranteed, records of proof of money balances in all ledger accounts, files of all advisory material received from the investment adviser, and memoranda identifying persons, committees, or groups authorizing the purchase or sale of securities for the fund.

[3] Section 15 of the Act requires that fund directors, including a majority of independent directors, annually approve the fund's advisory contract and that the directors first obtain from the adviser the information reasonably necessary to evaluate the contract. The information request requirement in section 15 provides fund directors, including independent directors, a tool for obtaining the information they need to represent shareholder interests.

[4] In addition, the fund, or person who maintains and preserves records for the fund, must provide promptly any of the following that the Commission (by its examiners or other representatives) or the directors of the fund may request: (A) A legible, true, and complete copy of the record in the medium and format in which it is stored; (B) a

Continued

We periodically inspect the operations of all funds to ensure their compliance with the provisions of the Act and the rules under the Act. Our staff spends a significant portion of its time in these inspections reviewing the information contained in the books and records required to be kept by rule 31a–1 and to be preserved by rule 31a–2.

There are 3146 funds currently operating as of December 31, 2014, all of which are required to comply with rule 31a–2. Based on conversations with representatives of the fund industry and past estimates, our staff estimates that each fund currently spends 220 total hours per year complying with rule 31a–2. Our staff estimates that the 220 hours spent by typical fund would be split evenly between administrative and computer operation personnel,[5] with 110 hours spent by a general clerk at a rate of $57 per hour and 110 hours spent by a senior computer operator at a rate of $87 per hour.[6] Based on these estimates, our staff estimates that the total annual burden for all funds to comply with rule 31a–2 is 692,120 hours at an estimated cost of $49,832,640.[7]

The hour burden estimates for retaining records under rule 31a–2 are based on our experience with registrants and our experience with similar requirements under the Act and the rules under the Act. The number of burden hours may vary depending on, among other things, the complexity of the fund, the issues faced by the fund, and the number of series and classes of the fund. The estimated average burden hours are made solely for purposes of the Paperwork Reduction Act and are not derived from quantitative, comprehensive, or even representative survey or study of the burdens associated with our rules and forms.

Based on conversations with representatives of the fund industry and past estimates, our staff estimates that the average cost of preserving books and records required by rule 31a–2 is approximately $74,782 annually per fund.[8] As discussed previously, there are 3,146 funds currently operating, for a total cost of preserving records as required by rule 31a–2 of approximately $235,264,172 per year.[9] Our staff understands, however, based on previous conversations with representatives of the fund industry, that even in the absence of rule 31a–2 funds would already spend approximately half of this amount ($117,632,086) to preserve these same books and records, as they are also necessary to prepare financial statements, meet various state reporting requirements, and prepare their annual federal and state income tax returns. Therefore, we estimate that the total annual cost burden for all funds as a result of compliance with rule 31a–2 is approximately $117,632,086 per year.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

The collection of information under rule 31a–2 is mandatory for all funds. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 27, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–18765 Filed 7–30–15; 8:45 am]

BILLING CODE 8011–01–P

legible, true, and complete printout of the record; and (C) means to access, view, and print the records; and must separately store, for the time required for preservation of the original record, a duplicate copy of the record on any medium allowed by rule 31a–2(f). In the case of records retained on electronic storage media, the fund, or person that maintains and preserves records on its behalf, must establish and maintain procedures: (i) To maintain and preserve the records, so as to reasonably safeguard them from loss, alteration, or destruction; (ii) to limit access to the records to properly authorized personnel, the directors of the fund, and the Commission (including its examiners and other representatives); and (iii) to reasonably ensure that any reproduction of a non-electronic original record on electronic storage media is complete, true, and legible when retrieved.

[5] However, the hour burden may be incurred by a variety of fund staff, and the type of staff position used for compliance with the rule may vary widely from fund to fund.

[6] The estimated salary rates are derived from SIFMA's *Office Salaries in the Securities Industry 2013,* modified by Commission staff to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

[7] This estimate is based on the following calculations: 3146 funds × 220 hours = 692,120 total hours; 692,120 hours/2 = 346,060 hours; 346,060 × $57 rate per hour for a clerk = $19,725,420; 346,060 × $87 rate per hour for a computer operator = $30,107,220; $19,725,420 + $30,107,220 = $49,832,640 total cost.

[8] This estimate is based on staff's 2012 estimate of costs of preserving books and records required by rule 31a–2 ($70,000), adjusted for inflation to January 2015 values using the Personal Consumption Expenditures Chain-Type Price Index (''PCE Index''). The values of the PCE Index are available from the Bureau of Economic Analysis, a bureau of the Department of Commerce. *See* Bureau of Economic Analysis, Table 2.8.6. Real Personal Consumption Expenditures by Major Type of Product, Monthly, Chained Dollars (Last Revised on March 2, 2015), *available at http://www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1#reqid=9&step=3&isuri=1&903=83.* Thus, $70,000 (2012 estimate) × 11,163.6 (Jan. 2015 PCE Index value)/10,449.7 (2012 PCE Index value) = $74,782 (Jan. 2015 inflation adjusted estimate).

[9] This estimate is based on the following calculation: 3,146 funds × $74,782 = $235,264,172.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75528; File No. SR–OCC–2015–013]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving a Proposed Rule Change To Codify Procedures for Resizing the Options Clearing Corporation's Clearing Fund on a Monthly Basis and Increasing Such Clearing Fund Size on an Intra-Month Basis

July 27, 2015.

On June 19, 2015, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–OCC–2015–013 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on June 26, 2015.[3] The Commission did not receive any comments on the proposed rule change. This order approves the proposed rule change.

I. Description

According to OCC, it is amending Rule 1001(a) to codify the Commission's recent approval of and non-objection to procedures for resizing the clearing fund on a monthly basis and increasing such clearing fund size on an intra-month basis to ensure OCC maintains sufficient financial resources consistent with

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 75260 (June 22, 2015), 80 FR 36867 (June 26, 2015) (SR–OCC–2015–013).

regulatory requirements (''Procedures'').[4]

Specifically, OCC recently adopted the Procedures which, according to OCC, are designed to clarify for clearing members and market participants the manner in which OCC would resize the clearing fund on a monthly basis and, if necessary, collect additional financial resources through intra-day margin calls and intra-month increases of the clearing fund.[5] According to OCC, under the Procedures, OCC continues to size the clearing fund on the first business day of each month, with the clearing fund size equal to a base amount and an additional prudential margin of safety determined by OCC, currently set at $1.8 billion. The base amount is equal to the peak five-day rolling average of clearing fund draws [6] observed over the preceding three calendar months. Under the Procedures, OCC must issue an intra-day margin call in the event that a projected draw on the clearing fund under stress tests conducted by OCC exceeds 75% of the then-current size of OCC's clearing fund. In addition, OCC must increase the size of the clearing fund intra-month where a projected draw, after taking into account intra-day margin collected under the Procedures, exceeds 90% of the then-current size of the clearing fund.

According to OCC, it is amending Rule 1001(a) to codify, in accordance with the Procedures, the process by which such clearing fund size: (i) Is determined and set on a monthly basis, and (ii) may be increased on an intra-month basis. OCC believes that the proposed rule change provides greater transparency to clearing members and other market participants, because OCC's practices with regard to the monthly sizing of the clearing fund and OCC's ability to increase the clearing fund intra-month in accordance with the Procedures would be codified in the text of Rule 1001(a).

[4] *See* Securities Exchange Act Release No. 74980 (May 15, 2015), 80 FR 29364 (May 21, 2015) (SR–OCC–2015–009) and Securities Exchange Act Release No. 74981 (May 15, 2015), 80 FR 29367 (May 21, 2015) (SR–OCC–2015–811). OCC recently amended the Procedures. *See* Securities Exchange Act Release No. 75255 (June 22, 2015), 80 FR 36869 (June 26, 2015) (SR–OCC–2015–012) (changing the method by which certain dashboard reports are distributed).

[5] *Id.*

[6] According to OCC, clearing fund draws are the amounts that OCC would have been required to draw against the clearing fund under the daily idiosyncratic default and minor systemic default scenario calculations conducted by OCC (*i.e.,* the amount of projected losses not covered by margin deposits or deposits in lieu of margin).

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [7] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.

The Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act [8] and Rule 17Ad–22(b)(3) of the Act.[9] Rule 17Ad–22(b)(3) of the Act requires OCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain sufficient financial resources to withstand, at a minimum, a default by the participant family to which it has the largest exposure in extreme but plausible market conditions.[10] OCC is amending Rule 1001(a) to reflect the process by which OCC determines its clearing fund size on a monthly basis and increases its clearing fund size on an intra-month basis. As stated above, OCC already adopted Procedures that reflect this change.[11] By amending Rule 1001(a) to codify the Procedures, as described above, and thus permitting OCC to take action pursuant to the Procedures, OCC should be able to be more responsive to sudden increases in exposure and less sensitive to short-run reductions in exposure that could inappropriately reduce the overall size of the clearing fund. As a result, OCC should be in a better position to maintain sufficient financial resources to withstand, at a minimum, a default by the participant family to which it has the largest exposure in extreme but plausible market conditions.

For these same reasons, OCC's rule change is consistent with Section 17A(b)(3)(F) of the Act,[12] which requires, in part, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. By maintaining financial resources in this manner, OCC is less likely to be subject to disruptions in its operations as a result of a default of a participant family, thereby facilitating the prompt and accurate clearance and settlement of securities transactions and assuring the safeguarding of securities and funds which are in the custody or control of OCC or for which it is responsible.

[7] 15 U.S.C. 78s(b)(2)(C).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 17 CFR 240.17Ad–22(b)(3).

[10] *Id.*

[11] *See supra* note 4.

[12] 15 U.S.C. 78q-1(b)(3)(F).

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act [13] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–OCC–2015–013) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–18770 Filed 7–30–15; 8:45 am]

BILLING CODE 8011–01–P

[13] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75530; File No. SR–NYSEARCA–2015–66]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Arca Options Fee Schedule

July 27, 2015.

Pursuant to section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 20, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule (''Fee Schedule''). The Exchange proposes to

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

implement the fee change effective August 1, 2015. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to increase the number of issues a Market Maker may trade per Options Trading Permit (''OTP'').

Currently, the number of issues a Market Maker may quote and trade in their assignment is based on how many OTPs the Market Maker has. A Market Maker may quote and trade up to 100 issues under its first OTP; up to 250 issues with a second OTP; up to 750 issues with a third OTP; and, with a fourth OTP a Market Maker may quote and trade all option issues on the Exchange.[4]

The Exchange is proposing to increase the number of issues ''covered'' by an OTP (*i.e.,* the number of issues in which a Market Maker may quote and trade) as follows:

1st OTP Up to 175 option issues
2nd OTP Up to 350 option issues
3rd OTP Up to 1,000 option issues
4th OTP All option issues traded on the Exchange

The Exchange is proposing to increase the number of covered issues per OTP to encourage Market Makers to quote and trade more issues based on the number of OTPs they currently have. By doing so, the Exchange believes it will provide an opportunity for more liquid markets and quote competition, which in turn will benefit all market participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,[5] in general, and furthers the objectives of sections 6(b)(4) and (5) of the Act,[6] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the increase in the number of issues covered by an OTP is reasonable, as it allows a Market Maker to trade a greater number of issues without incurring the expense of paying for additional OTPs. The proposed change is equitable and not unfairly discriminatory because it solely affects Market Makers because only Market Makers are required to have more than one OTP to correlate to the options issues in their Market Maker assignments. The Exchange believes that the proposed change is reasonable, equitable and not unfairly discriminatory because it is designed to encourage Market Makers to quote and trade additional issues, which would provide an opportunity for more liquid markets and quote competition, which in turn will benefit all market participants.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with section 6(b)(8) of the Act,[7] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change would continue to encourage competition, including by providing more opportunities to quote and trade, thereby attracting additional liquidity to the Exchange, which would continue to make the Exchange a more competitive venue for, among other things, order execution and price discovery. The Exchange believes the proposed change would not unduly burden any particular group of market participants trading on the Exchange vis-à-vis another group, as the change solely impacts Market Makers. In addition, the Exchange believes that by expanded [sic] the number of covered issues per OTP would encourage increased liquidity and quote competition on the Exchange, which in turn would benefit all market participants.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues., [sic] In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to section 19(b)(3)(A)[8] of the Act and subparagraph (f)(2) of Rule 19b–4[9] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under section 19(b)(2)(B)[10] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[4] A Market Maker may trade any issue on the Exchange, but may only submit quotes in issues in the Market Maker assignment, however, in accordance with NYSE Arca Rule 6.35(i), at least 75% of a Market Maker's trading activity must be in the Market Maker's appointment.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] 15 U.S.C. 78f(b)(8).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

[10] 15 U.S.C. 78s(b)(2)(B).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2015–66 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2015–66. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549–1090 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2015–66 and should be submitted on or before August 21, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–18768 Filed 7–30–15; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:
Form N–Q SEC, File No. 270–519, OMB Control No. 3235–0578.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Form N–Q (17 CFR 249.332 and 274.130) is a reporting form used by registered management investment companies, other than small business investment companies registered on Form N–5 (''funds''), under Section 30(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') and Sections 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). Pursuant to Rule 30b1–5 under the Investment Company Act, funds are required to file quarterly reports with the Commission on Form N–Q not more than 60 days after the close of the first and third quarters of each fiscal year containing their complete portfolio holdings. Additionally, fund management is required to evaluate the effectiveness of the fund's disclosure controls and procedures within the 90-day period prior to the filing of a report on Form N–Q, and such report must also be signed and certified by the fund's principal executive and financial officers.

We estimate that there are 11,348 funds required to file reports on Form N–Q. Based on staff experience and conversations with industry representatives, we estimate that it takes approximately 26 hours per fund to prepare reports on Form N–Q annually. Accordingly, we estimate that the total annual burden associated with Form N–Q is 295,048 hours (26 hours per fund × 11,348 funds) per year.

The estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms. The collection of information under Form N–Q is mandatory. The information provided by the form is not kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 27, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–18766 Filed 7–30–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:
Form N–3; SEC File No. 270–281, OMB Control No. 3235–0316.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Form N–3 (17 CFR 239.17a and 274.11b) under the Securities Act of 1933 (15 U.S.C. 77) and under the Investment Company Act of 1940 (15 U.S.C. 80a), Registration Statement of Separate Accounts Organized as Management Investment Companies.'' Form N–3 is the form used by separate accounts offering variable annuity contracts which are organized as management investment companies

to register under the Investment Company Act of 1940 (''Investment Company Act'') and/or to register their securities under the Securities Act of 1933 (''Securities Act''). Form N–3 is also the form used to file a registration statement under the Securities Act (and any amendments thereto) for variable annuity contracts funded by separate accounts which would be required to be registered under the Investment Company Act as management investment companies except for the exclusion provided by Section 3(c)(11) of the Investment Company Act (15 U.S.C. 80a–3(c)(11)). Section 5 of the Securities Act (15 U.S.C. 77e) requires the filing of a registration statement prior to the offer of securities to the public and that the statement be effective before any securities are sold, and Section 8 of the Investment Company Act (15 U.S.C. 80a–8) requires a separate account to register as an investment company.

Form N–3 also permits separate accounts offering variable annuity contracts which are organized as investment companies to provide investors with a prospectus and a statement of additional information covering essential information about the separate account when it makes an initial or additional offering of its securities. Section 5(b) of the Securities Act requires that investors be provided with a prospectus containing the information required in a registration statement prior to the sale or at the time of confirmation or delivery of the securities. The form also may be used by the Commission in its regulatory review, inspection, and policy-making roles.

Commission staff estimates that there are zero initial registration statements and 10 post-effective amendments to initial registration statements filed on Form N–3 annually and that the average number of portfolios referenced in each post-effective amendment is 2. The Commission further estimates that the hour burden for preparing and filing a post-effective amendment on Form N–3 is 155.2 hours per portfolio. The total annual hour burden for preparing and filing post-effective amendments is 3104 hours (10 post-effective amendments × 2 portfolios × 155.2 hours per portfolio). The estimated annual hour burden for preparing and filing initial registration statements is 0 hours. The total annual hour burden for Form N–3, therefore, is estimated to be 3,104 hours (3,104 hours + 0 hours).

The information collection requirements imposed by Form N–3 are mandatory. Responses to the collection of information will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 27, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–18767 Filed 7–30–15; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14330 and #14331]

Oklahoma Disaster Number OK–00092

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 9.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA—4222—DR), dated 05/26/2015.

Incident: Severe storms, tornadoes, straight line winds, and flooding.

Incident Period: 05/05/2015 through 06/22/2015.

Effective Date: 07/24/2015.

Physical Loan Application Deadline Date: 08/26/2015.

EIDL Loan Application Deadline Date: 02/26/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Oklahoma, dated 05/26/2015 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans): Adair, Cherokee, Coal, Delaware, Garvin, Hughes, Lincoln, Logan, Love, Murray, Ottawa, Pontotoc.

Contiguous Counties: (Economic Injury Loans Only):

Oklahoma: Garfield, Noble, Payne.

Arkansas: Benton, Crawford, Washington.

Kansas: Cherokee.

Missouri: Mcdonald, Newton.

Texas: Cooke.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–18748 Filed 7–30–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14295 and #14296]

Kentucky Disaster Number KY–00055

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Kentucky (FEMA–4216–DR), dated 04/30/2015.

Incident: Severe Winter Storms, Snowstorms, Flooding, Landslides, and Mudslides.

Incident Period: 02/15/2015 through 02/22/2015.

DATES: *Effective Date:* 07/24/2015.

Physical Loan Application Deadline Date: 06/29/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 02/01/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Kentucky, dated 04/30/2015, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Adair, Anderson, Butler, Edmonson, Franklin, Lewis,

Lincoln, Magoffin, Mccracken, Rockcastle, Union, Woodford.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–18753 Filed 7–30–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14389 and #14390]

Kentucky Disaster #KY–00056

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Kentucky dated 07/24/2015.

Incident: Flash Flooding.

Incident Period: 07/07/2015.

DATES: *Effective Date:* 07/24/2015.

Physical Loan Application Deadline Date: 09/22/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 04/25/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: McCracken.

Contiguous Counties:

Kentucky: Ballard, Carlisle, Graves, Livingston, Marshall.

Illinois: Massac, Pulaski.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.375
Homeowners without Credit Available Elsewhere	1.688
Businesses with Credit Available Elsewhere	6.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	2.625
Non-Profit Organizations without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14389 6 and for economic injury is 14390 0.

The States which received an EIDL Declaration # are Kentucky, Illinois.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: July 24, 2015.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–18749 Filed 7–30–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14336 and #14337]

Texas Disaster Number TX–00448

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA–4223–DR), dated 05/29/2015.

Incident: Severe Storms, Tornadoes, Straight Line Winds and Flooding.

Incident Period: 05/04/2015 through 06/22/2015.

DATES:

Effective Date: 07/24/2015.

Physical Loan Application Deadline Date: 07/28/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 02/29/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of TEXAS, dated 05/29/2015, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Austin, Brown, Delta, Dewitt, Ellis, Gonzales, Hopkins, Jack, Jones, Orange, Red River, Roberstson, San Augustine, Starr, Tarrant, Throckmorton, Waller, Wichita.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–18755 Filed 7–30–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9206]

Presidential Permits: Express Pipeline, LLC

AGENCY: Department of State.

ACTION: Notice of issuance of a Presidential Permit.

SUMMARY: The Department of State issued a Presidential Permit to Express Pipeline, LLC on July 9, 2015, to connect, operate, and maintain existing pipeline facilities at the border of the United States and Canada that transport crude oil between Canada and the United States. The Department of State determined that issuance of this permit would serve the national interest. In making this determination and issuing the permit, the Department of State followed the procedures established under Executive Order 13337, and provided public notice and opportunity for comment.

FOR FURTHER INFORMATION CONTACT: Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State (ENR/EDP/EWA). 2201 C St. NW., Ste. 4843, Washington, DC 20520. Attn: R. Chris Davy, Acting Director. Tel: 202–647–2041.

SUPPLEMENTARY INFORMATION: Additional information concerning the Express Pipeline, LLC pipeline facilities and documents related to the Department of State's review of the application for a Presidential Permit can be found at *http://www.state.gov/e/enr/applicant.* The appendix to this notice contains the text of the issued permit.

Dated: July 21, 2015.

Chris Davy,

Acting Director, Energy Resources Bureau, Energy Diplomacy, Bureau of Energy Resources, U.S. Department of State.

Appendix

PRESIDENTIAL PERMIT

AUTHORIZING EXPRESS PIPELINE, LLC TO CONNECT, OPERATE, AND MAINTAIN EXISTING PIPELINE FACILITIES AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND CANADA

By virtue of the authority vested in me as Under Secretary of State for Economic Growth, Energy, and the Environment, including those authorities under Executive Order 13337, 69 FR 25299 (2004), and Department of State Delegation of Authority 118–2 of January 26, 2006; having requested and received the views of members of the public and various federal agencies; I hereby grant permission, subject to the conditions herein set forth, to Express Pipeline, LLC (hereinafter referred to as the ''permittee''), incorporated in the State of Delaware, to connect, operate, and maintain existing pipeline facilities at the border of the United States and Canada near Wild Horse, Montana, for the transport of crude oil between Canada and the United States.

The term ''facilities'' as used in this permit means the relevant portion of the pipelines and any land, structures, installations, or equipment appurtenant thereto.

The term ''United States facilities'' as used in this permit means those parts of the facilities located in the United States. The United States facilities consist of an existing 24-inch pipeline that extends approximately 5.89 miles from the international border between the United States and Canada to the first block valve in the United States in existence at the time of this permit's issuance (''block valve 18'').

This permit is subject to the following conditions:

Article 1. (1) The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions, and requirements of this permit and any amendment thereof. This permit may be terminated or amended at any time at the discretion of the Secretary of State or the Secretary's delegate or upon proper application therefor. The permittee shall make no substantial change in the United States facilities, the location of the United States facilities, or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

(2) The connection, operation, and maintenance of the United States facilities shall be in all material respects as described in the May 16, 2013, application for a Presidential Permit submitted on behalf of the permittee (the ''Application'').

Article 2. The standards for, and the manner of, the operation and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal, state, and local agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said United States facilities in the performance of their official duties.

Article 3. The permittee shall comply with all applicable federal, state, and local laws and regulations regarding the connection, operation, and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain all requisite permits from state and local government entities and relevant federal agencies.

Article 4. Connection, operation, and maintenance of the United States facilities hereunder shall be subject to the limitations, terms, and conditions issued by any competent agency of the United States Government. The permittee shall continue the operations hereby authorized and conduct maintenance in accordance with such limitations, terms, and conditions. Such limitations, terms, and conditions could address, for example, environmental protection and mitigation measures, safety requirements, export or import and customs regulations, measurement capabilities and procedures, requirements pertaining to the pipeline's capacity, and other pipeline regulations.

Article 5. Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary's delegate may specify, and upon failure of the permittee to remove, or to take such other action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such United States facilities be taken and that they be removed or other action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

Article 6. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said United States facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 7. Any change of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the United States Department of State, including the submission of information identifying the new owner or controlling entity. This permit shall remain in force subject to all the conditions, permissions, and requirements of this permit and any amendments thereto unless subsequently terminated or amended by the Secretary of State or the Secretary's delegate.

Article 8. (1) The permittee is responsible for acquiring any right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall save harmless and indemnify the United States from any claimed or adjudged liability arising out of construction, connection, operation, or maintenance of the facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

Article 9. The permittee shall take all necessary measures to prevent or mitigate adverse impacts on, or disruption of, the human environment in connection with connection, operation, and maintenance of the United States facilities. Such measures will include any mitigation and control plans that are already approved or that are approved in the future by the Department of State or other relevant federal or state agencies, and any other measures deemed prudent by the permittee.

Article 10. The permittee shall file with the appropriate agencies of the United States Government such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith as are now, or may hereafter, be required under any laws or regulations of the United States Government or its agencies. The permittee shall file electronic Export Information where required.

Article 11. The permittee shall provide information upon request to the Department of State with regard to the United States facilities. Such requests could include, for example, information concerning current conditions or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the United States facilities.

IN WITNESS WHEREOF, I, the Under Secretary of State for Economic Growth, Energy, and the Environment, have hereunto set my hand this 9th day of July 2015 in the City of Washington, District of Columbia.

Catherine A. Novelli

Under Secretary of State for Economic Growth, Energy, and the Environment

[FR Doc. 2015–18488 Filed 7–30–15; 8:45 am]

BILLING CODE 4710–AE–P

DEPARTMENT OF STATE

[Public Notice 9209]

Notice of Intent To Prepare an Environmental Review for the Upland Pipeline, LLC Project

AGENCY: Department of State.

ACTION: Notice; solicitation of comments.

SUMMARY: The U.S. Department of State (the Department) is issuing this Notice of Intent (NOI) to inform the public that it intends to prepare an environmental analysis consistent with the National Environmental Policy Act of 1969 (NEPA) to evaluate the potential impacts of the construction and operation of a proposed new pipeline that would carry crude oil across the United States-Canada border. This NOI informs the public about the proposed project and solicits participation and comments from interested federal, tribal, state, and local government entities and the public. The Department is soliciting comments to help inform the scope and content of the environmental review, as well as the level (either an environmental assessment or environmental impact statement).

DATES: The Department invites the public, governmental agencies, tribal governments, and all other interested parties to comment on the scope of the environmental review. All such comments should be provided in writing, within thirty (30) days of the publication of this notice, as directed below. The comment period for the NOI begins on July 31, 2015 and ends on August 31, 2015. All comments in response to the NOI must be submitted by August 31, 2015.

ADDRESSES: Comments may be submitted at *www.regulations.gov* by entering the title of this Notice into the search field and following the prompts. Comments may also be submitted by mail, addressed to: Upland Project Manager, U.S. Department of State, 2201 C Street NW., Room 2726, Washington, DC 20520. All comments from agencies or organizations should indicate a contact person for the agency or organization.

FOR FURTHER INFORMATION CONTACT: Project details on the Upland Presidential Permit application, as well as information on the Presidential Permit process, are available on the following Web site: *http://www.state.gov/e/enr/applicant/applicants/*. Please refer to this Web site or contact the Department at the address listed in the **ADDRESSES** section of this notice.

SUPPLEMENTARY INFORMATION: The U.S. Department of State (the Department) is issuing this Notice of Intent (NOI) to inform the public that it intends to prepare an environmental analysis consistent with the National Environmental Policy Act of 1969 (NEPA) (as implemented by the Council on Environmental Quality Regulations found at 40 CFR parts 1500–1508) to evaluate the potential impacts of the construction and operation of a proposed new pipeline that would carry crude oil across the United States-Canada border. This NOI informs the public about the proposed project and solicits participation and comments from interested federal, tribal, state, and local government entities and the public. The Department is soliciting comments to help inform the scope and content of the environmental review, as well as the level (either an environmental assessment or environmental impact statement).

On April 22, 2015, Upland Pipeline, LLC (Upland), which is a subsidiary of TransCanada Pipeline Limited, submitted an application for a new Presidential Permit under Executive Order 13337 to authorize the construction, connection, operation, and maintenance of pipeline facilities for the export of crude oil, which would be located at the border of the United States and Canada, in Burke County, North Dakota. The Upland project is designed to transport crude oil from the Williston Basin region in North Dakota to Canada.

The Upland project would consist of approximately 126 miles of new 20-inch diameter pipeline in the United States with 15 mainline valves, one at each of five oil receipt facilities and ten located along the pipeline route. The pipeline project would have the capacity to transport approximately 300,000 barrels per day (bpd) of crude oil. The requested Presidential Permit would cover an approximately 18-mile segment of pipeline between the northernmost mainline shutoff valve in the United States (located near milepost 108 of the proposed project route in Burke County, North Dakota) and the United States-Canada border.

The Canadian portion of the Upland Pipeline system would include a 20-inch diameter pipeline that would extend from the United States-Canada border near Northgate, Saskatchewan to Moosomin, Saskatchewan or Cromer, Manitoba. Review and approval of the proposed Canadian facilities will be subject to the jurisdiction of the Canadian National Energy Board as well as various local, municipal, and provincial authorities.

Project Location: The U.S. portion of the proposed project is located in Burke County, North Dakota.

Environmental Effects: The environmental review will describe the environmental effects of the proposed action; any adverse environmental effects that cannot be avoided should the project be implemented; the reasonable alternatives to the proposed action; comparison between short-term and long-term impacts on the environment; any irreversible and irretrievable commitments of natural, physical or other resources that would occur if the proposed action is implemented; and any proposed mitigation measures, if needed. The analysis will focus on air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, potential accidents and spills, hydrology and water quality, noise, socioeconomics, environmental justice, transportation and other topics identified during scoping.

While the President has delegated authority to the Department to issue permits for pipeline facilities at the borders of the United States, the environmental review will analyze impacts of the proposed project in the United States that are dependent upon Permit issuance.

All comments received during the scoping period may be made public, no matter how initially submitted. Comments are not private and will not be edited to remove identifying or contact information. Commenters are cautioned against including any information that they would not want publicly disclosed. Any party soliciting or aggregating comments from other persons is further requested to direct those persons not to include any identifying or contact information, or information they would not want publicly disclosed, in their comments.

Deborah Klepp,

Director, Office of Environmental Quality and Transboundary Issues, Department of State.

[FR Doc. 2015–18866 Filed 7–30–15; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 9205]

Presidential Permits: Magellan Pipeline Company, LP

AGENCY: Department of State.

ACTION: Notice of issuance of a Presidential Permit.

SUMMARY: The Department of State issued a Presidential Permit to Magellan Pipeline Company, LP on July 15, 2015, to connect, operate, and maintain existing pipeline facilities acquired by that company at the border of the United States and Mexico that transport liquid petroleum products between the United States and Mexico. The Department of State determined that issuance of this permit would serve the national interest. In making this determination and issuing the permit, the Department of State followed the procedures established under Executive Order 13337, and provided public notice and opportunity for comment.

FOR FURTHER INFORMATION CONTACT: Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State. (ENR/EDP/EWA). 2201 C St. NW., Ste. 4843, Washington, DC 20520. Attn: R. Chris Davy, Acting Director. Tel: 202–647–2041.

SUPPLEMENTARY INFORMATION: Additional information concerning the Express Pipeline, LLC pipeline facilities and documents related to the Department of State's review of the application for a Presidential Permit can be found at *http://www.state.gov/e/enr/applicant.* The appendix to this notice contains the text of the issued permit.

Dated: July 21, 2015.

Chris Davy,

Acting Director, Energy Resources Bureau, Energy Diplomacy, Bureau of Energy Resources, U.S. Department of State.

Appendix

PRESIDENTIAL PERMIT

AUTHORIZING MAGELLAN PIPELINE COMPANY, L.P. TO OPERATE AND MAINTAIN EXISTING PIPELINE FACILITIES AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND MEXICO

By virtue of the authority vested in me as Under Secretary of State for Economic Growth, Energy, and the Environment, including those authorities under Executive Order 13337, 69 FR 25299 (2004), and Department of State Delegation of Authority 118–2 of January 26, 2006; having requested and received the views of members of the public and various federal agencies; I hereby grant permission, subject to the conditions herein set forth, to Magellan Pipeline Company, L.P. (hereinafter referred to as the ''permittee''), organized under the laws of the State of Delaware, to connect, operate, and maintain existing pipeline facilities at the border of the United States and Mexico near El Paso, Texas, for the transport of liquid petroleum products between the United States and Mexico.

The term ''facilities'' as used in this permit means the relevant portion of the pipeline and any land, structures, installations or equipment appurtenant thereto.

The term ''United States facilities'' as used in this permit means those parts of the facilities located in the United States. The United States facilities consist of an existing carbon steel pipeline, 8.625 inches in diameter that extends approximately 600 feet from the United States boundary with Mexico to the first shut-off valve in existence at the time of this permit's issuance located just north of the Cesar E. Chavez Border Highway in the vicinity of El Paso, Texas.

This permit is subject to the following conditions:

Article 1. (1) The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions, and requirements of this permit and any amendment thereof. This permit may be terminated or amended at any time at the discretion of the Secretary of State or the Secretary's delegate or upon proper application therefor. The permittee shall make no substantial change in the United States facilities, the location of the United States facilities, or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

(2) The connection, operation and maintenance of the United States facilities shall be in all material respects as described in the permittee's September 13, 2013 application for a Presidential Permit (the ''Application'').

Article 2. The standards for, and the manner of, the operation and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal, state and local agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said United States facilities in the performance of their official duties.

Article 3. The permittee shall comply with all applicable federal, state, and local laws and regulations regarding the connection, operation, and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain all requisite permits from state and local government entities and relevant federal agencies.

Article 4. Connection, operation, and maintenance of the United States facilities hereunder shall be subject to the limitations, terms, and conditions issued by any competent agency of the United States Government. The permittee shall continue the operations hereby authorized and conduct maintenance in accordance with such limitations, terms, and conditions. Such limitations, terms, and conditions could address, for example, environmental protection and mitigation measures, safety requirements, export or import and customs regulations, measurement capabilities and procedures, requirements pertaining to the pipeline's capacity, and other pipeline regulations.

Article 5. Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary's delegate may specify, and upon failure of the permittee to remove, or to take such other action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such United States facilities be taken and that they be removed or other action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

Article 6. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said United States facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 7. Any change of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the United States Department of State, including the submission of information identifying the new owner or controlling entity. This permit shall remain in force subject to all the conditions, permissions and requirements of this permit and any amendments thereto unless subsequently terminated or amended by the Secretary of State or the Secretary's delegate.

Article 8. (1) The permittee is responsible for acquiring any right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall save harmless and indemnify the United States from any claimed or adjudged liability arising out of construction, connection, operation, or maintenance of the United States facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

Article 9. The permittee shall take all necessary measures to prevent or mitigate adverse impacts on, or disruption of, the human environment in connection with connection, operation and maintenance of the United States facilities. Such measures

will include any mitigation and control plans that are already approved or that are approved in the future by the Department of State or other relevant federal or state agencies, and any other measures deemed prudent by the permittee.

Article 10. The permittee shall file with the appropriate agencies of the United States Government such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith as are now, or may hereafter, be required under any laws or regulations of the United States Government or its agencies. The permittee shall file electronic Export Information where required.

Article 11. The permittee shall provide information upon request to the Department of State with regard to the United States facilities. Such requests could include, for example, information concerning current conditions or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the United States facilities.

IN WITNESS WHEREOF, I, the Under Secretary of State for Economic Growth, Energy, and the Environment, have hereunto set my hand this 14th day of July 2015 in the City of Washington, District of Columbia.

Catherine A. Novelli
Under Secretary of State for Economic Growth, Energy, and the Environment

[FR Doc. 2015–18490 Filed 7–30–15; 8:45 am]

BILLING CODE 4710–AE–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Request for a Change in Use From Aeronautical to Non-Aeronautical To Provide for the Use of an Existing Facility for Manufacturing Purposes, at Elmira/ Corning Regional Airport, Horseheads, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comment.

SUMMARY: The FAA proposes to rule and invite public comment for a change in use from aeronautical to non-aeronautical to provide for the use of an existing facility for manufacturing purposes, at Elmira/Corning Regional Airport, Horseheads, NY.

DATES: Comments must be received on or before August 31, 2015.

ADDRESSES: Comments on this application may be mailed or delivered to the following address: Ann Crook, Director of Aviation, Elmira/Corning Regional Airport, 276 Sing Sing Road, Suite 1, Horseheads, NY 14845, (607) 739–5621 and at the FAA New York Airports District Office: Evelyn Martinez, Manager, New York Airports District Office, 1 Aviation Plaza, Jamaica, NY 11434, (718) 995–5771.

FOR FURTHER INFORMATION CONTACT: Ryan Allen, Community Planner, New York Airports District Office, location listed above. (718) 995–5677.

The request for a change in use from aeronautical to non-aeronautical to provide for the use of an existing facility for manufacturing purposes may be reviewed in person at the New York Airports District Office located at 159–30 Rockaway Blvd., Suite 111, Jamaica, NY 11434.

SUPPLEMENTARY INFORMATION: The FAA invites public comment for a change in use from aeronautical to non-aeronautical to provide for the use of an existing facility for manufacturing purposes, at Elmira/Corning Regional Airport under the provisions of 49 U.S.C. 47125(a). Based on a full review, the FAA determined that the request for a change in use from aeronautical to non-aeronautical to provide for the use of an existing facility for manufacturing purposes, at Elmira/Corning Regional Airport, Horseheads, NY., met the procedural requirements.

The Following Is a Brief Overview of the Request

The airport sponsor is requesting a change in use from aeronautical to non-aeronautical for a 10.27 acre site located along Kahler Road, including an existing 96,000 square foot manufacturing facility, 5,000 square foot storage hangar, and adjoining 187,500 square foot parking lot with capacity for 332 parking stalls. In addition, the proposal includes a 6,400 square foot expansion to the existing facility to support administrative and engineering offices. The site would be utilized for glass manufacturing operations by a privately owned company. There is currently no short or long term aeronautical demand for the site, or interest from an aeronautical tenant to occupy the space. The Airport will structure a land lease with the prospective tenant based on fair market value, along with the fee simple sale of the buildings. All proceeds generated from the lease agreement and fee simple sale must be used exclusively by the airport in accordance with 49 U.S.C. 47107(b) and the FAA's policy on revenue use.

Any person may inspect the request by appointment at the FAA office address listed above. Interested persons are invited to comment on the proposed change of use from aeronautical to non-aeronautical. All comments will be considered by the FAA to the extent practicable.

Issued in Jamaica, New York, July 27, 2015.

Evelyn Martinez,
Manager, New York Airports District Office.

[FR Doc. 2015–18821 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review, Ted Stevens Anchorage International Airport and Lake Hood Seaplane Base, Anchorage, Alaska

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps submitted by the Alaska Department of Transportation & Public Facilities for Ted Stevens Anchorage International Airport and Lake Hood Seaplane Base under the provisions of 49 U.S.C. 47501 *et. seq.* (Aviation Safety and Noise Abatement Act) are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed Noise Compatibility Program that was submitted for Ted Stevens Anchorage International Airport and Lake Hood Seaplane Base and that this program will be approved or disapproved on or before January 23, 2016.

DATES: *Effective Date:* The effective date of the FAA's determination on the Noise Exposure Maps and of the start of its review of the associated Noise Compatibility Program is July 27, 2015. The public comment period ends September 25, 2015.

ADDRESSES: All comments, other than those properly addressed to local land use authorities; will be considered by the FAA to the extent practicable. Copies of the Noise Exposure Maps, the FAA's evaluation of the maps, and the proposed Noise Compatibility Program are available for examination by appointment at the following locations:

Federal Aviation Administration, Alaskan Region, Airports Division, 222 W. 7th Avenue, Annex Building, Rm. A36, Anchorage, Alaska 99513.

Ted Stevens Anchorage International Airport, 5000 W. International Airport Rd. Suite C3820, Anchorage, Alaska 99502.

FOR FURTHER INFORMATION CONTACT: Leslie Grey, Federal Aviation Administration, Anchorage, AK,

Alaskan Region Airports Division, 222 W. 7th Avenue, Box #14, Anchorage, Alaska 99513, 907–271–5453. Comments on the proposed Noise Compatibility Program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This Notice announces that the FAA finds that the Noise Exposure Maps submitted for Ted Stevens Anchorage International Airport and Lake Hood Seaplane Base are in compliance with applicable requirements of 14 CFR part 150, effective July 27, 2015. Further, FAA is reviewing a proposed Noise Compatibility Program under Part 150 in conjunction with the Noise Exposure Map which will be approved or disapproved on or before January 23, 2016. This notice also announces the availability of this Program for public review and comment.

Under 49 U.S.C., Section 47503, the Aviation Safety and Noise Abatement Act, (the Act), an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The Alaska Department of Transportation & Public Facilities submitted to the FAA on December 19, 2014 Noise Exposure Maps, descriptions and other documentation that were produced during the conducted between November 17, 2011 and December 19, 2014. It was requested that the FAA review this material as the Noise Exposure Maps, as described in Section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airports and surrounding communities, be approved as a Noise Compatibility Program under Section 47504 of the Act.

The FAA has completed its review of the Noise Exposure Maps and accompanying documentation submitted by the Alaska Department of Transportation & Public Facilities. The documentation that constitutes the ''Noise Exposure Maps'' as defined in Section 150.7 of Part 150 include: Figure D31 Exisitng Noise Exposure Map—2009 and Figure I1 Future Noise Exposre Map—2020 and the accompanying documentation are in compliance with applicable requirements. This determination is effective on July 27, 2015. FAA's determination on the airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of 14 CFR part 150. Such determination does not constitute approval of the airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that Program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the Noise Compatibility Program for Ted Stevens Anchorage International Airport and Lake Hood Seaplane Base, also effective on July 27, 2015. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before January 23, 2016.

The FAA's approval or disapproval of each specific measure proposed by an airport sponsor in a Noise Compatibility Plan is determined by applying approval criteria prescribed in 14 CFR 150.35(b). Only measures that meet the approval criteria can be approved and considered for Federal funding eligibility. Note that FAA approval or disapproval of a measure only indicates whether that measure would, if implemented, be consistent with the purposes of 14 CFR part 150. When an ROA measure is disapproved by the FAA, airport sponsors are not precluded from and are encouraged to work with the FAA and their communities outside of the rigors of the Part 150 process to implement initiatives that provide noise benefits for the surrounding community. Approval of a measure does not constitute a FAA funding commitment or decision to implement that measure.

Interested persons are invited to comment on the proposed program with specific reference to these factors. To maximize the effectiveness of comments and the FAAs understanding of them, comments should be as specific as possible identifying the concern(s) as well as suggested or desired resolution to the concern(s). When possible, quote text and cite details such as page and section numbers, NCP measure number, etc. to which the comment(s) pertain(s). This commenting procedure is intended to ensure that substantive comments and concerns are made available to the FAA in a timely manner so that the FAA has an opportunity to address them in its Record of Approval. Please note, all comments in their entirety become part of the public record, including any personal information provided in the comment including name, address, phone number, etc.

To arrange an appointment to review the documents and any questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Anchorage, Alaska, July 27, 2015.

Byron K. Huffman,

Manager, Alaskan Region Airports Division.

[FR Doc. 2015–18822 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on I–35 Northeast Expansion Project, Bexar, Comal and Guadalupe Counties, Texas

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice of limitation on claims for judicial review of actions by TxDOT and Federal agencies.

SUMMARY: This notice announces actions taken by Texas Department of Transportation (TxDOT) and Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, I–35 Northeast Expansion Project in Bexar, Comal and Guadalupe Counties, Texas. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before December 28, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Carlos Swonke, P.G., Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416–2734; email: *carlos.swonke@txdot.gov.* TxDOT normal business hours are 8:00 a.m. to 5:00 p.m. (central time) Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: I–35 Northeast Expansion Project, Bexar, Comal and Guadalupe Counties, Texas. The project will include the construction of four elevated managed lanes (two in each direction) generally between the existing I–35 mainlanes and frontage roads along I–35 from I–410 South in San Antonio to FM 1103 in Schertz. Direct connectors at the I–35/I–410 South, I–35/I–410 West, and I–35/Loop 1604 interchanges and operational improvements at the FM 2252, Old Wiederstein Road, and FM 1103 intersections are also included. The actions by TxDOT and the Federal agencies, and the laws under which such actions were taken, are described in the final Environmental Assessment (EA) for the project, for which a Finding of No Significant Impact (FONSI) was issued on July 2, 2015, and in other documents in the TxDOT administrative record. The EA, FONSI, and other documents in the administrative record file are available by contacting TxDOT at the address provided above.

This notice applies to all TxDOT decisions and Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. Wetlands and Water Resources: Clean Water Act [33 U.S.C. 1251–1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. Executive Orders: E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112, Invasive Species; E.O. 12372, Intergovernmental Review of Federal Programs.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

Authority: 23 U.S.C. 139(l)(1).

Issued on: July 21, 2105.

Michael T. Leary,

Director, Planning and Program Development, Federal Highway Administration.

[FR Doc. 2015–18313 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Rescinding the Notice of Intent for an Environmental Impact Statement (EIS): Blair Bypass, Washington County, Nebraska

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescind Notice of Intent to prepare an EIS.

SUMMARY: The FHWA is issuing this notice to advise the public that the Notice of Intent (NOI) for the preparation of an Environmental Impact Statement to study a bypass route around the City of Blair, in Washington County, Nebraska, is being rescinded [project number S–89(17)]. The NOI was published in the **Federal Register** on June 2, 2004. A Draft Environmental Impact Statement was not released. This rescission is based on a lack of available funding for the full corridor proposal, which has led to the reduction in the scope of the study and a refinement of the methods to identify and assess alternatives.

FOR FURTHER INFORMATION CONTACT: Melissa Maiefski, Program Delivery Team Lead, FHWA, Nebraska Division, 100 Centennial Mall North, Room 220, Lincoln, Nebraska 68508, Telephone: (402) 742–8473.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA) in cooperation with the City of Blair, Nebraska and the Nebraska Department of Roads (NDOR) initiated

an Environmental Impact Statement (EIS) to study a bypass route around the City of Blair with a Notice of Intent on June 2, 2004. The project studied the causes of traffic congestion, delays, and accidents where State Highway 91 and U.S. Highways 30 and 75 share the same alignment within Blair on Washington Street from 19th Street to 13th Street. Traffic studies indicated that a bypass route around the south, east, and north parts of Blair could reduce truck traffic through downtown Blair.

The NOI for the previous study is being rescinded due to funding constraints that have led to a reduced scope of study. The decision to rescind the NOI and to reduce the scope of the study was a joint decision by FHWA, the City of Blair, and NDOR. The new study will focus on alleviating traffic congestion within downtown Blair, but will refine the needs to be addressed and the methods for assessing alternatives. Given the reduction in scope, FHWA intends to proceed with an Environmental Assessment for the new study. If potentially significant impacts are identified during the new study, a new NOI to prepare an EIS will be published.

Comments or questions concerning the rescission of this proposed action and the EIS should be directed to the FHWA at the address provided above.

Authority: 23 U.S.C. 315; 49 CFR 1.48

Dated: June 30, 2015.

Joseph A. Werning,

Division Administrator, Nebraska.

[FR Doc. 2015–18815 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2015–0007]

Agency Information Collection Activities: Request for Comments for Periodic Information Collection

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on February 19, 2015. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 31, 2015.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2015–0007.

FOR FURTHER INFORMATION CONTACT: Adella Santos, 202–366–5021, NHTS Program Manager, Federal Highway Administration, Office of Policy, 1200 New Jersey Avenue SE., Room E83–426, Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: 2015 National Household Travel Survey (NHTS).

Type of Request: Renewal request for periodic information collection requirement.

Background: Title 23, United States Code, section 502 authorizes the USDOT to carry out advanced research and transportation research to measure the performance of the surface transportation systems in the US, including the efficiency, energy use, air quality, congestion, and safety of the highway and intermodal transportation systems. The USDOT is charged with the overall responsibility to obtain current information on national patterns of travel, which establishes a data base to better understand travel behavior, evaluate the use of transportation facilities, and gauge the impact of the USDOT's policies and programs.

The NHTS is the USDOT's authoritative nationally representative data source for daily passenger travel. This inventory of travel behavior reflects travel mode (*e.g.,* private vehicles, public transportation, walk and bike) and trip purpose (*e.g.,* travel to work, school, recreation, personal/family trips) by U.S. household residents. Survey results are used by federal and state agencies to monitor the performance and adequacy of current facilities and infrastructure, and to plan for future needs.

The collection and analysis of national transportation data has been of critical importance for nearly half a century. Previous surveys were conducted in 1969, 1977, 1983, 1990, 1995, 2001, and 2009. The current survey will be the eighth in this series, and allow researchers, planners, and officials at the state and federal levels to monitor travel trends.

Data from the NHTS are widely used to support research needs within the USDOT, and State and local agencies, in addition to responding to queries from Congress, the research community and the media on important issues. Current and recent topics of interest include:

- Travel to work patterns by transportation mode for infrastructure improvements and congestion reduction,
- Access to public transit, paratransit, and rail services by various demographic groups,
- Measures of travel by mode to establish exposure rates for risk analyses,
- Support for Federal, State, and local planning activities and policy evaluation,
- Active transportation by walk and bike to establish the relationship to public health issues,
- Vehicle usage for energy consumption analysis,
- Traffic behavior of specific demographic group such as Millennials and the aging population.

Within the USDOT, the Federal Highway Administration (FHWA) holds responsibility for technical and funding coordination. The National Highway Traffic Safety Administration (NHTSA), Federal Transit Administration (FTA), and the Bureau of Transportation Statistics (BTS) are also primary data users, and have historically participated in project planning and financial support.

Proposed Data Acquisition Methodology

NHTS data are collected from a stratified random sample of households that represent a broad range of geographic and demographic characteristics. Letters and a brief household survey are sent to selected households requesting some basic demographic and contact information and inviting them to participate in the survey. The recruitment surveys are returned in business reply envelopes to the survey contractor.

Participating households are subsequently sent a package containing travel logs for each member of the household age 5 and older. The household is assigned to record their travel on a specific day, and asked to note every trip taken during a 24 hour period. Based upon their preferences, the travel information is then reported either through the use of a survey Web site, or through a telephone interview.

Reminders are sent periodically to households who do not respond within the expected timeframe. Monetary incentives are included in each recruitment package, and are provided in increasing amounts for all households that complete the survey.

The survey will collect data during an entire 12 month period so that all 365 days of the year including weekends and holidays are accounted for. A total of 26,000 households will comprise the national sample for the 2015 survey. As described below, changes in the establishment of the sampling frame, the promotion of participation, and in data retrieval techniques are planned, as compared to previous surveys, to improve statistical precision, enhance response rates, and increase survey efficiency.

Issues Related to Sampling. In previous years, the household sample was identified using random digit dialing techniques. Today, only 59 percent [1] have a landline telephone in the home (down from 75% during the 2009 NHTS) while over 80 percent of U.S. households have access to the Internet.[2] This survey will leverage this shift in technology, in particular the move away from home telephone usage, to structure a research design that uses web, mail, and telephone data collection modes.

The revised methodological approach starts with a national address-based sample (ABS), a change from the telephone-based random digit dialing (RDD) sample design used in recent NHTS efforts, while also incorporating core data elements that have been part of the NHTS since 1969.

The survey sample will be drawn from the ABS frame maintained by Marketing Systems Group (MSG). It originates from the U.S. Postal Service (USPS) Computerized Delivery Sequence file (CDS), and is updated on a monthly basis. MSG also provides the ability to match some auxiliary variables (*e.g.,* race/ethnicity, education, household income) to a set of sampled addresses. MSG geocodes their entire ABS frame, so block-, block group-, and tract-level characteristics from the Decennial Census and the American Community Survey (ACS) may be appended to addresses and used for sampling and/or data collection purposes.

Sample Size. A sample size of 26,000 households will be included in the national sample. Assuming response rates of 30 percent for the recruitment stage, 65 percent for the retrieval stage, and a residency rate of 89 percent for sampled addresses, a total of 149,813 sampled addresses will be required to attain the targeted 26,000 responding households.

Stratification. This survey produces state-level estimates as well as national estimates. Assuming equal costs and population variances across states, the most efficient design for national estimates is one in which the sample is allocated to the states in proportion to the size of the civilian, noninstitutionalized population in each state, and the most efficient design for state-level estimates is one in which equal sample sizes are allocated to all states. Various allocation options for the national sample are being considered in order to arrive at a final allocation for the NHTS national sample.

With the ABS approach, identifying targeted areas (*e.g.,* states) that correspond to those for which estimates can be developed from the NHTS data are straightforward. Addresses are definitively linked to states, so state-level estimation is routine. Geocoding and GIS processing can be used to link addresses to counties in a highly reliable fashion. There can be some ambiguity for addresses that are P.O. boxes or are listed as rural route addresses. These can be handled in a routine manner with a set of well-defined rules as such addresses will represent only a small proportion of a state's population. Thus, no important issues arise in the definition of areas with an ABS sample design that relies on mail for data collection, as is the case with the proposed approach.

Assignments for recording travel data by sampled households will be equally distributed across all days to ensure a balanced day of week distribution. The sample (of recruitment letters to households) will be released periodically through a process that will control the balance of travel days by month.

Data Collection Methods

An updated approach to enhancing survey response has been developed. This includes providing progressive monetary incentives, and using a mail-out/mail-back recruitment survey. This recruitment survey is designed to be relevant, aesthetically pleasing, and elicit participation by including topics of importance to the respondent. Upon returning the completed recruitment survey, each household member will be provided with personalized travel logs by mail, and offered the option of completing the retrieval survey by Web using a unique personal identification number (PIN) or telephone interview.

Information Proposed for Collection

Recruitment. The survey will begin with mailing the sampled households a short recruitment survey designed to collect key household information (*e.g.* enumeration of household members), additional contact information (*e.g.* email address and telephone number). This recruitment survey includes some engaging travel-related opinion or experience questions considered to be highly relevant to the survey and interesting to respondents. The initial survey will be accompanied by a letter from the USDOT, and a Business Reply Envelope.

In the first mail contact, each sampled address will receive a $2 cash incentive. The second mail contact will include the travel log package sent to each recruited household and a $5 cash incentive and a promise of an additional $20 for successfully submitting their travel logs. The incentives paid will be tracked at each of the three levels offered.

To support the mail recruitment approach, the survey contractor will provide a toll-free number on survey materials and will assist the recruited participant to provide the required information by telephone if requested to do so by the participant. A survey Web site will be established for potential respondents who want to check on the authenticity of the survey or find out more information. This Web site will also serve as the portal to the survey.

All returned recruitment surveys will be processed using commercial off-the-shelf software (COTS) technology. All data collected in the recruitment survey will be used to populate the household record in the survey database. As part of the non-response protocol, non-responding households may also be provided the opportunity to recruit by Web. If respondents call the help desk or use the Web to complete, their responses are collected in the same survey database.

The mail back recruitment approach described here has been tested and found to be successful in several surveys funded by the Federal Government (*e.g.,* the National Crime Victimization Survey); these surveys have proven this method can be implemented with large sample sizes covering vast geographic regions. This approach has been developed in response to declining recruitment rates in recent studies.

[1] Blumberg, S.J., and Luke, J.V. (2014).*Wireless substitution: Early release of estimates from the National Health Interview Survey, July–December 2013.* National Center for Health Statistics. Available from *http://www.cdc.gov/nchs/nhis.htm.*

[2] Source: U.S. Census Bureau, Current Population Survey, Select Years, Internet Release date: January 2014.

Retrieval. The NHTS data will be collected from respondents either from self-reporting via the web, or from professionally trained interviewers using a computer-assisted telephone interviewing (CATI) system. Either approach will be based upon a single database that allows for sophisticated branching and skip patterns to enhance data retrieval by asking only those questions that are necessary and appropriate for the individual participant. Look-up tables are included to assist with information such as vehicle makes and models. The Google map UI is used to assist in identifying specific place names and locations. The location data for the participant's home, workplace, or school are stored and automatically inserted in the dataset for trips after the first report. Household rostering is a list of all vehicles and persons in the household that allows a trip to be reported from one household member and can include another household member who travel together to be inserted into the record for the second person. This automatic insert of information reduces the burden of the second respondent to be queried about a trip already reported by the initial respondent.

Data range, consistency and edit checks are automatically programmed to reduce reporting error, survey length, and maintain the flow of information processing. Data cross checks also help reduce the burden by ensuring that the reporting is consistent within each trip.

Data retrieval is based upon materials provided to participants as shown below.

Travel Log Materials

Travel Log Packet. The travel log packet will include a letter, an exemplar log, and personalized travel logs for each age eligible person in the household, and will be sent using first class postage in a 6″ x 9″ envelope. The envelopes will be branded to match the letterhead used for the invitation letter. The second respondent incentive will be included with the travel logs. This $5 cash incentive is expected to serve as a ''good faith'' incentive to encourage completion of the retrieval survey.

Travel Log Letter. A household letter will be included in the travel log packet. The letter will further familiarize the participants with the travel recording stage, identify the households' travel date and provide details about when and how to complete the retrieval survey. The letter will also remind participants about the final $20 household incentive. Like the invitation letter, the travel log letter will be branded.

Travel Logs. A personalized travel log will be provided for each household member (ages 5 and older). The logs are intended to be a memory jogger to guide accurate data collection and aid in the reporting of each place visited on the travel day.

Exemplar Log. Participants will be provided with an exemplar log with the instructions for recording the details about the places visited on the travel day.

All Web and computer assisted telephone interview (CATI) instruments will be reviewed for section 508 compliance using the rules specified in sections 1194.22—'Web-based intranet and internet information and applications' and 1194.23—'Telecommunications products.' All materials will be available in both English and Spanish language forms. Spanish translations will be developed using industry standards and will apply reverse-translation protocols.

Estimated Burden Hours for Information Collection

Frequency: This collection will be conducted every 5–7 years.

Respondents. A stratified random sample of 26,000 households across the 50 states and the District of Columbia will be included in the survey. Household will include an average of 2.5 members for a total of 65,000 individual respondents to the main survey.

Estimated Average Burden per Response. It will take approximately 5 minutes per household member to complete the recruitment data form, and 20 minutes to complete the retrieval survey. This results in a total of 25 minutes per household member.

Estimated Total Annual Burden Hours. It is estimated that a total of 65,000 persons will be included in the survey. This would result in approximately 27,083 hours of support for this data collection effort.

Public Comments Invited

You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the USDOT's performance, including whether the information will have practical utility; (2) the data acquisition methods; (3) the accuracy of the USDOT's estimate of the burden of the proposed information collection; (4) the types of data being acquired; (5) ways to enhance the quality, usefulness, and clarity of the collected information; and (6) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: July 28, 2015.

Michael Howell,

Information Collection Officer, Federal Highway Administration.

[FR Doc. 2015–18795 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on US 281, From Loop 1604 to Borgfeld Drive in Bexar County, Texas

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice of limitation on claims for judicial review of actions by TxDOT and Federal agencies.

SUMMARY: This notice announces actions taken by Texas Department of Transportation (TxDOT) and Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, US 281, from Loop 1604 to Borgfeld Drive in Bexar County in the State of Texas. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before December 28, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Carlos Swonke, P.G., Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416–2734; email: *carlos.swonke@txdot.gov.* TxDOT's normal business hours are 8:00 a.m.–5:00 p.m. (central time), Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: US 281, from Loop 1604 to Borgfeld Drive. The project will expand the US 281 to a six-

lane expressway with partial access-controlled outer lanes. From Loop 1604 to Stone Oak Parkway, the expressway lanes would include two non-toll general purpose lanes with an auxiliary lane plus one managed lane in each direction. The expressway lanes would be situated between three partial access-controlled outer lanes in each direction, also known as frontage roads. From Stone Oak Parkway to Borgfeld Drive, US 281 would ultimately be expanded to a six-lane expressway (three managed lanes in each direction) with two non-toll outer lanes in each direction. The purpose of the project is to improve mobility and accessibility, enhance safety, and improve community quality of life.

The actions by TxDOT and the Federal agencies, and the laws under which such actions were taken, are described in the final Environmental Impact Statement (EIS) issued on May 8, 2015 for the project, for which a Record of Decision (ROD) was issued on July 17, 2015, and in other documents in the TxDOT administrative record. The EIS, ROD, and other documents in the administrative record file are available by contacting TxDOT at the address provided above. The EIS and ROD may also be viewed and downloaded from the project Web site at *http://www.411on281.com/us281eis/*.

This notice applies to all TxDOT decisions and Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. Wetlands and Water Resources: Clean Water Act [33 U.S.C. 1251–1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. Executive Orders: E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112, Invasive Species; E.O. 12372, Intergovernmental Review of Federal Programs.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

Authority: 23 U.S.C. 139(l)(1).

Issued on: July 21, 2015.

Michael T. Leary,

Director, Planning and Program Development, Federal Highway Administration.

[FR Doc. 2015–18308 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0055]

Petition for Waiver of Compliance.

AGENCY: Federal Railroad Administration, DOT.

ACTION: Petition for Waiver of Compliance.

SUMMARY: This document provides the public notice that by a document dated May 14, 2015, the Pacific Railroad Preservation Association (PRPA) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations.

DATES: Communications received by September 14, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

ADDRESSES: A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May 14, 2015, the Pacific Railroad Preservation Association (PRPA) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 230—Steam Locomotive Inspection and Maintenance Standards. FRA assigned the petition Docket Number FRA–2015–0055.

PRPA is the operator of Spokane, Portland, and Seattle steam locomotive No. 700 (SP&S 700). PRPA is a member of the Oregon Rail Heritage Foundation (ORHF) in Portland, Oregon. SP&S 700 is a 4–8–4 ''Northern'' type of steam locomotive built by the Baldwin Locomotive Works in 1938. PRPA typically operates SP&S 700 for 31 service days or less per year, and expects to continue to do so in the future. PRPA requests a 138-calendar-day extension as it pertains to the 1,472 service-day inspection of the boiler as

required by 49 CFR 230.17. SP&S 700 entered service on August 5, 2000. PRPA will perform all other inspections as required by 49 CFR part 230. The extension would allow the locomotive to operate through the winter tourist holiday season until December 31, 2015.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on July 22, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–18742 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0072]

Petition for Waiver of Compliance

AGENCY: Federal Railroad Administration, DOT.

ACTION: Petition for Waiver of Compliance.

SUMMARY: This document provides the public notice that by a document dated November 21, 2014, Union Pacific Railroad Company (UP) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations.

DATES: Communications received by August 31, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

ADDRESSES: A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated November 21, 2014, Union Pacific Railroad Company (UP) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 236. FRA assigned the petition Docket Number FRA–2015–0072.

UP seeks a waiver from compliance with cab signal system requirements found in 49 CFR 236.566, *Locomotive of each train operating in train stop, train control, or cab signal territory; equipped.* Specifically, UP seeks relief to operate the following: Non-equipped engines used in switching and transfer service, with or without cars; work trains; wreck trains; ballast cleaners to and from work; and engines and rail diesel cars moving to and from shops at the following locations:

1. Operations on the Chicago Service Unit, Geneva Subdivision, from Control Point (CP) Y901 and Kedzie may be made in accordance with signal indication and at restricted speed:

- With engines not equipped with Automatic Train Control (ATC) with or without cars; or
- To and from the CP Y901 with the ATC cut out and backup moves; or
- With the ATC cut out due to failure.

2. Operations on the Chicago Service Unit, Geneva Subdivision, from Kedzie and Park CP Y015: Engines not equipped with ATC and foreign crews operating UP trains may be operated at a speed not exceeding 40 mph when a block signal displays an indication more favorable than Approach. An Approach or more favorable indication establishes an absolute block to the next block signal. If the block signal displays a Stop, Restricted Proceed, or Restricting indication, the train must stop and not proceed until authorized by the train dispatcher. However, the train may pass a signal indicating Restricting to leave the main track immediately past the signal.

3. Operations on the Chicago Service Unit, Geneva Subdivision: Non-equipped engines in switching service may be operated on the main track between CP Y901 and Elmhurst; between Dixon and Nelson; between Nelson and Sterling; between East Clinton and Clinton; and at West Chicago, De Kalb, Dixon, Nelson, Sterling and Clinton within switching limits, in accordance with signal indication, not exceeding restricted speed.

4. Operations on the Chicago Service Unit, Harvard Subdivision: Engines not equipped with Automatic Train Stop may be operated:

(a) Between CP N001 and Milepost 25.0 west of Arlington Park in accordance with automatic block signals not exceeding restricted speed.

(b) Between Harvard and CP N002 for inspection and repairs not exceeding 40 mph. Such movements must be made in accordance with automatic block signals and an absolute block in advance of the movement.

5. Operations on the Chicago Service Unit, Kenosha Subdivision: Non-equipped engines may be operated:

(a) Between CP N001 and Evanston in accordance with automatic block signal indications not exceeding restricted speed.

(b) At Waukegan and Kenosha within yard limits at restricted speed.

(c) Between Waukegan and CP N001 for inspection and repairs not exceeding 40 mph. Such movement must be made in accordance with automatic block signal indications and with an absolute block in advance of movement.

UP states that a waiver from the section 236.566 requirements is vital to maintaining efficient rail operations in the above locations. This request for relief will not have an adverse effect on safety as the use of wayside signals governs movement in the covered territories and ensures the continuing safety of operations in this territory. Moreover, UP had exemptions that were previously granted in the areas listed for several years. The relief requested in this petition is consistent with the currently granted exceptions. Unfortunately, the original waiver cannot be located by UP or FRA.

This petition was previously submitted under Docket Number FRA–2013–0129. Due to misunderstood and lost communications between UP and FRA, it has been resubmitted, with Docket Number FRA–2013–0129 being rescinded and considered closed.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC, on July 22, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–18743 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0073]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

In accordance with Part 235 of Title 49 of the Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by a document dated July 14, 2015, Pan Am Railways (PAR) petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2015–0073.

Applicant: Pan Am Railways, Mr. Timothy Kunzler, Chief Engineer, C&S, 1700 Iron Horse Park, North Billerica, MA 01862.

PAR seeks approval of the discontinuance of the traffic control system on the Freight Main Line (FML) of the Maine Central Railroad Company (MEC). The Springfield Terminal Railway Company (ST) is the operator of the line, as lessor from the owner, MEC. Both ST and MEC are wholly-owned subsidiaries of PAR.

The proposed discontinuance is located on the FML between control point freight (CPF) main 66 at Milepost (MP) 65.50, in Hermon, ME, and CPF–109 at MP 109.85, in Benton, ME.

The tracks involved include single main track from CPF–66 to CPF–90 at MP 90.37, double main track from CPF–90 to CPF–92 at MP 92.87, single main track from CPF–92 to CPF–107 at MP 107.42, and double main track from CPFI07 to CPF–109.

The proposed changes are as follows:

- Discontinue interlockings and associated appliances at CPF–66, CPF–78, CPF–80, CPF–90, CPF–92, CPF–93, CPF–107, and CPF–109.
- Replace power-operated switches with hand-operated switches at CPF–90, CPF–92, CPF–107, and CPF–109.
- Discontinue block signal Numbers 1279, 1257, 1256, 1218, 1207, 1192, 1129, 1100, 1087, 1068, 1030, Sl030, 995, 986, 956, 955, 932, 927, 898, and 899.
- Install distant signal at MP l07.42, governing westward movements to CPF–110.

This territory is under direct control of the district one train dispatcher, located at PAR offices in North Billerica.

The reason given for the proposed discontinuance is that traffic volumes do not warrant a traffic control system.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulatons.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by September 14, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on July 22, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–18744 Filed 7–30–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 379X)]

Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Columbia County, FL

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 CFR part 1152, subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over an approximately 0.24-mile rail line between mileposts 215.96 B (near SE Timberwolf Drive) and 216.20 B (near Pounds Hammock Road and Black Bear Street) (the Line), in Columbia County, Fla. The Line traverses United States Postal Service Zip Code 32025.

NSR has certified that: (1) No freight traffic has moved over the Line for at least two years; (2) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (3) the requirements at 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will become effective on August 28, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2) [1] must be filed by August 10, 2015.[2] Petitions to reopen must be filed by August 18, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to NSR's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: July 22, 2015.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clarence Clerk.

[FR Doc. 2015–18934 Filed 7–30–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35921]

Western Washington Railroad, LLC—Lease and Operation Exemption—City of Tacoma, Department of Public Works

Western Washington Railroad, LLC (WWRR) has filed a verified notice of exemption under 49 CFR 1150.41 to lease from the City of Tacoma, Department of Public Works d/b/a Tacoma Rail (Tacoma Rail), and to operate, approximately 34.6 miles of rail line between milepost 33C and milepost 67.6 in Lewis and Thurston Counties, Wash.

WWRR states that, pursuant to a lease and operating agreement dated January 5, 2015, WWRR and Tacoma Rail have renewed their authorized lease [1] to include approximately an additional 27 miles of rail line. WWRR also states that Tacoma Rail has retained trackage rights over a portion of the line between milepost 33C and Blakeslee Junction to allow for interchange with WWRR, BNSF Railway Company, the Puget Sound and Pacific Railroad, and Union Pacific Railroad Company, and also over the entire line for emergency routing. WWRR notes that the lease between WWRR and Tacoma Rail does not contain any provision that prohibits WWRR from interchanging traffic with a third party or that limits WWRR's ability to interchange with a third party.

The proposed transaction may be consummated on or after August 12, 2015, the effective date of this exemption (30 days after the verified notice was filed).

WWRR certifies that the projected annual revenues as a result of this transaction will not result in WWRR's becoming a Class I or Class II rail carrier and will not exceed $5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed by August 5, 2015 (at least seven days prior to the date the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35921, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on applicant's representative, W. Karl Hansen, Stinson Leonard Street LLP, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.''*

Decided: July 22, 2015.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2015–18936 Filed 7–30–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

Proposed Collection; Comment Request

AGENCY: Bureau of Engraving and Printing (BEP), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, and as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on an extension of an existing information collection, as required by

[1] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

[2] Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate.

[1] *W. Wash. R.R.—Lease & Operation Exemption—City of Tacoma, Dep't of Pub. Works,* FD 35694 (STB served Dec. 6, 2012).

the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). The Bureau of Engraving and Printing (BEP) is soliciting comments concerning its Generic Clearance for Meaningful Access Information Collections (Conferences).

DATES: Written comments must be received on or before September 29, 2015 to be assured of consideration.

ADDRESSES: Comments regarding this information collection should be addressed to the Treasury PRA Clearance Officer, Department of the Treasury, Room 8140, 1750 Pennsylvania Avenue NW., Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection can be directed to the addresses provided above.

SUPPLEMENTARY INFORMATION:

OMB Number: 1520–0009.

Type of Review: Extension without change of currently approved collection.

Title: Generic Clearance for Meaningful Access Information Collections (Conferences).

Abstract: A court order was issued in American Council of the Blind v. Paulson, 591 F. Supp. 2d 1 (D.D.C. 2008) (''ACB v. Paulson'') requiring the Department of the Treasury and BEP to ''provide meaningful access to United States currency for blind and other visually impaired persons, which steps shall be completed, in connection with each denomination of currency, not later than the date when a redesign of that denomination is next approved by the Secretary of the Treasury * * * .'' In compliance with the court's order, BEP intends to meet individually with blind and visually impaired persons and request their feedback about tactile features that BEP is considering for possible incorporation into the next U.S. paper currency redesign. BEP employees will attend national conventions and conferences for disabled persons. At those gatherings, BEP employees will invite blind and visually impaired persons to provide feedback about certain tactile features being considered for inclusion in future United States currency paper designs.

Affected Public: Individuals or Households.

Estimated Number of Responses: 1,500.

Estimated Burden Hours: 501.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology, and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 28, 2015.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2015–18820 Filed 7–30–15; 8:45 am]

BILLING CODE 4840–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G of the Health Insurance Portability and Accountability Act (HIPPA) of 1996, as amended. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a) or 877A) with respect to whom the Secretary received information during the quarter ending June 30, 2015. For purposes of this listing, long-term residents, as defined in section 877(e)(2), are treated as if they were citizens of the United States who lost citizenship.

Last name	First name	Middle name/initials
ABDULLA	ABDULAZIZ	HUSSAIN
ABELL	SUSANNE	M
ABULQASSIM	TARIQ	SAADALDIN
AGOZZINO	GIANLUCA	LEO
ALAMEDDINE	LEILA	S
ALDEN	HEATHER	ANJA
ALMUBARAK	YAZEED	FAHAD
AL-RAHIM	KHALIDA.	
AL-RAHIM	MEHDI.	
ALWANY	IMTIYAZ	RASHID
ASH	DAVID.	
ASH	HEDWIGE	GUSTAAF
AUSTIN	CAROL.	
BADER	LARS	ERNEST
BADGER	CAROL	ANN TREMBLAY
BALDASSARRA	ELISE	SOPHIE
BAN	CHRISTOPHER	VALLEY
BANFI	LUISA	JEAN LILO
BANKS	DAVID	ALEXANDER
BASSIL	IAN	RAYMOND
BATTERJEE	RANA.	
BEETH	ERIC	GUNNAR
BEN-TOV	RACHEL	CHAYA
BER	DAVID	ALLAN
BERLY	MARTINE	MICHELE
BERNARD	DIRK	ROBERT
BERTHIAUME	GEORGES	JOSEPH PAUL

Last name	First name	Middle name/initials
BERTSCH	TODD	LUKE
BING-DONS	GETRUDE	GUNDELINDE
BIRNBAUM	ZVI.	
BLACKHURST	JENNIFER	MAY
BLACKWELL	CAROLYN.	
BOBROUSKY	ROBERT.	
BODDEN	KARYN	DENISE
BOETTGER	MARILYN	DIANE
BORSOOK	LISA	ANNE
BOUCHARD	DANIEL	JOSEPH ARTHUR
BOUCHARD	MARY	VERONICA GRACE
BOVYN	VANESSA	TARA
BOYNTON	ERIN	LYNN
BRANDT	CEDRIC	PIERRE FRANCOIS
BRIGGS	HILARY	BONNIE
BUCHANAN	PETRA	S
BURKE	RONNIE	EDDIE
BUTAO	TERESITA	C
CABALLERO	ANA	MARIA
CAIN	EMILY	JEAN MACAULAY SMITH
CALIXTE	PATRICIA.	
CARRIERE	DELANEY	ARLETA JEAN
CARTER	LAURA	LEE
CASPI	OREN	YEHONATAN
CETTO	ELLEN	RITA
CETTO	NARC	FREDERIC
CHAN	CHI	KWONG
CHAN	CHU	HOI
CHAN	COLIN	CHIU LOI
CHANG	SHENG	CHO
CHAOUL	HENRI	JOSEPH
CHEDID	HENRY	JOSEPH
CHIARELLI	SUSAN	CAROL
COEL	CRAIG	MATTHEW
COLLINS-AIELLO	KRISTEN	MARIA
COLLISON	BETTY	CHRISTINE
CONWAY	KATHLEEN	TERESA
COUMANS	CHRISTIAN	J
COURNOYER	ALEXANDRA.	
CROSBY	RENE	BERNARD
CUMMINS	DANIELA	CECILIA
DANTIL	JEAN-PAUL	CARLOS
DAVIS	ANDREW	JOSEPH
DAVIS	ANDREW	JOSEPH
DAY	CHARLES	DALE
DE ALMEIDA	ANDRE	JUACABA
DE GHELCKE	GEOFFROY	JACQUES J HYNDERICK
DE GRAAF	ANTONIE	ALBERT
DE MEILLAC	JEAN-PAUL.	
DE MYTTENAERE	MATHIEU	PAUL-JEAN
DEDEYSTERE	JACQUELINE	DIANE
DEMARCO-WOGSTAD	PAUL	J
DEVLIN	ALIX	ROCHELLE
DEVOS	DAMIEN	JAN
DHANOA	JAGDEEP	SINGH
DHANOA	SUMAN	SANDHU
DO	MONICA.	
DO	THUC	HOA
DONALD	MICHAEL	DAVID
DONOHOE	DESMOND	T
DORN-FREEBORN	RUTH	ANNE
DOUMONT	ISABELLE	CLAIRE
DUCHARME	BLAKE	EDWARD
DUNN	FRANCIS	X
DUNN	HEIDI	LOUISE
DUPONT	CHRISTINE.	
DVORIN	EDWARD	VOROD
DVORIN	VOLODYMYR	VOLOD
DVORINA	TETYANA.	
EGERTON	VICTORIA	NOLAND CARTER
ELLIS	NADIA	S
ELROD	CARA	CURTICE
ENGELSMAN	ALEX	TAYLOR
EVANS	KATHRYN	MARIE

Last name	First name	Middle name/initials
FAN	HUA.	
FARR	SARAH	CATHERINE
FAWAZ	NAJWA	FOUAD
FAWAZ	TAREK	ASSAD
FELDMAN	ERIC	DAVID
FELIZ-LIF	JEAN	MICHAEL
FERBER	MARILYN.	
FERRABEE	DIANE	ELIZABETH
FERREIRA DA COSTA	ANA	CRISTINA
FERREYROS	JOSE	ANTONIO
FINKELSTEIN	DANIEL.	
FIORENZA	NICHOLAS	SALVATORE
FLECKENSTEIN	EMILIA.	
FLEMING	ANNE	VICTORIA
FORTIN	ANDRE	JOSEPH
FOSTER	JUANA	CAMARGO
FOURNIER	IAN	MATTHEW
FRANCO	JULIANA	GOBELLO
FRENKEL	GAL.	
FRIDDELL	DAVID	JAMES
FRIDDELL	JULIE	ELIZABETH
FROM	WESLEY	DANIEL
GAN	RAMAT.	
GARLOCK	GEOFFREY	ADAM
GAVIN	FRANCIS	XAVIER
GAXOTTE	JUSTINE	SOFIE
GEMMA	MARIA	PIA
GEORGE	PETER	GERARD
GERBER-PAULS	PATRICIA	LYNN
GIBSON	TIMOTHY	MICHAEL
GIESBERT	PETRA.	
GILKINSON	NORMA	ARLENE
GLOGER	ALEXANDER	WOLFGANG
GOES	GUSTAVE	W
GOLINSKI	PETER	KERVYN
GONSALVES	CAMILLO	MICHAEL
GOTTLIEB	ARYEH	LEIB
GOURBIERE	DAMIEN.	
GRANOFSKY	RONALD.	
GRAY	MANDY	C
GREEN	JOHN	PHILIP
GRESS	MICHAEL.	
GROSSMAN	JEFFREY.	
HABIB	GEORGE	ABI
HAFFTER	PATRICK	CHRISTOPH FELIX
HAND	LESLIE	ALLAN
HANNA	SAMEH.	
HANSON	AMANDA	GEORGINNE
HARDING	DAVID	JAMES
HARRIS	JANET	ELLEN
HART	KEVIN	CURTIS
HEER	ALFRED.	
HENSEN	JONATHAN	CHRISTOPHER
HERRERO	STEPHEN	MATTHEW
HERZ	MARC.	
HICK	WILLIAM	BERNARD MARTIN
HICKEY	CLAYTON	ALEXIS
HILL	CHRISTA	MICHELLE
HINDLEY	MARJORIE	ESTHER
HIRANO	AKIKO.	
HIRSCHFELD	DAVID.	
HIRSCHFELD	DENISE.	
HUEBNER	MONIKA	CHRISTINA
HULL	DAVID	EDWARD
HUNG	SHAO-HSIEN.	
HUNZIKER	ROGER	F
HUYGHE	NICOLAS	L
IGOU	RENATE.	
IM	CHANG	HAN
INDERBITZIN	JOELLE	DESIREE
INEICHEN	ADRIAN	ORLANDO
INGLIS	CATHERINE	ANN
INNES	CLIFFORD	ALEXANDER
IRWIN	ANNE	OLIVIA

Last name	First name	Middle name/initials
JAEGER	HELENE	JULIA
JENSEN	THOMAS	ARMSTRONG
JOBERT	JEAN	MARC
JOLICOEUR	DANIELLE	YVONNE
JONES	LARRY	D
JOUDI	TONY	SALIM
JUD	MARIA	ALEXANDRA
JULIHN	DERIAN	SHAWN
JURICEK	ARIANNE.	
KADRNKA	ANDREA	DAWN
KAEGI	ELISE	REEN
KAHANA	SHULAMITH.	
KALB	JANNIE.	
KALISH	HANAN.	
KARADIMAS	DEMETRIOS.	
KASSATLY	GEORGE	MICHAEL
KATNICK	MIRA	JOANNE
KAWASH	FAWZI	AHMAD
KEBAILI	DJILANI	JAMES
KEESIC	GORDON	JAMES
KELDAY	BARBARA	MARILYN
KELDAY	ERIC	MACKENZIE
KELLER	ANDREAS.	
KELLY	DEREK	CLAUDE
KENNEDY	ANDREW	MICHAEL
KENNEDY	JOHN	ERIN
KENNY	MARY	MARGUERITE
KENNY	NANCY	CAROLINE
KERBY	DEBRA	DEEN
KEREN-KREMER	ADI.	
KHAN	JAVED	SAIFULLAH
KHOURY	RAYMOND	GABRIEL
KIM	HYUNG	AH
KIM	KYUNG MIN	CHRISTINA
KIRJAN	NANCY	JOAN DUNLOP
KISSINGER	TIARA	LEANNE
KNOTTENBELT	FLORIS	P
KNOX	CHERIE	LYNN
KOCH	CHRISTOPHER	PETER
KOEHLY	ANDREW	PAUL
KOESLING	CLAUDIA.	
KOLARIK	NANCY	DIANE JENNIFER ELLEN
KOURY	KAREN	LOUISE
KRAHN	DEBORAH	JEAN
KRIPPENDORF	CHARLES	MAGNUS
KRIPPENDORF	PIERRE	PAUL
KRISTOF	INES	ARIANE MICHELI
KUBBA	LEILA	CAMENZIND
KUMMER	URS	PETER
KUSTER	ROBERT	SEMIR
LA MANTIA	GLORIA.	
LANCIAUX	CONCETTA	CARESTIA
LARROQUE-LABORDE	HELENE	SOPHIE
LAST	SEAN	ANTHONY
LAUBACHER	DANIEL	JOSEPH
LAUNER	STEFAN	ALEXANDER
LE HODEY	PIERRE-GUILLAUME	PATRICK
LEA-TUCKER	MYRIAH.	
LEGGETT	MATTHEW	LENARD
LEMIEUX	PATRICIA	CAMPION
LERNER	GUY	ISSAAC
LEUENBERGER	NICOLAS	ANDRI
LEVACK	JOAN	SHARON LANGEVIN
LIDSTER	TIMOTHY	PETER
LIEBEN-SEUTTER	THERESITA	MARIE
LIM	REBECCA	BEE KUAN
LIN	JANE	HSIN-YI
LIN	JOHN	JENHO
LINDNER	JAN-JOOST	FREDERICK
LOCK	DAVID	ANTHONY
LOVE	ELIZABETH	FRANCES RAND
LUETHI	CHRISTOPHER	LEE
LUNDY	ANTONY.	
LYNCH	TYRONE	SHAUNESSY

Last name	First name	Middle name/initials
LYTTON COBBOLD	HARRY	F
MA	HSIN-KAI.	
MACDONALD	JOHN	BARCLAY
MADER	REGULA	MARIE
MADER	ROLF	ALBERT
MAHANTY	MARK	MAHENDRA
MALAMA	JADON	DAVID
MALINVAUD	JEAN-GUILLAUME.	
MARCHETTI	MICHAEL	FRANK
MARHIN	WILSON	WENDELL
MARKGRAF	DARCEL	MEREDITH
MARKOWITZ	PATRICIA	KAY
MARTIN	PHILIPPE	GEORGES
MARTINO	KATJA.	
MATHERLY	CAROLYN	NICOLE
MAURY	JOHN	BLYTHE SAVAGE
MCCRACKEN	MARTIN	LEWIS
MCCRACKEN	MARTIN	LYNN
MCKECHNIE	SUSAN	LAVINIA
MCSWINEY	JAMES.	
MEIER	PHILIP	EDWARD
MELCHIOR	ANDREAS.	
MERONUK	KEVIN	JOHN
MESTELMAN	LAURA	GOLDMAN
MIGNEAULT	ANNE	MARIE PELE
MIRANSKII	VLADIMIR	A
MONNEY	JULIEN	ERIC
MORALES CORDOVEZ	SANDRA	J
MORISSETTE	CATHERINE	SIMARD
MORISSETTE	OLIVER	SIMARD
MOUNTAIN	DAVID	GARRETT
MRKUSIC	SIMON	JEROME
MUELLER	LISA	A BENJAMIN
MUELLER	NATALIE	ALEXANDRA
MYERS	LINDA	MARIE
NAHHAS	FAYEZEH.	
NAHHAS	KHALED	NABIH
NAHHAS	MAHA	IHSAN
NAHM	DAVID	KYUNG
NELSON	CARLEY	LOUISE
NELSON	JARRETT	JEFFREY
NELSON	JEFFREY	CHARLES
NESER	CORNELIA.	
NICHOLAS	CHRISTIAN	ELIAS
NILSEN	ARNE	ERLAND
NIR	SHMUEL.	
NITSCHKE	GUENTER	G
NOVELLA	CHRISTIAN	LOUIS
NOVOSELSKAYA	VERA.	
NOVOSELSKIY	LEONID.	
NUNEZ	DAVID	CHRISTOFER
OCONNOR	WENDOLYN	LOU
O'FARRILL	PATRICK	EMILIO
O'KEEFE	CATHERINE	JO-ELLA
OSMOND	PAUL	DANIEL
OST	SABRINA	MARIHNO
OUNDJIAN	MARIANNE.	
OWENS	JENNIFER	KATHLEEN
PADELT	JOHANNA	MARIA
PANDO	DANIEL	WAYNE
PANDO	ROBERT	IAN
PARKAR	MADHURA.	
PASCHKE	ELLEN	DELORIS
PASCOUALLE	JEAN	ROBERT
PAYNE	ANDROS	KARL
PELLET	CHRISTIAN	ANDRE
PENNER	ARLIN	KEITH
PENNER	JENEE	DAWN
PEREIRA	BIANCA	CRISTINE CANTELE
PEREIRA	KRISTEL	JEANNINE
PERRON	SUZANNE.	
PETRE	AURELIE	CATHERINE
PETRY	CHRISTINA.	
PICHE	ALAIN.	

Last name	First name	Middle name/initials
PIETY	MELODY	KAYE
PILLOUD	MRCO	FRANCOIS LOUIS
PITT	RAOUL	JOMO
POLUS	MIRIT	MIRIAM
POUX	MARIE-LAURE.	
PRICE	JANE	ELIZABETH
PRIOR	ELIZABETH	ANN
PUNTENER	IRENE	ELISABETH
PURDY	FREDERICK	BRUCE
PUSCAR	MICHAEL	ANTHONY
QIN	JIE.	
RABBAT	ABDUL	MAJID
RABINOWITZ	JOEL.	
RACH	CAROLYN	DIANE
RAITAN	FREDDY.	
RAJGURU	AMITA	GOPAL
REMPEL	JUSTINE	MARIE
RICHARDS	PATRICIA	SOSNA
RON	MIRIAM.	
ROOLF	KAI	DENNIS
ROSENBLUTH	DAVID	PETER
ROTULO	RUTH	MARIE
ROY	MICHELINE.	
RUBATTO	CLARA	IDA
RUDIN	SETH	BARNETT
RUETSCHI	MATTHIAS	PAUL
RUST	MATTHEW	VERNON BENJAMIN
RYMER	DIANE	EVELYN
SAAD	HALA	SUHAIL
SABISTON	JULIA	DENISE
SALIBA	GAYLEE	FOUAD
SAMMET	ARTHUR.	
SANDERS	KATHLEEN	HUGHES
SANO	AKIRA.	
SANTANA	MARIA	TORRES
SANTUCCI	BABETTE	EUDORA
Santucci	Nichols	Ernest
SARTORI	CLEMENT	ROMANO
SARTORI	PAULETTE	RENEE ELYETTE
SAUD	FAWAZ	N
SAVIR	RONY	MEIR
SAWABINI	NABIL	GEORGE
SCHERER	PETER	ARNOLD
SCHOEMAKER	PHILOMENE.	
SCHRADER	CHARLES	MC CLAIN
SCHREIBER	FRANK	ROGER
SCHULER-VOITH	OLIVIA	DESIREE
SCOTTER	ETTA.	
SEGAL	BEN.	
SEGHERS	ERIC	PHILIP
SEGRE	PIERGIORGIO.	
SELLO	SARA	SAUNDERS ORR
SHAFIR	ARYEH.	
SHAH	HEENA.	
SHAHINPOUR	ARMIN.	
SHAN	XIMING.	
SHARPE	CAROL.	
SHERWOOD II	EARL	VINCENT
SHIUE	KENG	CHIEH
SHOFNER	SCOTT	REGAN
SHORTER	RANGIT	DEOLO
SIDDIQUI	FIZA.	
SILVERMAN	MARK	JOSEPH
SILVY	FULVIO	SELDEN
SIMARD	LUCILLE.	
SIMON	CHRISTINE	JEANNE
SMALL	MURRAY	RICHARD
SOMERS	NICHOLAS	ROBERT KONRAD
SORKO-RAM	AYAL.	
SOTO	SUZANNE	BROADWAY
SPERLING	LILLIAN	CHRISTINE
STALDER	VISARA	NOON
STANTON	CATHY	ARLENE
STEFFEN	SABINE	CHARLOTTE

Last name	First name	Middle name/initials
STEIN	MITZI	MEYEN
STRASBAUGH	LAMAR	GENE
STRINGOS	ANDREA.	
SUKE	JUDITH	HUNT
SULGIT	BERNADETTE	ADELE
SUMISON	PHILIPPA	JANE
SUTER	ROLAND	RICHARD
SWEENEY	BRENDA	ANN
SZCZERBAK-KONING	JENNIFER	THERESA
TAN	JENNIFER	JOY TAP
THEUER	MARGIT.	
TILLEY	DAVID.	
TOBIN	THOMAS	EDWARD
TRESTER	DARREN	CRAIG
TRIMBLE	ISABEL	FRANCES
TUCHSCHMID	TOR	ALBAN
TURGEMAN	DAVID.	
TURON	LLUIS	RUSCALLEDA
VAN CALOEN	CORALIE	GAETANE ANNE
VAN DER STRAETEN	PATRICIA.	
VAN MEERBEECK	ADRIAN.	
VAN WASSENAER	NICOLE	ALICE ODILIA
VANPRAET	TIJL	KAREL
VERLINI	BJANKA	LINDA
Visser	Dirk	B
VOIGTLAENDER	CHRISTIAN	BERND
VOITH	LOUIS	PHILIP SCHULER
Von Eckartsberg	Karen	Ann
VON KANER	ROLAND	MARCEL
VON MATUSCHKE	ROBERT	FRIEDRICH BUCHBERGER-GRAF
VON STECHOW	DOUGLAS	CASPAR CASIMIR
VYBIRAL	SARAH-JANE	ANITA
WAGSCHAL	ELISABETH	FERGUSON
WALDMAN	ADIR	GURION
WALTER	SUZANNE	MARIE
WANG	CHIH-HUI.	
WARNER	JESSICA	FINNEY
WARNEY	THOMAS	PETER
WEBSTER	ELLIS	LORENZO
WEISS	LARRY	ALAN
WHITNEY-BROWN	CAROLYN	ELIZABETH
WI	KUM	OK
WIESENBERG	IDO.	
WILSON	JOHN	FRANCIS
WITT	PETER	F
WOLF	STEPHAN	LORENZ
WORD	MICHAEL.	
WRIGHT	LAWRENCE	DOUGLAS
WU	SHELLY.	
WUILLAUME	LAETITIA	CAROLINE
WYCKOFF	DAVID	HOLT
XU	QI.	
YARALI	ALISHA.	
YOON	WONSOON.	
YOUNES	SAMIRA	GEORGES
YOUNG	DOREEN.	
YOUNG	NOEL.	
ZAHRA	RICCARDO	GIOVANNI
ZALLEN	MORRIS	RICHARD
ZANON	CARL	DAVID
ZONA	MICHAEL.	
ZONDLER	PATRICIA	A
ZWICKY	PATRICK	ROBERT

Dated: July 21, 2015.

Dorothy A. Harbison,

Acting Department I Manager, Examinations Operations—Philadelphia Compliance Services.

[FR Doc. 2015–18813 Filed 7–30–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before September 29, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie A. Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224. Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment.

FOR FURTHER INFORMATION CONTACT: To obtain additional information, or copies of the information collection and instructions, or copies of any comments received, contact Elaine Christophe, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and the Internal Revenue Service, as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*).

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information. Currently, the IRS is seeking comments concerning the following forms, and reporting and record-keeping requirements:

1. *Title:* Form 5310, Application for Determination for Terminating Plan, and Form 6088, Distributable Benefits from Employee Pension Benefit Plans.

OMB Number: 1545–0202.

Form Number: Forms 5310 and 6088.

Abstract: Employers who have qualified deferred compensation plans can take an income tax deduction for contributions to their plans. Form 5310 is used to request an IRS determination letter about the plan's qualification status (qualified or non-qualified) under Internal Revenue Code section 401(a). Form 6088 is used to show the amounts of distributable benefits to participants in the plan.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 40,000.

Estimated Time per Response: 109.04 hours.

Estimated Total Annual Burden Hours: 1,718,300.

2. *Title:* CO–68–87 and CO–69–87 (TD 8352), Final Regulations Under Sections 382 and 383 of the Internal Revenue Code of 1986; Pre-change Attributes, and CO–18–90 (TD 8531), Final Regulations Under Section 382 of the Internal Revenue Code of 1986; Limitations on Corporate Net Operating Loss Carryforwards.

OMB Number: 1545–1120.

Regulation Project Number: CO–68–87; CO–69–87; CO–18–90.

Abstract: (CO–68–87 and CO–69–87) These regulations require reporting by a corporation after it undergoes an ''ownership change'' under Code sections 382 and 383. Corporations required to report under these regulations include those with capital loss carryovers and excess credits. (CO–18–90) These regulations provide rules for the treatment of options under Code section 382 for purposes of determining whether a corporation undergoes an ownership change. The regulation allows for certain elections for corporations whose stock is subject to options.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 75,150.

Estimated Time per Respondent: 2 hours, 56 minutes.

Estimated Total Annual Burden Hours: 220,575.

3. *Title:* Allocations of Income and Deductions Among Taxpayers.

OMB Number: 1545–1503.

Revenue Procedure Number: Revenue Procedures 2006–09.

Abstract: The information requested in these revenue procedures is required to enable the Internal Revenue Service to give advice on filing Advance Pricing Agreement applications, to process such applications, to process such applications and negotiate agreements, and to verify compliance with the agreements and whether the agreements require modification.

Current Actions: There are no changes being made to the revenue procedures at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 360.

Estimated Time Per Respondent: 32 hours., 49 minutes.

Estimated Total Annual Burden Hours: 8,200.

4. *Title:* Reporting Requirements for Widely Held Fixed Investment Trusts.

OMB Number: 1545–1540.

Regulation Project Number: REG–125071–06 (TD 9308).

Abstract: Under regulation section 1.671–5, the trustee or the middleman who holds an interest in a widely held

fixed investment trust for an investor will be required to provide a Form 1099 to the IRS and a tax information statement to the investor. The trust is also required to provide more detailed tax information to middlemen and certain other persons, upon request.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,200.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 2,400.

5. *Title:* Credit for Small Employer Pension Plan Startup Costs.

OMB Number: 1545–1810.

Form Number: 8881.

Abstract: Qualified small employers use Form 8881 to request a credit for start-up costs related to eligible retirement plans. Form 8881 implements section 45E, which provides a credit based on costs incurred by an employer in establishing or administering an eligible employer plan or for the retirement-related education of employees with respect to the plan. The credit is 50% of the qualified costs for the tax year, up to a maximum credit of $500 for the first tax year and each of the two subsequent tax years.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 66,667.

Estimated Time per Respondent: 3 hours, 32 minutes.

Estimated Total Annual Burden Hours: 235,335.

6. *Title:* Charitable Contributions of Certain Motor Vehicles, Boats and Airplanes, reporting Requirements under § 170(f)(12)(D).

OMB Number: 1545–1980.

Notice Number: Notice 2007–70.

Abstract: Charitable organizations are required to send an acknowledgement of car donations to the donor and to the Service. The purpose of is to prevent donors from taking inappropriate deductions.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions, Individuals or Households.

Estimated Number of Respondents: 4,300.

Estimated Average Time per Respondent: 5 hrs. 6 min.

Estimated Total Annual Burden Hours: 21,930.

7. *Title:* Permitted Elimination of Preretirement Optional Forms of Benefit.

OMB Number: 1545–1545.

Regulation Project Number: REG–107644–97 (TD 8769).

Abstract: This regulation permits an amendment of a qualified plan or other employee pension benefit plan that eliminates plan provisions for benefit distributions before retirement age but after age 70½. The regulation affects employers that maintain qualified plans and other employee pension benefit plans, plan administrators of these plans and participants in these plans.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and not-for-profit institutions.

Estimated Number of Respondents: 135,000.

Estimated Average Time per Respondent: 22 min.

Estimated Total Annual Burden Hours: 48,800.

8. *Title:* Travel Expenses of State Legislators.

OMB Number: 1545–2115.

Form Number: T.D. 9481

Abstract: This document contains final regulations relating to travel expenses of state legislators while away from home. The regulations affect eligible state legislators who make the election under section 162(h) of the Internal Revenue Code (Code). The regulations clarify the amount of travel expenses that a state legislator may deduct under section 162(h).

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and Households.

Estimated Number of Respondents: 7400.

Estimated Time per Respondent: .50 hours.

Estimated Total Annual Burden Hours: 3700.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Approved: July 28, 2015.

Christie A. Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–18811 Filed 7–30–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

National Research Advisory Council; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the National Research Advisory Council will hold a meeting on Wednesday, September 2, 2015, at 810 Vermont Avenue NW., Room 730, Washington, DC. The meeting will convene at 9:00 a.m. and end at 3:00 p.m., and is open to the public. Anyone attending must show a valid photo ID to building security and be escorted to the meeting. Please allow 15 minutes before the meeting begins for this process.

The agenda will include a presentation on the Communications Strategic Plan and the status of the VA Research Facilities Infrastructure.

No time will be allocated at this meeting for receiving oral presentations from the public. Members of the public wanting to attend, or needing further information may contact Pauline Cilladi-Rehrer, Designated Federal Officer, ORD (10P9), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 443–5607, or by email at *pauline.cilladi-rehrer@va.gov.* at least 5 days prior to the meeting date.

Dated: July 28, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–18802 Filed 7–30–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Veterans Rural Health Advisory Committee

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Office of Rural Health, is seeking nominations of qualified

candidates to be considered for appointment to the Veterans Rural Health Advisory Committee (VRHAC). The Committee advises the Secretary on ways to improve and enhance access to VA healthcare services for enrolled Veterans residing in rural areas and the identification of barriers to providing services. The Committee makes recommendations to the Secretary regarding such activities. Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee.

Authority: The Committee was established in accordance with 5 U.S.C. 2.

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on December 15, 2015.

ADDRESSES: Nominations should be submitted to the VA Office of Rural Health by email at *VRHAC@va.gov* or United States Postal Service to VA Office of Rural Health, 810 Vermont Ave., Mail Code 10P1R, Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Mr. Elmer D. Clark, VA Office of Rural Health, Department of Veterans Affairs, 810 Vermont Ave. NW., Mail Code 10P1R, Washington, DC 20420, Telephone (202) 632–8578. A copy of the Committee charter and list of the current membership can be obtained by contacting Mr. Clark or by accessing the Web site: *http://www.ruralhealth.va.gov/VRHAC/index.asp.*

SUPPLEMENTARY INFORMATION: The Committee was established by direction of the Secretary of Veterans Affairs, and operates under the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. 2. The Committee consists of 12 appointed members and 4 appointed ex-officio members, appointed by the Secretary of VA. The Committee is tasked with examining ways to enhance health care services for Veterans in rural areas. The Committee works in collaboration with the VA Office of Rural Health (ORH) to discuss programs and policies that impact the provision of VA health care services to Veterans in rural areas. The Committee hosts a minimum of two committee meetings a year and provides a written summary of committee activities to the VA Secretary on an annual basis.

Membership Criteria: Nominee must understand how policy affects rural Veterans, their families, and the rural communities where they live and be familiar with services, provisions, and benefits issues as they pertain to rural Veterans. The Committee currently meets in person twice a year and may meet at other times by teleconference as needed. Members serve an initial three-year term and the Secretary may reappoint members for additional terms of service. During the course of their terms, Committee members are expected to attend all meetings and to contribute their time and expertise to Committee projects. It is the potential candidate's responsibility to identify possible conflict(s) of interest that might affect their objectivity and recommendations submitted to the Secretary. If a potential conflict is identified, detailed information about the possible conflict such as employment, research grants and/or contracts must be provided to permit evaluation of possible conflicts of interest.

Professional Qualifications: Nominee must have experience working on Veterans' policy issues at the local, state, and regional level and have a thorough understanding of how the rural national policy arena operates.

Requirements for Nomination Submission: Nominations should be type written (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.,* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae, and (4) a summary of the nominee's experience and qualification relative to the professional qualifications criteria listed above. Self-nominations are welcome. Third-party nominations must indicate that the nominee has been contacted and is willing to serve.

Membership Terms: Individuals selected for appointment to the Committee shall be invited to serve a three-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of its Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, males and females, racial and ethnic minority groups, and the disabled are given consideration for membership. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex (including gender identity, transgender status, sexual orientation, and pregnancy), national origin, age, disability, or genetic information. An ethics review is conducted for each selected nominee.

Dated: July 28, 2015.

Rebecca Schiller,

Committee Management Office.

[FR Doc. 2015–18808 Filed 7–30–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Maximum Allowable Attorney Fees

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: This notice provides information to participants in the Department of Veterans Affairs (VA) Home Loan Guaranty program concerning the maximum attorney fees allowable in calculating the indebtedness used to determine the guaranty claim payable upon loan termination. The table in this notice contains the amounts the Secretary has determined to be reasonable and customary for all States, following an annual review of amounts allowed by other government-related home loan programs.

DATES: The new maximum attorney fees will be allowed for all loan terminations completed on or after August 31, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Trevayne, Assistant Director for Loan and Property Management (261), Loan Guaranty Service, Department of Veterans Affairs, Washington, DC 20420, (202) 632–8795 (Not a toll-free number).

SUPPLEMENTARY INFORMATION: The VA Home Loan Guaranty program authorized by title 38, United States Code (U.S.C.), Chapter 37, offers a partial guaranty against loss to lenders who make home loans to veterans. VA regulations concerning the payment of loan guaranty claims are set forth at 38 CFR 36.4300, *et seq.* Computation of guaranty claims is addressed in 38 CFR 36.4324, which states that one part of the indebtedness upon which the guaranty percentage is applied is the allowable expenses/advances as described in 38 CFR 36.4314 (redesignated from 36.4814). Paragraph (b)(5)(ii) of section 34.4314 describes the procedures to be followed in

determining what constitutes the reasonable and customary fees for legal services in the termination of a loan.

The Secretary annually reviews allowances for legal fees in connection with the termination of single-family housing loans, including foreclosure, deed-in-lieu of foreclosure, and bankruptcy-related services, issued by the Department of Housing and Urban Development (HUD), Fannie Mae, and Freddie Mac. Based on increases announced over the past year by these entities, the Secretary has deemed it necessary to publish in the **Federal Register** a table setting forth the revised amounts the Secretary now determines to be reasonable and customary. The table reflects the primary method for foreclosing in each state, either judicial or non-judicial, with the exception of those states where either judicial or non-judicial is acceptable. The use of a method not authorized in the table will require prior approval from VA. This table will be available throughout the year at: *http://www.benefits.va.gov/homeloans/.*

The new VA table closely mirrors amounts and methods for foreclosure allowed by Fannie Mae. Unlike Fannie Mae, however, VA continues to prefer the judicial method of foreclosure in Hawaii. Although there have been changes to include the Hawaii non-judicial foreclosure statutes since our last publication, we believe that, with regard to VA-guaranteed loans, prudent lenders and attorneys in the community continue to prefer the protections provided by the judicial method of foreclosure.

Two other jurisdictions require special mention. Oregon foreclosure practice has continued to see changes since our last notice. VA understands that some cases may require judicial proceedings while others might be suitable for non-judicial actions. Rather than having to pre-approve each foreclosure, we indicate in this notice that both methods of foreclosure are acceptable in Oregon, with neither method requiring prior approval from VA. In addition, the entry for the District of Columbia has been revised to reflect the acceptance of both judicial and non-judicial foreclosure proceedings. Although VA believes that non-judicial foreclosure remains an option in the District of Columbia, VA understands that judicial foreclosure is now more common and is also accepted by Fannie Mae.

There is no change to the amounts VA will allow for attorney fees for deeds-in-lieu of foreclosure or for bankruptcy relief. VA will continue to monitor these fees on an annual basis, as we are aware that other entities are conducting ongoing reviews of these fees.

The following table represents the Secretary's determination of the reasonable and customary cost of legal services for the preferred method of terminating VA loans in each jurisdiction under the provisions of 38 CFR 36.4314(b)(5)(ii). These amounts will be allowed for all loan terminations completed on or after August 31, 2015.

Jurisdiction	VA non-judicial foreclosure [1 2]	VA judicial foreclosure [1 2]	Deed-in-lieu of foreclosure
Alabama	$1,325	N/A	$350
Alaska	1,600	N/A	350
Arizona	1,350	N/A	350
Arkansas	1,400	N/A	350
California	1,350	N/A	350
Colorado	1,650	N/A	350
Connecticut	N/A	2,450	350
Delaware	N/A	1,800	350
District of Columbia	1,200	N/A	350
Florida	N/A	2,800	350
Georgia	1,325	N/A	350
Guam	1,600	N/A	350
Hawaii	N/A	2,950	350
Idaho	1,150	N/A	350
Illinois	N/A	2,300	350
Indiana	N/A	2,050	350
Iowa	850	1,880	350
Kansas	N/A	1,800	350
Kentucky	N/A	2,250	350
Louisiana	N/A	1,900	350
Maine	N/A	2,300	350
Maryland	2,400	N/A	350
Massachusetts	N/A	2,550	350
Michigan	1,425	N/A	350
Minnesota	1,450	N/A	350
Mississippi	1,200	N/A	350
Missouri	1,350	N/A	350
Montana	1,150	N/A	350
Nebraska	1,150	N/A	350
Nevada	1,525	N/A	350
New Hampshire	1,350	N/A	350
New Jersey	N/A	2,975	350
New Mexico	N/A	2,000	350
New York—Western Counties [3]	N/A	2,675	350
New York—Eastern Counties	N/A	3,475	350
North Carolina	1,575	N/A	350
North Dakota	N/A	1,750	350
Ohio	N/A	2,250	350
Oklahoma	N/A	2,000	350
Oregon	1,350	N/A	350
Pennsylvania	N/A	2,350	350
Puerto Rico	N/A	2,050	350

Jurisdiction	VA non-judicial foreclosure [1] [2]	VA judicial foreclosure [1] [2]	Deed-in-lieu of foreclosure
Rhode Island	1,725	N/A	350
South Carolina	N/A	1,650	350
South Dakota	N/A	2,200	350
Tennessee	1,200	N/A	350
Texas	1,325	N/A	350
Utah	1,350	N/A	350
Vermont	N/A	2,250	350
Virgin Islands	N/A	1,800	350
Virginia	1,350	N/A	350
Washington	1,350	N/A	350
West Virginia	1,150	N/A	350
Wisconsin	N/A	2,000	350
Wyoming	1,150	N/A	350

[1] When a foreclosure is stopped due to circumstances beyond the control of the holder or its attorney (including, but not limited to bankruptcy, VA-requested delay, property damage, hazardous conditions, condemnation, natural disaster, property seizure, or relief under the Servicemembers Civil Relief Act) and then restarted, VA will allow a $350 restart fee in addition to the base foreclosure attorney fee. This fee recognizes the additional work required to resume the foreclosure action, while also accounting for the expectation that some work from the previous action may be utilized in starting the new action.

[2] VA will allow attorney fees of $650 (Chapter 7) or $850 (initial Chapter 13) for obtaining bankruptcy releases directly related to loan termination. For additional relief filed under either chapter, VA will allow an additional $250.

[3] Western Counties of New York for VA are: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, and Yates. The remaining counties are in Eastern New York.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Nabors, II, Chief of Staff approved this document on July 24, 2015, for publication.

Dated: July 27, 2015.

William F. Russo,

Acting Director, Office of Regulation Policy & Management, Office of the General Counsel, U.S. Department of Veterans Affairs.

[FR Doc. 2015–18762 Filed 7–30–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group; Notice of Meeting—Rescheduled

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2 that the Special Medical Advisory Group (SMAG) meeting previously scheduled for August 25, 2015, from 9 a.m. to 11 a.m. Eastern Time, as published in the **Federal Register** on page 45019, has been rescheduled. The meeting is now scheduled for September 10, 2015, from 11 a.m.—1 p.m. Eastern Time. The meeting is open to the public. Call-in access is 1–800–767–1750; access code 07245. Members of the public may join the conference call to listen to the discussion; there will be no participation in the discussion by members of the public. Participants will be asked to identify themselves to gain access to the meeting.

The purpose of the SMAG is to advise the Secretary of Veterans Affairs and the Under Secretary for Health on the care and treatment of disabled Veterans, and other matters pertinent to the Department's Veterans Health Administration (VHA).

The agenda for the August 25, 2015, meeting will include the review of the minutes and key points from the May 13, 2015, SMAG meeting and further discussion of the key elements of the VHA Blueprint for Excellence.

Although no time will be allocated for receiving oral presentations from the public, members of the public may submit written statements for review by the Committee to Barbara Hyduke, Department of Veterans Affairs, Office of Patient Care Services (10P4), Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420, or by email at *barbara.hyduke@va.gov*.

If you plan to listen to the meeting, please call in at least 15 minutes the start of the meeting; callers will not be given access after 9:00 a.m. Any member of the public wishing to attend the meeting or seeking additional information should contact Ms. Hyduke at (202) 461–7800 or by the email address noted above.

Dated: July 28, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–18805 Filed 7–30–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 Federal Advisory Committee Act, 5 U.S.C. App 2, that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on September 29, 2015, in Washington, DC. The meeting will be held in Room 230, 810 Vermont Avenue NW., Washington, DC from 9:00 a.m. until 5:30 p.m. All sessions will be open to the public, and for interested parties who cannot attend in person, there is a toll-free telephone number (800–767–1750; access code 56978#).

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans, and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War in 1990–1991.

The Committee will review VA program activities related to Gulf War Veterans' illnesses, and updates on relevant scientific research published since the last Committee meeting. Presentations will include updates on the VA and Department of Defense Gulf War research programs, along with research presentations describing neurological problems in Gulf War Veterans. There will also be a discussion of Committee business and activities.

The meeting will include time reserved for public comments in the afternoon. A sign-up sheet for 5-minute comments will be available at the meeting. Individuals who wish to address the Committee may submit a 1–2 page summary of their comments for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Dr. Roberta White at *rwhite@bu.edu.*

Because the meeting is being held in a government building, a photo I.D. must be presented as part of the clearance process. Therefore, any person attending should allow an additional 15 minutes before the meeting begins. Any member of the public seeking additional information should contact Dr. White, Scientific Director, at (617) 638–4620 or Dr. Victor Kalasinsky, Designated Federal Officer, at (202) 443–5682.

Dated: July 28, 2015.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2015–18807 Filed 7–30–15; 8:45 am]

BILLING CODE 8320–01–P

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Part II

Department of Energy

10 CFR Parts 429 and 430
Energy Conservation Program: Test Procedures for Compact Fluorescent Lamps; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket No. EERE–2015–BT–TP–0014]

RIN 1904–AC74

Energy Conservation Program: Test Procedures for Compact Fluorescent Lamps

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

ACTION: Notice of proposed rulemaking and announcement of public meeting.

SUMMARY: The U.S. Department of Energy (DOE) proposes to amend and expand its test procedures for medium base compact fluorescent lamps (MBCFLs). DOE proposes to replace references to ENERGY STAR requirements with references to the latest versions of industry standard test methods, which, with certain modifications, would replace the existing MBCFL test procedures. DOE is proposing to make these amendments in the existing appendix W to subpart B (Appendix W), renamed as ''Uniform Test Method for Measuring the Energy Consumption of Compact Fluorescent Lamps.'' In addition, DOE proposes to establish test procedures that would support the ongoing energy conservation standards rulemaking for general service lamps (GSLs) (GSL standards rulemaking), including test methods for new performance metrics and for additional compact fluorescent lamp (CFL) categories, including non-integrated CFLs and integrated CFLs that are not MBCFLs. DOE also proposes to revise its sampling plan for manufacturers to certify that their CFLs comply with the applicable energy conservation standards. DOE proposes to incorporate measures of standby mode power consumption in its test procedures. DOE also proposes various other conforming amendments. DOE also announces a public meeting to receive comments on these proposed amendments to the test procedures.

DATES: DOE will hold a public meeting on Monday, August 31, 2015, from 9 a.m. to 4 p.m., in Washington, DC. The meeting will also be broadcast as a webinar. See section V, ''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 Notice of Proposed Rulemaking (NOPR) before and after the public meeting, but no later than October 14, 2015. See section V, ''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.

Any comments submitted must identify the NOPR for Test Procedures for Compact Fluorescent Lamps, and provide docket number EERE–2015–BT–TP–0014 and/or regulatory information number (RIN) 1904–AC74. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: CFL2015TP0014@ee.doe.gov.* Include the docket number EERE–2015–BT–TP–0014 and/or RIN 1904–AC74 in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a 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 Office, 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.

For detailed instructions on submitting comments and additional information on the rulemaking process, see section V of this notice, ''Public Participation.''

Docket: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at regulations.gov. All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at *www.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/28.* This Web page will link to the docket for this notice on the *www.regulations.gov* site. The *www.regulations.gov* site will contain simple instructions on how to access all documents, including public comments, in the docket. See section V, ''Public Participation,'' for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *Lucy.deButts@ee.doe.gov.*

Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6122. Email: *celia.sher@hq.doe.gov.*

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE intends to incorporate by reference the following industry standards into 10 CFR part 430:

(1) ANSI_IEC C78.901–2014, ''American National Standard for Electric Lamps—Single-Based Fluorescent Lamps—Dimensional and Electrical Characteristics.''

Copies of ANSI_IEC C78.901–2014 can be obtained from ANSI Attn: Customer Service Department, 25 W. 43rd Street, 4th Floor, New York, NY 10036, or by going to *http://webstore.ansi.org/.*

(2) IES LM–54–12, ''IES Guide to Lamp Seasoning.''

(3) IES LM–65–14, ''IES Approved Method for Life Testing of Single-Based Fluorescent Lamps.''

(4) IES LM–66–14, ''IES Approved Method for the Electrical and Photometric Measurements of Single-Based Fluorescent Lamps.''

(5) IESNA LM–78–07, ''IESNA Approved Method for Total Luminous Flux Measurement of Lamps Using an Integrating Sphere Photometer.''

Copies of IES LM–54–12, IES LM–65–14, IES LM–66–14, and IES LM–78–07 can be obtained from IES, 120 Wall Street, Floor 17, New York, NY 10005–4001, or by going to *www.ies.org/store.*

Table of Contents

I. Authority and Background

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, *et seq.*; ''EPCA'' or, ''the Act'') sets forth a variety of provisions designed to improve energy efficiency. All references to EPCA refer to the statute as amended through the Energy Efficiency Improvement Act of 2015 (EEIA 2015), Public Law 114–11 (April 30, 2015). Part B of title III, which for editorial reasons was redesignated as Part A upon incorporation into the U.S. Code (42 U.S.C. 6291–6309, as codified), establishes the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' These include CFLs, the subject of this NOPR.

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA (42 U.S.C. 6295(s)) and (2) making representations about the energy use or efficiency of the products. (42 U.S.C. 6293(c)) Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

The Energy Policy Act of 2005 (Pub. L. 109–58) amended EPCA to require that MBCFL test procedures be based on the August 2001 version of the ''ENERGY STAR® Program Requirements for CFLs.'' [1] (42 U.S.C. 6293(b)(12)) Consistent with this requirement, DOE published a final rule in December 2006 (December 2006 final rule) and established DOE's current test procedures for MBCFLs under 10 CFR part 430, subpart B, appendix W. 71 FR 71340 (Dec. 8, 2006).[2]

Additionally, EPCA requires that at least once every 7 years, DOE must conduct an evaluation of all covered products and either amend the test procedures or publish a determination in the **Federal Register** not to amend them. (42 U.S.C. 6293(b)(1)(A)) DOE is undertaking this rulemaking, including the publication of this NOPR, to meet this EPCA requirement. As discussed in section III.B.1 of this NOPR, DOE is proposing to replace the existing references to ENERGY STAR program requirements with direct references to the latest versions of the appropriate industry test methods from IES. Directly referencing the latest industry standards will allow DOE to adopt current best practices and technological developments in its test procedures.

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. (42 U.S.C. 6293(b)) EPCA provides, in relevant part, that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results that measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) Pursuant to this authority, DOE proposes to amend the test procedures currently applicable to MBCFLs to include additional CFL categories in support of the ongoing GSL standards rulemaking.

If DOE determines that a test procedure amendment is warranted, it

[1] *ENERGY STAR® Program Requirements for CFLs Partner Commitments, Version 2.0.* August 9, 2001. Washington, DC. *www.energystar.gov/ia/partners/product_specs/program_reqs/archive/CFLs_Program_RequirementsV2.0.pdf.*

[2] On December 8, 2006, DOE incorporated by reference the *ENERGY STAR® Program Requirements for CFLs, ENERGY STAR Eligibility Criteria, Energy-Efficiency Specification, Version 2.0* as the Department's test procedures for measuring the energy performance of MBCFLs. Information on the ENERGY STAR program is available at *www.energystar.gov.*

must publish the proposed test procedure and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) In any rulemaking to amend test procedures, DOE must determine to what extent, if any, the proposed test procedures would alter the measured energy efficiency of any covered products as determined under the existing test procedures. (42 U.S.C. 6293(e)(1))

Finally, EPCA directs DOE to amend its test procedures for all covered products to integrate measures of standby mode and off mode energy consumption, if technically feasible. (42 U.S.C. 6295(gg)(2)(A)) Standby mode and off mode energy must be incorporated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product unless the current test procedures already account for and incorporate standby and off mode energy consumption or such integration is technically infeasible. If an integrated test procedure is technically infeasible, DOE must prescribe a separate standby mode and off mode energy use test procedure for the covered product. *Id.* Any such amendment must consider the most current versions of the IEC Standard 62301 [3] and IEC Standard 62087 [4] as applicable. DOE has tentatively determined that CFLs operate under standby mode but not under off mode. Consistent with EPCA's relevant requirement, DOE proposes to address measurement of standby mode power in Appendix W, as detailed in section III.B.6 of this NOPR.

II. Synopsis of the Notice of Proposed Rulemaking

In this NOPR, DOE proposes to amend DOE's current test procedures for MBCFLs contained in Appendix W. These amendments include (1) replacing references to ENERGY STAR requirements with references to the latest versions of industry standards; (2) revising certain definitions; (3) providing further instruction on test setup, test methods, and sampling requirements; and (4) removing testing specific language from the existing MBCFL energy conservation standards contained in 10 CFR 430.32(u). DOE has tentatively concluded that these proposed amendments will not affect any measurements required to comply with existing standards, as detailed in the discussion of each proposed amendment.

DOE also proposes to (1) adopt test procedures for additional CFL categories in support of the ongoing GSL standards rulemaking, (2) adopt test procedures for additional CFL metrics in support of the ongoing GSL standards rulemaking, (3) adopt a test procedure for measuring standby mode power consumption for MBCFLs and all other CFL categories covered by the ongoing GSL standards rulemaking, as appropriate, and (4) adopt a revised sampling plan for MBCFLs and all other CFL categories covered by the ongoing GSL standards rulemaking.

In order to support the ongoing GSL standards rulemaking, DOE is proposing to expand the existing MBCFL test procedures to include additional CFL categories. DOE's existing energy conservation standards and test procedures apply only to integrated (also referred to as self-ballasted or integrally ballasted) MBCFLs. The ongoing GSL standards rulemaking addresses CFLs, including non-integrated CFLs and integrated CFLs. Similarly, additional CFL metrics may be necessary to support potential standards from the ongoing GSL standards rulemaking.[5] Therefore, in this NOPR, DOE proposes to establish test procedures for additional CFL categories and CFL metrics in Appendix W. Additionally, DOE proposes to establish a test procedure for CFL standby mode power consumption, as directed by EPCA; this test procedure would only apply to integrated CFLs because non-integrated CFLs are not capable of standby mode operation. DOE also proposes to revise the current sampling plan in 10 CFR 429.35 to ensure more representative and accurate values of the existing metrics and to address the proposed new metrics in Appendix W.

DOE is also proposing a revised sampling plan that is consistent with ''ENERGY STAR® Program Requirements Product Specification for Lamps (Light Bulbs), Eligibility Criteria, Version 1.1'' (effective September 30, 2014) [6] (hereafter ''ENERGY STAR Lamps Specification v1.1''), as detailed in section III.I. Further, the metrics required in the proposed test procedures are also required by ENERGY STAR Lamps Specification v1.1. Therefore, the proposed test procedures in Appendix W can be conducted concurrently with ENERGY STAR certification without significant additional burden.

III. Discussion

A. Seven-Year Test Procedure Review

In undertaking this rulemaking, DOE is fulfilling its statutory obligation under EPCA to review its test procedures for all covered products, including MBCFLs, at least once every 7 years. (42 U.S.C. 6293(b)(1)(A)) Within this period, DOE must either: (1) Amend the test procedure to improve its measurement representativeness or accuracy or reduce its burden, or (2) determine that such amendments are unnecessary. *Id.* Although DOE is proposing revisions only to certain parts of the existing test procedures, DOE requests comment on all aspects of DOE's test procedures, including those provisions appearing at 10 CFR 429.35, 10 CFR 430.23, and Appendix W, as well as comments on current best practices and technological developments that may warrant additional amendments.

B. Amendments to Appendix W to Subpart B of 10 CFR Part 430

In this NOPR, DOE proposes several updates to the existing test procedures for MBCFLs as specified in Appendix W. Specifically, DOE proposes to (1) replace references to ENERGY STAR requirements with references to the latest versions of industry standards, (2) revise certain definitions, and (3) provide further instruction on test setup and test methods. DOE has tentatively concluded that since these changes mainly provide clarifications to the existing test procedures for MBCFLs, these amendments would not significantly alter measured values requiring compliance for existing standards for MBCFLs, nor would they pose an increased test burden to manufacturers.

This NOPR also proposes to expand the existing test procedures to additional CFL categories (*i.e.,* non-MBCFL integrated, non-integrated, and hybrid CFLs), include test procedures for additional CFL metrics, and include a test procedure to measure standby mode power consumption of CFLs where applicable.

DOE is proposing the inclusion of additional CFL categories and metrics in support of the ongoing GSL standards rulemaking. In the ongoing GSL standards rulemaking, DOE is considering revising and/or developing

[3] *Household electrical appliances—Measurement of standby power* (Edition 2.0, 2011–01).

[4] *Methods of measurement for the power consumption of audio, video, and related equipment* (Edition 3.0, 2011–04).

[5] Information regarding the General Service Lamps Rulemaking can be found on regulations.gov, docket number EERE–2013–BT–STD–0051 at *www.regulations.gov/#!docketDetail;D=EERE-2013-BT-STD-0051.*

[6] *ENERGY STAR® Program Requirements Product Specification for Lamps (Light Bulbs), Eligibility Criteria, Version 1.1.* August 28, 2014. Washington, DC. *www.energystar.gov/sites/default/files/ENERGY%20STAR%20Lamps%20V1%201_Specification.pdf*

standards for integrated and non-integrated CFLs, as well as requiring additional CFL metrics, including correlated color temperature (CCT), color rendering index (CRI), start time, and power factor. Should DOE establish energy conservation standards for these additional CFL categories and require additional metrics in the ongoing GSL standards rulemaking, DOE must first prescribe test procedures for these products, as required by EPCA. (42 U.S.C. 6295(o)(3)(A)) Therefore, DOE is proposing test procedures for additional CFL categories and metrics in this NOPR. DOE also proposes to delete the text ''medium base'' from the title of Appendix W to reflect the proposed inclusion of additional CFL categories.

Further, DOE is proposing a test procedure for measuring standby mode power consumption of CFLs, where applicable, according to the EPCA requirement that test procedures for all covered products must integrate measures of standby mode and off mode energy consumption, if technically feasible. (42 U.S.C. 6295(gg)(2)(A))

DOE has tentatively concluded that test procedures proposed in Appendix W do not pose an undue burden to manufacturers. The additional metrics of CCT, CRI, start time, and power factor would require equipment that is considered standard laboratory equipment or already used for the measurement of existing metrics. The measurements of these metrics would likely not require considerable time. Additionally, DOE is proposing to require the same sample of units to be used for initial lamp efficacy, lifetime, lumen maintenance values, CRI, CCT, power factor, start time, and standby mode power.

In the sections that follow, DOE discusses the proposed test procedures for CFLs in Appendix W including (1) industry standard test procedures incorporated by reference; (2) definitions; (3) general instructions; (4) test procedures for existing and new metrics (*i.e.,* CCT, CRI, power factor, and start time); (5) test procedures for additional CFL categories (*i.e.,* non-MBCFL integrated, non-integrated, and hybrid CFLs); (6) a test procedure for measuring standby mode power consumption; and (7) rounding requirements.

1. Updates to Industry Test Methods

DOE's existing MBCFL test procedures contained in Appendix W are based on the August 2001 version of the ''ENERGY STAR® Program Requirements for CFLs,'' [7] which has since been updated several times. DOE is proposing to replace the existing references to ENERGY STAR program requirements with direct references to the latest versions of the appropriate industry test methods from IES. Directly referencing the latest industry standards will allow DOE to adopt current best practices and technological developments in its test procedures. Test procedures for all additional CFL categories and new CFL metrics proposed in this NOPR would also reference these latest versions of relevant industry standards.

More specifically, the ENERGY STAR program requirements referenced IES LM–66–1991 [8] for photometric measurements and IES LM–65–1991 [9] for lifetime testing measurements.[10] IES LM–66–1991 in turn referenced IES LM–54–1991 [11] for lamp seasoning guidance. Therefore, DOE proposes to directly incorporate by reference in Appendix W the latest versions of these industry test procedures: IES LM–66–14,[12] IES LM–65–14,[13] and IES LM–54–12.[14] Accordingly, DOE proposes to no longer incorporate by reference the August 2001 version of the ENERGY STAR Program Requirements for CFLs, previously approved for Appendix W.[15]

Industry periodically updates its test procedure standards to account for changes in product lines and/or developments in test methodology and equipment. In considering whether to incorporate an updated industry standard, DOE must ensure that any amended test procedure would not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) DOE has preliminarily determined that the changes associated with adoption of the updated versions of industry standards would not be unduly burdensome for manufacturers of CFLs for which DOE is proposing test procedures in this NOPR.

When DOE modifies test procedures, EPCA requires that DOE determine to what extent, if any, the new test procedure would alter the measured energy use of covered products. (42 U.S.C. 6293(e)(1)) DOE compared the currently referenced versions and the proposed updated versions of the relevant industry standards to determine, as directed by EPCA, whether adopting the latest industry standards would alter measured energy efficiency for MBCFLs, which are currently regulated and are subject to existing DOE test procedures. In its review of the updated versions of industry standards, DOE identified some provisions in the revised industry test procedures that could potentially result in small changes in measured values of MBCFLs (*e.g.,* modifications to impedance thresholds, preburning ambient conditions). DOE has tentatively determined that these changes would have no more than a de minimis effect on measured values and test burden.[16] Thus, DOE tentatively concludes that these amendments in the NOPR do not affect reported efficacy values to the extent that would warrant modifications to energy conservation standards. DOE requests comment on its proposed incorporation of updated versions of industry standards and its tentative conclusion that the updates would not have a significant impact on measured values for MBCFLs or test burden for CFL manufacturers. The following sections discuss in more detail each of the updated industry standards and impacts on measured values of MBCFLs and test burden.

a. IES LM–66–14 ''IES Approved Method for the Electrical and Photometric Measurements of Single-Based Fluorescent Lamps''

IES LM–66–1991 specified procedures for taking electrical and photometric measurements of CFLs (including MBCFLs). As discussed in section III.B.1, this industry standard has been updated with a 2014 edition. DOE is proposing to directly incorporate by reference IES LM–66–14, and to no longer incorporate by reference the August 2001 version of the ENERGY STAR Program Requirements for CFLs, which referenced the 1991 version of LM–66. A review indicates that incorporating the 2014 edition of IES LM–66 would provide further

[7] *ENERGY STAR® Program Requirements for CFLs Partner Commitments, Version 2.0.* August 9, 2001. Washington, DC. *www.energystar.gov/ia/partners/product_specs/program_reqs/archive/CFLs_Program_RequirementsV2.0.pdf*

[8] *Electrical and Photometric Measurements of Single-Ended Compact Fluorescent Lamps* (approved June 1991).

[9] *Life Testing of Single-Ended Compact Fluorescent Lamps* (approved June 1991).

[10] Until recently, the Illuminating Engineering Society of North America used the acronym ''IESNA.'' For simplicity, this NOPR applies the currently used ''IES'' acronym to all IES publications.

[11] *Lamp Seasoning* (approved June 1991).

[12] *IES Approved Method for the Electrical and Photometric Measurements of Single-Based Fluorescent Lamps* (approved December 30, 2014).

[13] *IES Approved Method for Life Testing of Single-Based Fluorescent Lamps* (approved December 30, 2014).

[14] *IES Guide to Lamp Seasoning* (approved October 22, 2012).

[15] Incorporation by reference located at 10 CFR 430.3.

[16] In this notice, changes in efficacy that are described as ''de minimis'' are considered to be within measurement error or variation.

clarification of the test procedures and improve the test methodology.

DOE has identified the following eight key updates in the 2014 edition of IES LM–66 (IES LM–66–14) and discusses their impact on MBCFLs in greater detail in this section. Specifically, IES LM–66–14:

(1) Adds lamp vibration requirements,

(2) removes the quantitative airflow recommendation from ambient conditions,

(3) modifies the lamp orientation requirements,

(4) clarifies the voltage waveshape requirements for the power supply,

(5) modifies the type of instrument used for measuring power, voltage, and current,

(6) modifies electrical instrumentation requirements related to frequency response, impedance, tolerance, and power factor

(7) modifies the lamp handling requirements, and

(8) modifies the lamp stabilization methodology.

One of the key updates in IES LM–66–14 is the addition of vibration requirements. Section 4.2 of IES LM–66–14 states that lamps should not be subjected to excessive vibration or shock during testing, storage, or handling. Section 7.2 of IES LM–66–1991 stated that care must be taken to avoid shaking or bumping the lamp during transfer as this could cause mercury to dislodge from the cool zones. DOE has determined that this update only rephrases the requirement that lamps should not be subjected to excessive vibration or shock, during testing, storage, or handling without changing the substantive meaning. For this reason, DOE has tentatively concluded that the revised vibration requirements would not impact measured values or increase test burden.

IES LM–66–14 does not include a quantitative airflow recommendation that was included in the 1991 edition. Section 4.4 of IES LM–66–14 states that air movement can substantially alter measured values and that no discernable airflow, other than that from the tested device, is allowed; it also specifies that discernable airflow can be tested by hanging a single ply tissue paper in place of the lamp. Section 3.3 of IES LM–66–1991 had recommended that the airflow not exceed 5 meters per minute. Upon review, DOE has tentatively concluded that because the quantitative airflow specification in IES LM–66–1991 was only a recommendation and the guidelines of the procedure remain the same, the changes would have no more than a de minimis effect on measured values and test burden.

IES LM–66–14 also modifies the lamp orientation (*i.e.,* position) requirements during testing. Section 4.5 of IES LM–66–14 states that the operating orientation of the lamps under test should be as specified by the manufacturer, and that when an orientation is not specified, or where more than one orientation is specified, the lamp should be tested in the orientation that will be used in the application and shall be reported in the test report; it also states that seasoning, preburning, and photometric measurements shall all be done with the lamp in the same orientation. Sections 7.1, 7.2, 7.6, and 11.2 of IES LM–66–1991 required testing in a base up position. However, 10 CFR 429.35 specifies the operating orientation for MBCFLs. The modification to the lamp orientation in IES LM–66–14 will not impact measured values as the requirements currently in 10 CFR 429.35, and as proposed in Appendix W, dictate orientation. For these reasons, DOE has tentatively concluded that the revised lamp orientation requirement in IES LM–66–14 would not impact measured values or increase test burden.

IES LM–66–14 also clarifies the voltage waveshape requirements of the power supply. Section 5.1.1 of IES LM–66–14 states that the power supply shall have a sinusoidal voltage waveshape such that the total harmonic distortion (THD) does not exceed 3 percent of the fundamental frequency when operating a purely resistive load. Section 2.1 of IES LM–66–1991 stated that the AC power supply, while operating the test lamp, should have a voltage waveshape such that the root mean square (RMS) summation of the harmonic components does not exceed 3 percent of the fundamental. DOE understands that alternating current (AC) power supplies are expected to provide a sinusoidal voltage waveshape, and that in practice industry may already use a purely resistive load to determine power supply THD. For these reasons, DOE has tentatively concluded that the clarified voltage waveshape requirements in IES LM–66–14 would not impact measured values or increase test burden.

IES LM–66–14 also restricts the type of instrument used for measurement of power, voltage, and current. Section 5.2 of IES LM–66–14 requires the use of a multifunction instrument in the measurement circuit. Section 5 of IES LM–66–1991 permitted the use of multiple single-function instruments in lieu of a single multifunction instrument; however, it also stated that a single multifunction instrument offers the advantage of simplicity and in most cases eliminates the need for correction. DOE understands that in practice industry may already use a single multifunction instrument in lieu of multiple single-function instruments. DOE has tentatively concluded that the required use of a multifunction instrument would not impact measured values or increase test burden.

IES LM–66–14 also adds a requirement for frequency response of measurement instruments. Section 5.3.1 of IES LM–66–14 states that for high frequency measurements, instruments shall have minimum frequency response of 100 kilohertz (kHz). IES LM–66–1991 did not state a minimum frequency response for high frequency measurements. DOE understands that in practice industry may already use instruments with a minimum 100 kHz frequency response for high frequency measurements of MBCFLs that contain electronic ballasts. DOE has tentatively concluded that the added requirement for minimum frequency response would not impact measured values or increase test burden.

IES LM–66–14 also modifies the impedance thresholds for electrical instrumentation. Section 5.3.2 of IES LM–66–14 states that voltage inputs of the multifunction meter must have input impedances greater than 1 megaohm (MΩ), and current inputs must have impedances less than 20 milliohms (mΩ). Accordingly, IES LM–66–14 also does not contain a section from IES LM–66–1991 addressing measurement corrections for using instruments with lower impendences (*i.e.,* under 1 MΩ). Section 8.2 of IES LM–66–1991 had stated that instruments connected in parallel with the lamp may not draw more than 1 percent of the lamp rated current, and instruments in series should have an impedance such that the voltage across the instrument coil does not exceed 2 percent of the rated lamp voltage. The updated impedance thresholds in IES LM–66–14 should help reduce potential error by eliminating the need to correct measured values. Because the updates to impedance limitations mainly affect error correction and ensure accurate measurements, DOE has tentatively concluded that these changes would not affect measured values or pose additional test burden.

IES LM–66–14 also modifies electrical instrumentation requirements related to instrument tolerance and power factor. Section 5.3.3 of IES LM–66–14 states that instrument tolerance (*i.e.,* accuracy) shall be ±0.5 percent or less for voltage and current, and ±0.75 percent or less

for wattage. Section 8.1 of IES LM–66–1991 included these same criteria as recommendations rather than requirements, and had limited their application to frequencies up to 2,000 hertz (Hz). Further, IES LM–66–14 does not contain a specification from IES LM–66–1991 that the power factor for ammeters and voltmeters not exceed 20 percent. Upon review, DOE has tentatively concluded that these modifications would ensure accurate and consistent measurements and would not have more than a de minimis impact on measured values and test burden.

IES LM–66–14 also modifies the handling requirements for CFLs, including MBCFLs. Section 6.1.1 of IES LM–66–14 references the description for handling in IES LM–54–12. Section 6.1.1 of IES LM–54–12 states that CFLs should cool for at least one hour prior to being disturbed. It also recommends that lamps removed for evaluation, handling, transporting, or storing should be maintained in the same orientation as during the seasoning to reduce lamp stabilization time. Section 7.2 of IES LM–66–1991 stated that the lamp will be less sensitive to movement if it is allowed to cool down for 15 minutes before being transferred to the photometric equipment. DOE understands that in practice industry may already be handling CFLs in this manner to maintain the consistency and integrity of the testing while evaluating, transporting, and/or storing lamps. Therefore, DOE has tentatively concluded that the modified handling requirements would not have a significant impact on measured values or increase test burden.

Section 6.2.1 of IES LM–66–14 also modifies the lamp stabilization methodology by now including a preferred four step method for determining if a CFL is stable. The new methodology involves taking six consecutive lumen output measurements at 1-minute intervals, averaging these measurements, and then calculating the stability, as a percentage, by dividing the difference between the maximum and minimum measured values by the average value. If stability exceeds 1 percent for the period, lumen output measurements in 1-minute intervals must continue until stability over six consecutive lumen output measurements is achieved. When the 1 percent threshold is met, the lamp is considered stable. Section 1.2 of IES LM–66–1991 stated that stabilization refers to the burning of test lamps for a sufficient period of time such that electrical and photometric values are constant; section 7.3 further stated that 15 minutes is usually sufficient for stability, although periodically checking measured lumens, lamp volts, or both is preferred. Upon review, DOE has tentatively concluded that the new methodology provides more detailed instruction for determining when a lamp is stable and would have no more than a de minimis effect on measured values and test burden.

In addition to the previously mentioned updates, IES LM–66–14 provides recommendations and further guidance that remove a number of ambiguities in the previous version (*e.g.,* updates to definitions, organization, and references). Because these proposed updates do not involve substantive changes to the test setup and methodology, but rather just clarifications, DOE has tentatively concluded they would not affect measured values or pose additional test burden.

DOE requests comments on its assessment of the updates in IES LM–66–14 and their impacts on measured values of MBCFLs and test burden.

b. IES LM–54–12 ''IES Guide to Lamp Seasoning''

IES LM–54–1991 specified procedures for seasoning CFLs (including MBCFLs). As discussed in section III.B.1, IES LM–54–1991 has been updated with a 2012 edition, IES LM–54–12. Section 6.1.2 of IES LM–66–14, which DOE is proposing to directly incorporate by reference, states that all new single-based fluorescent lamps selected for test shall be seasoned per IES LM–54–12. DOE is proposing to directly incorporate by reference IES LM–54–12, and to no longer incorporate by reference the August 2001 version of the ENERGY STAR Program Requirements for CFLs, which referenced the 1991 version of LM–54. A review of the updated standard indicates that incorporating the 2012 edition of IES LM–54 would provide further clarification and improvements in the methodology for lamp seasoning.

DOE has identified the following six key updates to the seasoning procedures in the 2012 edition of IES LM–54 (IES LM–54–12) and discusses their impact on MBCFL testing and their measured values. Specifically, IES LM–54–12

(1) specifies ambient temperature limits and clarifies general temperature conditions,

(2) adds an airflow requirement,

(3) modifies the lamp operating cycle,

(4) adds several electrical conditions,

(5) modifies the lamp operating orientation, and

(6) modifies the lamp seasoning time.

The first key update in IES LM–54–12 is a specification of ambient temperature limits during seasoning. Section 4.3 of IES LM–54–12 allows ambient temperature to be within manufacturer specified limits and suggests that these limits are typically between 15 °C and 35 °C. IES LM–54–1991 did not specify ambient temperature requirements. However, IES LM–66–1991, indirectly referenced in DOE's existing test procedures for MBCFLs, contained ambient temperature requirements for preburning. Specifically, section 7.1 of IES LM–66–1991 stated that ambient temperature for preburning should not exceed 40 °C. While IES LM–54–12 does not contain this specification, it does state that seasoning should be suspended when the recommended testing temperature range is exceeded and notes that temperatures above 40 °C could be deleterious to the lamp and its components. The updated version also now requires maintaining critical lamp temperatures (*e.g.,* bulb wall temperature or control point temperature) when specified by the manufacturer. Therefore, the changes in ambient temperature and general temperature requirements for seasoning from the adoption of IES LM–54–12 are not in conflict with the currently incorporated industry standards, but rather provide testing clarification and more substantial guidance. For these reasons, DOE has tentatively concluded that the updates in temperature conditions for seasoning adopted in IES LM–54–12 would not have more than a de minimis impact on measured values or test burden.

IES LM–54–12 also adds an airflow requirement for CFLs during seasoning. Section 4.4 of IES LM–54–12 states that airflow shall be minimized for proper lamp starting and operation, and notes that the lamps shall be spaced to allow airflow around each lamp. IES LM–54–1991 did not address airflow during seasoning. It is DOE's understanding, however, that the airflow requirements of IES LM–54–12 were, in practice, already followed prior to their adoption. Therefore, DOE has tentatively concluded that the addition of a qualitative requirement for lamp spacing to ensure proper airflow during seasoning in IES LM–54–12 would not impact measured values. In addition, IES LM–54–12 modifies the lamp operating cycle requirements. Section 2.2 of IES LM–54–1991 required that all lamps be seasoned at a 3 hour on, 20 minute off cycle for 100 operating hours. Section 6.2.2.1 of IES LM–54–12 specifies that lamps that are to be

lifetime tested shall be cycled during seasoning. However, IES LM–54–12 further states that lamps to be tested for other performance metrics can be continuously burned during seasoning to shorten the time required for seasoning. Nonetheless, both versions of the standard require seasoning the lamp for a certain period of time before taking photometric and electrical measurements; consequently, DOE believes that measured photometric and electrical values do not depend on the extent to which lamps are cycled during seasoning. Similarly, because lamps are still required to be seasoned prior to lifetime testing, DOE believes that no longer providing a specific operating cycle for this seasoning would not have a significant impact on the measured value of lifetime. Because these modifications do not remove the requirement of seasoning but only modify how it is conducted, DOE believes that they do not change the ultimate result of seasoning the lamp prior to measurements and subsequently do not have more than a de minimis impact on the measured values and test burden.

IES LM–54–12 specifies several electrical conditions that should be maintained during seasoning. Section 5.1.1 of IES LM–54–12 states that frequency of the power supply shall conform to the rated frequency of the ballast, while IES LM–54–1991 did not contain a requirement for frequency of the power supply. DOE does not anticipate measured values or test burden would be impacted by the added specification because this statement is simply a clarification and not a departure from existing test procedures.

Section 5.1.2 of IES LM–54–12 states that for AC power installations, the power supply shall have a voltage waveshape such that the total harmonic distortion does not exceed 3 percent of the fundamental frequency. IES LM–54–1991 did not contain a requirement for voltage waveshape, but this same requirement was given in section 2.1 of IES LM–66–1991 and is also given in section 5.1.1 of IES LM–66–14, as discussed in section III.B.1.a of this NOPR. DOE understands this is general practice in industry and is a clarifying statement only. For these reasons, DOE has tentatively concluded that the electrical conditions specified would not affect measured values or increase test burden.

In addition, section 5.1.3 of IES LM–54–12 adds an electrical condition for voltage regulation of integrated CFLs (including MBCFLs). IES LM–54–12 requires AC voltage to be monitored and regulated to within ±10 percent of the rated input voltage, or ±2 percent of the rated input voltage if the seasoning time includes the preburning time. Voltage regulation limits were not prescribed in LM–54–1991. However, DOE has tentatively concluded that requiring the rated input voltage to adhere to certain tolerances during seasoning would not have a significant impact on measured values or test burden as it likely reflects current general industry practice.

As discussed in section III.B.1.a of this NOPR, IES LM–54–12 also modifies the lamp position and orientation requirements during seasoning. Section 6.2.2.1 of IES LM–54–12 states that CFLs shall be seasoned and measured in the same orientation. Section 2.2 of IES LM–54–1991 stated that non-linear lamps should be seasoned in their intended operating position or as recommended by the manufacturer. 10 CFR 429.35 specifies the operating orientation for MBCFLs. The modification to the lamp orientation in IES LM–54–12 will not impact measured values as the requirements currently in 10 CFR 429.35, and as proposed in Appendix W, dictate orientation. Further, section 7.2 of IES LM–66–1991, a currently incorporated industry standard through the reference of ENERGY STAR program requirements, contained guidance to maintain lamp position when transferring lamps from preburning to the location for testing. As detailed in section III.B.2.d, DOE is proposing to clarify within Appendix W that lamp orientation must remain unchanged during testing. For these reasons, DOE has tentatively concluded that the revised lamp orientation requirement in IES LM–54–12 would not impact measured values or increase test burden.

Lastly, IES LM–54–12 modifies the lamp seasoning time. Section 6.2.2.1 of IES LM–54–12 states that seasoning time shall be a minimum of 100 operating hours or as specified by the manufacturer so measurements can reliably establish initial lumen output values. Section 2.2 of IES LM–54–1991 stated that lamps are to be seasoned for 100 operating hours. In practice industry may already be using manufacturer specifications for certain lamp designs that may require a different seasoning time than the standard 100 operating hours. Therefore, DOE has tentatively concluded that the allowance of using manufacturer specifications would not have a significant impact on measured values or increase test burden.

In addition to the previously mentioned updates, IES LM–54–12 provides recommendations and further guidance that remove a number of ambiguities in the previous version (*e.g.,* updates definitions, instrumentation, and references). Because these proposed updates do not involve substantive changes to the test setup and methodology, but rather just clarification, DOE has tentatively concluded they would not affect measured values or increase test burden.

DOE requests comments on its assessment of the updates in IES LM–54–12 and their impacts on measured values of MBCFLs and test burden.

c. IES LM–65–14 ''IES Approved Method for Life Testing of Single-Based Fluorescent Lamps''

IES LM–65–1991 specified procedures for lifetime testing of CFLs (including MBCFLs). As discussed in section III.B.1, this industry standard has been updated with a 2014 edition. DOE is proposing to directly incorporate by reference IES LM–65–14 and to no longer incorporate by reference the August 2001 version of the ENERGY STAR Program Requirements for CFLs, which referenced the 1991 version of LM–65. A review indicates that incorporating the 2014 edition of IES LM–65 would provide further clarification of the test procedures and improvements in test methodology. DOE has identified the following five key updates in the 2014 edition of IES LM–65 (IES LM–65–14) and discusses their impact on MBCFL testing and measured values. Specifically, IES LM–65–14

(1) modifies ambient temperature conditions,

(2) modifies the lamp spacing requirement,

(3) clarifies the power supply voltage waveshape requirement,

(4) modifies the lamp operating cycle requirement, and

(5) specifies a methodology for the recording of lamp failures.

One of the key updates in IES LM–65–14 is the modification of the ambient temperature requirement for lifetime testing. Section 4.3 of IES LM–65–14 specifies that ambient temperature shall be controlled between 15 °C and 40 °C, and that lifetime testing shall be suspended when this range is exceeded. Section 6.3 of IES LM–65–1991 stated that the ambient temperature for CFL lifetime testing should be kept within the range of 25 °C ±10 °C. Thus, the updated version only raises the maximum allowable ambient temperature by 5 °C. DOE has tentatively concluded that this change in allowable ambient temperature range would not have a significant impact on measured values of lifetime or increase test burden.

IES LM–65–14 also modifies the lamp spacing requirement of the lifetime testing rack. Section 4.5 of IES LM–65–14 states that lamps shall be spaced to allow airflow around each lamp and notes that this is facilitated by designing open lifetime testing racks with minimal structural components to block airflow. Section 6.4 of IES LM–65–1991 had required spacing between lamps to be a minimum of 1 inch (25 millimeters) to minimize mutual heating effects. DOE has tentatively concluded that the IES LM–65–14 guideline is sufficient to ensure that there are minimal mutual heating effects. Therefore, DOE has determined that removing the specific spacing criterion would not have a significant impact on measured values or increase test burden.

IES LM–65–14 also clarifies the power supply voltage waveshape requirement. Section 5.1.2 of IES LM–65–14 states that the power supply shall have a sinusoidal voltage waveshape such that the total harmonic distortion does not exceed 3 percent of the fundamental frequency when operating a purely resistive load. Section 5.2 of IES LM–65–1991 stated that the type of the power supply used shall have a voltage wave shape such that the RMS summation of the harmonic components does not exceed 3 percent of the fundamental. DOE understands that power supplies are expected to provide a sinusoidal voltage waveshape, and that in practice industry may already use a purely resistive load to determine power supply THD. For these reasons, DOE has tentatively concluded that the clarified voltage waveshape requirement in IES LM–65–14 would not impact measured values or increase test burden.

In addition, section 6.4 of IES LM–65–14 revises the lamp operating cycle requirement to be used during CFL lifetime testing. Both versions of the standard prescribe an operating cycle of 180 minutes on and 20 minutes off; however, section 6.1 of IES LM–65–1991 provided an allowance for other cycles to be used if the manufacturer's recommendation or use in the field dictates. IES LM–65–14 does not contain this allowance, and effectively requires the operating cycle to be 180 minutes on and 20 minutes off. DOE believes that this cycle (180 minutes on and 20 minutes off) is industry standard and is already in use by manufacturers of MBCFLs and other CFLs. Therefore, DOE has tentatively concluded that removing the allowance of alternative operating cycles would not have a significant impact on the measured value of lifetime or increase test burden.

Lastly, IES LM–65–14 specifies a more detailed methodology for recording lamp failures. Section 6.5 of IES LM–65–14 requires checking for lamp failure by visual observation or automatic monitoring at an interval of no more than 1 percent of the rated lifetime; it also added that the recorded failure time shall be determined as the midpoint of the last monitored interval. Section 6.5 of IES LM–65–1991 had only included a qualitative methodology for checking for lamp failure that required monitoring lifetime test racks on a regular basis. DOE has tentatively concluded that providing a specific interval for monitoring and recording failure time would not have a significant impact on the overall measured value of lifetime or increase test burden.

In addition to the previously mentioned updates, IES LM–65–14 provides recommendations and further guidance that remove a number of ambiguities in the previous version (*e.g.,* updates to scope, instrumentation, and references). Because these proposed updates do not involve substantive changes to the test setup and methodology, but rather just clarification, DOE has tentatively concluded they would not affect lamp failure measurements or pose additional testing burden.

DOE requests comments on its assessment of the updates in IES LM–65–14 and their impacts on measured values of MBCFLs and test burden.

2. Clarifications to General Test Conditions and Setup

DOE proposes to provide further clarification on general instructions for (1) instrumentation, (2) ambient temperature, (3) input voltage, (4) lamp orientation, (5) lamp seasoning, (6) lamp stabilization, (7) lifetime testing, (8) treatment of ballasted adapters, and (9) test setup for dimmable or multi-level lamps. These are clarifications to existing test methods and setup in Appendix W, and DOE has tentatively concluded that they would not impact measured values or increase test burden. DOE requests comment on the proposed clarifications to test methods and setup and the tentative conclusion that they would not have a significant impact on measured values or increase test burden. These clarifications on general instructions are discussed in detail in the following sections.

a. Instrumentation

Section 6.3 of IES LM–66–14 (proposed for incorporation by reference in this NOPR) and section 11.0 of IES LM–66–1991 state that a goniophotometer or integrating sphere can be used to measure lumen output, CCT, and CRI. While DOE recognizes that the integrating sphere and goniophotometer (a goniometer fitted with a photometer as the light detector) are both valid means of photometric measurement, DOE is concerned about the potential for a difference in the measured values. The DOE test procedure must yield repeatable and reproducible results. If different parties use different test methods, the measured values may not be comparable.

IES LM–66–14 also identifies several sources of measurement error related to the use of goniophotometers such as drafts introduced through goniophotometer movement and errors in the scan angles. Further, IES LM–66–14 does not explicitly specify the scanning resolution (*i.e.,* quantity and location of measurements around the lamp), and instead provides general guidance to prevent inaccuracies from irregular distributions. In contrast, use of an integrating sphere enables photometric characteristics of the CFL to be determined with a single measurement. For these reasons, DOE is proposing to require all photometric measurements, including lumen output, CCT, and CRI, to be carried out in an integrating sphere, rather than a goniophotometer system. Additionally, for lumen output measurements, DOE is proposing to also reference IESNA LM–78–07, which is referenced by IES LM–66–14 and provides more specific guidance on measuring lumen output in an integrated sphere. DOE requests comment on the proposal to require that all photometric values be measured by an integrating sphere.

b. Ambient Temperature

Section 4.3 of IES LM–66–14 (proposed for incorporation by reference in this NOPR) states that the ambient temperature during photometric and electrical testing must be maintained at 25 °C ±1 °C unless the CFL is designed to perform optimally under non-standard conditions. One such example noted in IES LM–66–14 is a CFL that is used in special fixtures or locations and therefore is designed to produce maximum lumen output at elevated temperatures. IES LM–66–14 indicates that testing at non-standard conditions may be desirable to quantify performance of the CFL in its expected operating environment. Similar requirements and allowance were given in IES LM–66–1991. However, DOE analysis of manufacturer-published product literature suggests that photometric and electrical testing of MBCFLs is typically conducted at the standard 25 °C ±1 °C temperature conditions. DOE believes that allowing testing to be conducted at non-standard

temperature conditions can introduce inconsistencies between represented values. DOE proposes to clarify in Appendix W that photometric and electrical testing of CFLs must be conducted at an ambient temperature within the range of 25 °C ±1 °C. DOE requests comment on its proposal for ambient temperature requirements for photometric and electrical testing.

c. Input Voltage

Section 5.1.1 of IES LM–65–14 (proposed for incorporation by reference in this NOPR) specifies that when the rated input voltage of a lamp or ballast is a range, a nominal value should be selected for lifetime testing and reported as a test condition. This allowance for selecting from a choice of input voltages, rather than requiring a specific input voltage, could result in testing variation. DOE is therefore proposing to require that if rated input voltage is a range that includes 120 volts, the CFL must be operated at 120 volts. If the CFL with multiple rated input voltages is not rated for 120 volts, the CFL must be operated at the highest rated input voltage. Specifying the input voltage to be used for testing will ensure more accurate and consistent measurements of time to failure (see section III.B.3.a). DOE requests comment on the proposed input voltage requirements.

d. Lamp Orientation

As noted in section III.B.1.b, DOE proposes to clarify that lamp orientation must be maintained throughout all testing, including preparation (*e.g.,* seasoning and preburning), storage, and handling between tests. This practice minimizes changes in lamp operating characteristics between various stages of testing and allows for more accurate and repeatable measurements. Further, maintaining lamp orientation can result in a shorter lamp stabilization period, thus reducing total testing time and subsequently testing burden. DOE requests comment on specifying that lamp orientation must be maintained throughout testing.

e. Lamp Seasoning

DOE proposes that the seasoning guidance in IES LM–54–12 (proposed for incorporation by reference in this NOPR) must be followed prior to the testing of all CFLs. DOE also proposes to clarify two provisions related to lamp seasoning. First, DOE is proposing to clarify in Appendix W that unit operating time during seasoning can be counted toward time to failure, lumen maintenance at 40 percent of lifetime, and lumen maintenance at 1,000 hours if the required operating cycle and test conditions are satisfied as stated in the test method for time to failure (section 3.3 of Appendix W). This clarification is consistent with the specification in section 6.2.2.1 of IES LM–54–12 that lamps intended to be tested for lifetime must be cycled during seasoning (see section III.B.1.b). Further, the clarification would reduce testing burden by minimizing the overall testing time required for measuring time to failure and lumen maintenance values.

The second provision related to seasoning that DOE proposes to clarify is that, if a lamp breaks, becomes defective, fails to stabilize, exhibits abnormal behavior such as swirling prior to the end of the seasoning period, or stops producing light, the lamp must be replaced with a new unit. If a lamp fails after the seasoning period, the lamp's measurements must be included when calculating values submitted for compliance. The IES standards relevant to these test procedures do not provide specific guidance on lamp failure. However, section 6.1.2 of ANSI C78.5–2003,[17] which provides specifications on integrated CFLs and is referenced by IES LM–65–14 (proposed for incorporation by reference in this NOPR), states that ''If a specimen breaks or becomes defective for reasons not as a result of the testing, the specimen shall be discarded. Similarly if a unit fails to stabilize or exhibits abnormal behavior, the lamp shall be discarded. Testing shall resume with a suitable replacement specimen procured and prepared in the same manner as the original specimen. The use of replacement specimens shall be documented in the test report.'' Therefore, based on this industry guidance, DOE proposes to clarify that test units must be replaced if deemed defective during the seasoning period (*i.e.,* prior to measuring initial lumen output). DOE requests comment on the proposed clarifications to the lamp seasoning methods.

f. Lamp Stabilization

DOE proposes to disallow the ''peak'' method provided for reference in Annex B of IES LM–66–14 (proposed for incorporation by reference in this NOPR), which can serve as a time saving alternative to the stabilization method specified in section 6.2.1. This method was also included in section 7.4 of IES LM–66–1991. However, IES LM–66–14 states that the information in the Annex is not intended to be a specific recommended procedure, but is presented as reference information; it also notes that the stabilized method specified in section 6.2.1 is preferred since considerable testing and experience with a given lamp design may be required due to the number of lamp design and process variations that exist. Consequently, DOE believes that the peak method could cause inconsistent and potentially inaccurate results. DOE requests comment on disallowing use of the peak method provided for reference in Annex B of IES LM–66–14.

g. Fixtures

IES LM–65–14 (proposed for incorporation by reference in this NOPR) contains an allowance for fixtures to be used in CFL lifetime testing. Section 4.5 of IES LM–65–14 notes that fixtures used in applications can influence CFL lifetime, and thus allows simulated fixtures to be used in lifetime testing to approximate this effect. No such allowance was provided in IES LM–65–1991. DOE is proposing to clarify in Appendix W that the use of simulated fixtures during time to failure testing of CFLs is not allowed. Excluding this provision removes potential variation in the testing of CFLs and ensures that all CFLs are tested in a consistent manner. DOE requests comment on its proposal to disallow the time to failure testing of CFLs in a fixture.

h. Ballasted Adapters

DOE proposes to further clarify the proposed CFL test procedures by defining in Appendix W that the term ''ballasted adapter'' means a ballast that is not permanently attached to a CFL, has no consumer-replaceable components, and serves as an adapter by incorporating both a lamp socket and a lamp base. DOE proposes to specify in Appendix W that CFLs packaged with or designed exclusively for use with ballasted adapters must be tested as non-integrated CFLs, without the inclusion of the ballasted adapter. DOE requests comment on its proposed definition for the term ''ballasted adapter,'' and on its proposed requirement that CFLs packaged with or designed exclusively for use with ballasted adapters must be tested as non-integrated CFLs.

i. Multi-Level CFLs and Dimmable CFLs

Footnote 2 to the energy conservation standards table at 10 CFR 430.32(u) includes the statement that for multi-level or dimmable systems, measurements shall be at the highest

[17] *American National Standard For Electric Lamps: Specifications for Performance of Self-Ballasted Compact Fluorescent lamps* (approved 2003).

setting. To consolidate text pertaining to testing, DOE proposes to remove this text from § 430.32(u), and address dimmable CFLs in the general instructions section of Appendix W. The lumen output level, and subsequently input power, can be adjusted for some CFLs (*e.g.,* dimmable), and thus not clarifying the input power for testing these lamps can introduce testing variation. Therefore, to ensure consistent results, DOE also proposes to clarify in Appendix W that a dimmer cannot be used in the circuit. DOE requests comment on the clarification that all CFL testing must be conducted at labeled wattage, with no dimmer used in the circuit.

3. Clarifications to Definitions

DOE proposes to make the following changes to the definitions provided in Appendix W: (1) Remove the existing term ''average rated life'' and add new terms ''lifetime'' and ''time to failure''; (2) remove the existing terms ''initial performance values'' and ''rated luminous flux or rated lumen output'' and add new terms ''initial lamp efficacy,'' ''measured initial input power,'' and ''measured initial lumen output''; (3) remove the existing term ''rated wattage'' and add the new term ''labeled wattage''; (4) amend the existing definition for the term ''lumen maintenance''; (5) delete the existing term ''rated supply frequency''; and (6) remove the existing term ''self-ballasted compact fluorescent lamp'' and add new terms ''integrated compact fluorescent lamp'' and ''non-integrated compact fluorescent lamp.'' Because the proposed changes are clarifications to existing definitions and only provide further guidance for existing test procedures and amended test procedures proposed in this NOPR, DOE has tentatively concluded that they would not impact measured values or increase test burden. DOE requests comment on the proposed changes to definitions in Appendix W and the tentative conclusion that they would not have a significant impact on measured values or test burden. These definitional clarifications are discussed in detail in the following sections.

DOE also proposes to add definitions that are discussed in later sections. Specifically, DOE proposes to add definitions in Appendix W for the terms ''ballasted adapter,'' ''hybrid compact fluorescent lamp,'' ''percent variability,'' ''power factor,'' ''start plateau,'' and ''start time.'' These definitions support the proposed test procedures included in Appendix W for new CFL metrics and new CFL categories, and are addressed in sections III.B.2.h (ballasted adapter), III.B.4.a (power factor), III.B.4.c (percent variability, start plateau, and start time), and III.B.5.c (hybrid compact fluorescent lamp).

a. Average Rated Life

DOE proposes to remove the term ''average rated life'' and adopt the terms ''lifetime of a compact fluorescent lamp'' and ''time to failure.'' Currently, ''average rated life'' is defined in Appendix W as the length of time declared by the manufacturer at which 50 percent of any large number of units of a lamp reaches the end of their individual lives.

The definition of ''average rated life'' makes only general reference to the sample size for time to failure testing (*i.e.,* large number of units) when an actual minimum sample size of 10 units is prescribed in DOE's existing sampling plan at 10 CFR 429.35. Further, DOE believes the use of the word ''average'' in the term ''average rated life'' may be confusing because the definition describes the process by which lifetime is determined, *i.e.,* lifetime is, by definition, a median value. DOE also notes that the term ''average rated life,'' while defined in Appendix W, is not otherwise used in Appendix W or in specifications of existing MBCFL energy conservation standards. Further, the term ''rated life'' is used as a descriptor in Appendix W but is not defined.

Therefore, DOE proposes to remove the terms ''average rated life'' and ''rated life'' in Appendix W and add definitions for ''lifetime of a compact fluorescent lamp'' in 10 CFR 430.2 and ''time to failure'' in Appendix W. The term ''lifetime of a compact fluorescent lamp'' denotes a measured value based on a sample of lamps; this term would provide sampling requirements and specify that the median value must be used. The term ''time to failure'' would support the revised definition of lifetime.

In order to develop the definition for ''lifetime of a compact fluorescent lamp,'' DOE reviewed the EPCA definition of lifetime in 42 U.S.C. 6291(30)(P). This statutory definition states that lifetime means the length of operating time of a statistically large group of lamps between first use and failure of 50 percent of the group in accordance with test procedures described in the IES Lighting Handbook—Reference Volume. Therefore, consistent with the statutory definition in EPCA, DOE proposes to define ''lifetime of a compact fluorescent lamp'' as the time to failure of 50 percent of the sample size (as defined and calculated in 10 CFR 429.35) in accordance with the test procedures described in of section 3.3 of Appendix W.

DOE also proposes to define ''time to failure'' in Appendix W to support the proposed definition of lifetime of a compact fluorescent lamp. ''Time to failure'' in the context of CFLs is the time elapsed between first use and the point at which the lamp fully extinguishes and no longer creates light. DOE proposes to define ''time to failure'' as the time elapsed between first use and the point at which the CFL stops operating. This definition aligns with the definition of lamp failure in section 8.2 of ANSI/IES RP–16–14.[18]

As noted in section III.B.1.c, DOE proposes to reference IES LM–65–14 for lifetime testing of CFLs. Section 3.0 of IES LM–65–14 specifies the terms ''lamp failure,'' ''lamp life,'' and ''rated lamp life.'' However, DOE is specifically proposing the above terms, ''time to failure'' and ''lifetime of compact fluorescent lamp'' to support its proposed lifetime testing of CFLs and align with terminology used in other lamp test procedures. While the definitions in section 3.0 of IES LM–65–14 are not incorrect, to avoid confusion regarding terminology when executing the lifetime test procedure for CFLs, DOE proposes that section 3.0 of IES LM–65–14 be disregarded and the above proposed definitions be used for lifetime testing of CFLs.

DOE requests comment on the proposal to remove the term ''average rated life'' and add definitions of ''lifetime of a compact fluorescent lamp'' and ''time to failure.''

b. Initial Performance Values

Currently, ''initial performance values'' is defined in Appendix W as the photometric and electrical characteristics of the lamp at the end of 100 hours of operation. Such values include the initial efficacy, the rated luminous flux, and the rated lumen output. This term is not used, and conflicts with elements of other terms defined in section 2 of the existing Appendix W. To resolve these issues, and to provide specific guidance on calculations required in the test procedures, DOE proposes to (1) delete the term ''initial performance values''; (2) add a definition for the term ''initial lamp efficacy''; (3) add a definition for the term ''measured initial input power''; (4) delete the term ''rated luminous flux or rated lumen output''; and (5) add a definition for the term ''measured initial lumen output.''

[18] *Nomenclature and Definitions for Illuminating Engineering* (approved 2010).

DOE proposes that the ''initial lamp efficacy'' is the lamp efficacy at the end of the seasoning period, which is calculated by dividing the measured initial lumen output of a lamp by its measured initial input power. Initial lamp efficacy would be expressed in lumens per watt (lm/W). In addition, DOE proposes to define ''measured initial input power'' as the root mean square (RMS) input power to the lamp, measured at the end of the lamp seasoning period, and expressed in watts (W). These definitions provide further guidance on the calculation of initial lamp efficacy.

DOE proposes to delete the term ''rated luminous flux or rated lumen output'' in Appendix W. This term is defined in Appendix W as the initial lumen rating (100 hour) declared by the manufacturer, which consists of the lumen rating of a lamp at the end of 100 hours of operation. This term could be misinterpreted as a nominal rating, similar to other nominal ratings marked on a lamp and/or its packaging (*e.g.,* wattage, voltage, or supply frequency). Therefore, to provide greater clarity in the definition and application of the term ''lumen maintenance,'' DOE proposes to remove the term ''rated luminous flux or rated lumen output'' and add the term ''measured initial lumen output'' to more clearly distinguish measured initial values from nominal rated values.

DOE proposes to define ''measured initial lumen output'' in Appendix W as the lumen output of the lamp measured at the end of the lamp seasoning period, expressed in lumens (lm).

In summary, DOE proposes to no longer define the terms ''initial performance values'' and ''rated luminous flux or rated lumen output,'' and proposes definitions for ''initial lamp efficacy,'' ''measured initial input power,'' and ''measured initial lumen output.'' These terms clarify the measurements of CFL initial performance values, and eliminate the need for the terms ''initial performance values'' and ''rated luminous flux or rated lumen output.'' DOE requests comment on deletion of the terms ''initial performance values'' and ''rated luminous flux or rated lumen output,'' and addition of the terms ''initial lamp efficacy,'' ''measured initial input power,'' and ''measured initial lumen output.''

c. Lumen Maintenance

DOE proposes to amend the definition of the term ''lumen maintenance'' to clarify that calculated lumen maintenance values are based on measured lumen output. ''Lumen maintenance'' is defined in Appendix W as the luminous flux or lumen output at a given time in the life of the lamp and expressed as a percentage of the rated luminous flux or rated lumen output, respectively.

The term ''lumen maintenance'' does not clearly distinguish between rated and measured values. As noted in section III.B.3.b, DOE proposes to remove the term ''rated luminous flux or rated lumen output'' and add the term ''measured initial lumen output,'' which clearly specifies these to be measured values. DOE proposes to implement this change in the term ''lumen maintenance'' to clarify the definition and application of the term ''lumen maintenance.''

In summary, DOE proposes to define ''lumen maintenance'' in Appendix W as the lumen output measured at a given time in the life of the lamp and expressed as a percentage of the measured initial lumen output, respectively. DOE requests comment on its proposed clarification of the definition for ''lumen maintenance.''

d. Rated Supply Frequency

DOE proposes to remove from Appendix W the definition of the term ''rated supply frequency'' because Appendix W does not use this term. DOE requests comment on the proposed removal of the definition of ''rated supply frequency.''

e. Rated Wattage

DOE proposes to change the term ''rated wattage'' to ''labeled wattage'' and amend the definition to clarify its applicability to multi-level (*i.e.,* multi-power) and dimmable CFLs. Currently, in Appendix W ''rated wattage'' is defined as the wattage marked on the lamp. The term is intended to denote the wattage marked on the lamp that should be used to determine the applicable minimum efficacy requirement for existing MBCFL energy conservation standards as specified in 10 CFR 430.32(u). To avoid confusion with different usage of the term ''rated wattage'' in ANSI standards for non-integrated CFLs, DOE proposes to use the term ''labeled wattage'' rather than ''rated wattage'' to denote the wattage marked on a CFL.

Further, as discussed in section III.B.2.i, multi-level and dimmable CFLs can operate over a range of wattages, and the existing MBCFL energy conservation standards at 10 CFR 430.32(u) as well as the test procedures proposed in this rule prescribe that measurements be conducted at the lamp's highest power setting. The current definition of ''rated wattage'' does not provide clear direction on how to measure multi-level and dimmable lamps. Therefore, DOE proposes to remove this definition and define ''labeled wattage'' as the highest wattage marked on the lamp and/or lamp packaging. DOE requests comment on the proposed clarification to the definition of ''labeled wattage.''

f. Self-Ballasted Compact Fluorescent Lamp

The term ''self-ballasted compact fluorescent lamp'' is defined in Appendix W as a CFL unit that incorporates, permanently enclosed, all elements that are necessary for the starting and stable operation of the lamp, and does not include any replaceable or interchangeable parts. The terms self-ballasted CFL, integrally ballasted CFL, and integrated CFL are used interchangeably in industry to identify a CFL in which all the elements for starting and stable operation are permanently enclosed within the lamp structure, enabling the lamp to be connected directly to a branch circuit through an ANSI base and socket.

DOE proposes to remove the definition of ''self-ballasted compact fluorescent lamp'' and add a new definition of ''integrated compact fluorescent lamp'' as an integrally ballasted CFL that contains all components necessary for the starting and stable operation of the lamp, does not include any replaceable or interchangeable parts, and is connected directly to a branch circuit through an ANSI base and corresponding ANSI standard lamp-holder (socket).

To support the proposed test procedures for additional categories of CFLs, DOE also proposes to define the term ''non-integrated compact fluorescent lamp'' in Appendix W as a CFL that is not integrated. DOE requests comment on the proposed removal of the term ''self-ballasted compact fluorescent lamp'' and addition of the new term ''integrated compact fluorescent lamp,'' and on the proposed new definition of ''non-integrated compact fluorescent lamp.''

4. Test Procedures for Existing and New Metrics

The following sections detail proposed new and amended test procedures for new and existing metrics. In addition, as noted in sections III.I.1 through III.I.3, DOE proposes to move all lamp orientation specifications from 10 CFR 429.35 to Appendix W in order to consolidate test requirements.

a. Test Procedures for Initial Lamp Efficacy, Lumen Maintenance, CCT, CRI, and Power Factor

DOE proposes to continue to include test procedures for measuring initial lamp efficacy and lumen maintenance in Appendix W. In addition, DOE proposes to include test procedures for measuring CCT, CRI, and power factor in Appendix W. DOE proposes that test conditions and setup for measuring initial lamp efficacy, lumen maintenance at 1,000 hours, lumen maintenance at 40 percent of lifetime, CCT, CRI, and power factor be as specified in IES LM–66–14 (proposed for incorporation by reference in this NOPR).

Appendix W currently does not explicitly state how initial lamp efficacy and lumen maintenance values should be measured and calculated. DOE proposes to clarify its existing method for measuring and calculating the initial lamp efficacy and lumen maintenance values in Appendix W. Specifically, DOE proposes to state in Appendix W that initial lamp efficacy must be the measured initial lumen output divided by the measured initial input power; lumen maintenance at 1,000 hours must be the measured lumen output at 1,000 hours divided by the measured initial lumen output; and lumen maintenance at 40 percent of lifetime must be the measured lumen output at 40 percent of lifetime of a compact fluorescent lamp divided by the measured initial lumen output. DOE requests comment on clarifications to measuring initial lamp efficacy and lumen maintenance values.

DOE proposes that the test procedures for initial lamp efficacy, lumen maintenance at 1,000 hours, lumen maintenance at 40 percent of lifetime, CCT, and CRI apply to integrated and non-integrated lamps. DOE proposes that the test procedure for power factor only apply to integrated lamps. The following sections discuss in more detail the new metrics proposed to be measured in accordance with IES LM–66–14: CCT, CRI, and power factor.

Correlated Color Temperature (CCT)

DOE proposes to establish a test procedure for measuring CCT in Appendix W. The term correlated color temperature is defined in 10 CFR 430.2 as the absolute temperature of a blackbody whose chromaticity most nearly resembles that of the light source. DOE proposes to add the abbreviation ''CCT'' to this definition as explained in section III.C.2.

DOE proposes that CCT must be measured and calculated in accordance with IES LM–66–14, which references CIE 15:2004 (3rd edition), ''Colorimetry.'' As noted, IES LM–66–14 is the industry reference test method for electrical and photometric measurements of CFLs. CIE 15:2004 is an internationally accepted industry standard that provides recommendations concerning basic colorimetry. CIE 15:2004 was previously incorporated by reference in a test procedure final rule published on July 6, 2009 for general service fluorescent lamps, incandescent reflector lamps, and general service incandescent lamps (hereafter ''2009 GSFL, IRL, and GSIL Test Procedure''). 74 FR 31829, 31834 (July 6, 2009). DOE proposes in this NOPR to incorporate CIE 15:2004 by reference for Appendix W. DOE requests comment on its proposed test procedure for measuring CCT.

Color Rendering Index (CRI)

DOE proposes to establish a test procedure for measuring CRI in Appendix W. The term color rendering index or ''CRI'' is defined 10 CFR 430.2 as the measured degree of color shift objects undergo when illuminated by a light source as compared with the color of those same objects when illuminated by a reference source of comparable color temperature. DOE proposes that CRI must be measured and calculated in accordance with IES LM–66–14, which references CIE 13.3–1995, ''Method of Measuring and Specifying Colour Rendering Properties of Light Sources.'' As noted, IES LM–66–14 is the industry reference test method for the electrical and photometric measurements of CFLs, and CIE 13.3–1995 is an internationally accepted industry standard that provides guidance on measuring CRI. CIE 13.3–1995 was previously incorporated by reference in the 2009 GSFL, IRL, and GSIL Test Procedure. 74 FR 31834 (July 6, 2009). DOE proposes in this NOPR to incorporate CIE 13.3–1995 by reference for Appendix W. DOE requests comment on the proposed test procedure for CRI.

Power Factor

DOE proposes to establish a test procedure for measuring power factor in Appendix W. Currently, DOE does not define power factor for CFLs. DOE proposes to define the term ''power factor'' in Appendix W as the measured RMS input power (watts) divided by the product of the measured RMS input voltage (volts) and the measured RMS input current (amps). This proposed definition aligns with the definition for power factor in the industry reference for power quality requirements of lighting equipment, ANSI C82.77–10–2014.[19] Section 5 of the ANSI standard states that power factor is calculated by dividing input power (expressed in watts) by the product of the RMS input voltage and current.

DOE proposes that power factor be required only for integrated CFLs. Power factor is a metric directly related to the ballast component of the lamp. Non-integrated CFLs are tested on reference ballasts (see section III.B.5.b for further details) and can be paired with multiple ballasts of varying performance in practice, and therefore, a measurement of a power factor would not be an accurate representation of an non-integrated CFL. DOE proposes that the power factor of an integrated CFL be determined based on electrical measurements conducted in accordance with section 5.0 of IES LM–66–14. DOE requests comment on the proposed definition and test procedure for power factor.

b. Test Procedures for Time to Failure and Rapid Cycle Stress

DOE proposes to include test procedures for measuring time to failure and conducting rapid cycle stress testing in Appendix W for integrated and non-integrated CFLs. DOE proposes that test conditions, setup, measurement of time to failure, and rapid cycle stress testing be as specified in IES LM–65–14 (proposed for incorporation by reference in this NOPR). As noted in section III.G.4 and III.G.5, respectively, DOE proposes to move text relating to rapid cycle stress testing and measurement of lifetime from 10 CFR 430.32(u) into Appendix W. DOE proposes to retain its existing operating cycle for rapid cycle stress testing, *i.e.,* that CFLs must be cycled continuously with each cycle consisting of one 5-minute on period followed by one 5-minute off period. DOE requests comment on the proposed test procedures for measuring time to failure and rapid cycle stress testing.

c. Test Procedure for Start Time

DOE proposes to establish a test procedure for measuring start time in Appendix W. Currently, DOE does not define start time for CFLs. In determining the definition and test procedure for start time of a CFL, DOE reviewed the August 2013 ''ENERGY STAR® Program Requirements Product Specification for Lamps Version 1.0: Start Time Test Method'' [20] (hereafter

[19] *American National Standard for Lighting Equipment—Harmonic Emission Limits—Related Power Quality Requirements* (approved August 15, 2014).

[20] *ENERGY STAR® Program Requirements Product Specification for Lamps Version 1.0: Start*

Continued

''ENERGY STAR Start Time Test Method''), which still applies to the current ENERGY STAR Lamps Specification v1.1. DOE found the definitions and test methods described to be valid and an accurate representation of the start time for a CFL. Based on this method, DOE proposes to define the term ''start time'' in Appendix W as the time, measured in milliseconds, between the application of power to the CFL and the point when the measured full-cycle lumen output (the average value of the sampled waveform over an interval corresponding to one full cycle of sinusoidal input voltage) reaches 98 percent of the average measured lumen output of the start plateau.

IES LM–28–12,[21] the general guide to using electrical instruments in photometric laboratories, states that fluorescent lamps can oscillate at twice the fundamental frequency of the lamp input (*i.e.,* line) voltage. IES LM–28–12 also recommends that a minimum of one complete cycle (not half cycle) of the line frequency be used because the waveform may not be exactly the same for the positive and negative phase of the line cycle. DOE understands that using shorter cycles such as half cycles in lamps with such asymmetry could result in inaccurate measurements.

To further clarify the definition of start time, DOE proposes to define the terms ''start plateau'' and ''percent variability.'' in Appendix W. DOE proposes to define the term ''start plateau'' in Appendix W as the first 100 millisecond period of operation during which the percent variability does not exceed 5 percent and the average measured lumen output is at least 10 percent of the measured initial lumen output. Section 9.1 of the ENERGY STAR Start Time Test Method gives the starting profile for an example CFL. No sinusoidal oscillation is evident in the blue trace of light output for this example; consequently, DOE understands the diagram presents moving-average values, where each point along the trace is the average of sampled waveform values for some measurement interval. No scale is provided for the x-axis in the figure, but the period of the 50 Hz input voltage cycle is 20 milliseconds, and a start time of 18 milliseconds is also indicated at 98 percent of the ''initial'' plateau; although the plateau duration is not indicated, it can be seen to persist for at least three power cycles, or 60 milliseconds. DOE proposes using a period of 100 milliseconds to calculate percent variability for determination of the start plateau; DOE selected this value to evenly capture either 5 or 6 full cycles of the sampled waveform (for 50 or 60 Hz input voltage, respectively). DOE additionally proposes using the term ''start plateau'' in lieu of the ENERGY STAR term ''initial plateau'' to avoid confusion between startup characteristics and initial performance characteristics.

DOE proposes to add the term ''percent variability'' in Appendix W, defined as the range (calculated by subtracting the minimum from the maximum) expressed as a percentage of the mean for the contiguous set of separate lumen output measurements spanning the specified time period, where each lumen output measurement is the average value of the sampled waveform over an interval corresponding to one full cycle of sinusoidal input voltage. For example, 5 measurements at 20 millisecond intervals would span the 100 millisecond period of the start plateau at 50 Hz input voltage; if the interval average was 10.0 lumens for each of the first four measurements and 12.0 lumens for the fifth measurement, then the percent variability would be 19 percent (not yet sufficiently stable) for the first 100 millisecond period of operation. In this way, definition of the term ''percent variability'' enables determination of the start plateau. The 5 percent and 10 percent thresholds proposed for percent variability in the proposed start time definition were determined based on start time testing conducted by DOE for a variety of CFLs; a summary of the testing and results can be found in the docket for this rulemaking.

DOE proposes that start time only be measured for integrated CFLs. Start time is a metric directly related to the ballast component of the lamp and therefore could vary depending on the ballast used in practice. For test setup and conditions for measuring start time, DOE proposes to reference IES LM–66–14. As noted, IES LM–66–14 is the industry reference test method for the electrical and photometric measurements of CFLs. DOE proposes to adopt the measurement circuit requirements specified in section 5.2 of IES LM–66–14 for start time testing of integrated CFLs. DOE proposes that after seasoning, units must be stored at 25 °C ±5 °C ambient temperature for a minimum of 16 hours prior to testing, after which the ambient temperature must be 25 °C ±1 °C for a minimum of 2 hours prior to testing. To further align with ENERGY STAR requirements, DOE also proposes that any units that have been off for more than 24 hours must be operated for 3 hours and then be turned off for 16 to 24 hours prior to testing.

DOE proposes that lumen output measurements be taken as specified in section 6.3.1 of IES LM–66–14. DOE proposes that a multichannel oscilloscope with data storage capability be connected to record the input voltage to the CFL and its lumen output. DOE proposes that the power supply must be set as proposed in section III.B.2.c, and the oscilloscope must be set to trigger at 10 volts lamp input voltage. DOE proposes that the oscilloscope vertical scale be set such that vertical resolution is 1 percent of measured initial lumen output or finer. Similarly, DOE proposes that the oscilloscope be set to sample the lumen output waveform at a minimum rate of 2 kHz. ENERGY STAR requires a minimum 2 kHz sampling rate for flicker testing,[22] and DOE understands that this requirement would also provide sufficient horizontal resolution for start time testing. DOE proposes that upon trigger for start time testing, the sampled lumen output waveform must be recorded until the measured lumen output has reached the start plateau. In addition, DOE proposes that the trace of full-cycle lumen output be calculated as a moving average, whereby values are determined at least once every millisecond and each value represents the full-cycle interval in which it is centered.

As specified in the proposed definition, the start time is then determined as the time in milliseconds to reach 98 percent of the average measured lumen output of the start plateau. DOE requests comment on the proposed test procedure for start time and the proposed definitions for the terms ''start time,'' ''start plateau,'' and ''percent variability.'' DOE also requests comment on the summary of start time testing and results that can be found in the docket for this rulemaking.

5. Test Procedures for New CFL Categories

a. Test Procedures for Integrated CFLs

DOE proposes to specify test procedures to measure the applicable

Time Test Method, August 2013. *www.energystar.gov/sites/default/files/specs//ENERGY%20STAR%20Lamps%20V1%200%20Final%20Test%20Methods%20and%20Recommended%20Practices.pdf.*

[21] IES Guide for Selection, Care and Use of Electrical Instruments in the Photometric Laboratory (approved December 5, 2012).

[22] ENERGY STAR® Program Requirements Product Specification for Lamps Version 1.0—Light Source Flicker Recommended Practice. August 2013. Washington, DC. *www.energystar.gov/sites/default/files/specs//ENERGY%20STAR%20Lamps%20V1%200%20Final%20Test%20Methods%20and%20Recommended%20Practices.pdf.*

metrics for integrated CFLs. As noted in section II, DOE is considering revising and/or developing standards in the ongoing GSL standards rulemaking for integrated CFLs including but not limited to MBCFLs. The definition of ''integrated compact fluorescent lamp'' that DOE is proposing in Appendix W (see section III.B.3.f) does not specify base type. Therefore, the test procedures proposed in Appendix W for integrated CFLs will apply to all integrated CFLs, including MBCFLs. DOE requests comment on its proposal that integrated CFLs with medium screw bases and other base types are to follow the same test procedures.

b. Test Procedures for Non-Integrated CFLs

DOE proposes to specify test procedures for metrics applicable to non-integrated CFLs in Appendix W. As noted in section III.B.4.a, DOE proposes to adopt the measurement circuit requirements specified in section 5.2 of IES LM–66–14 (proposed for incorporation by reference in this NOPR) for electrical and photometric testing of non-integrated CFLs. Further, DOE proposes that non-integrated CFLs must be tested using the appropriate reference ballasts as specified in section 5.2 of IES LM–66–14. Specifically, DOE proposes that reference ballasts specifications listed in ANSI_IEC C78.901–2014, ''American National Standard for Electric Lamps—Single-Based Fluorescent Lamps—Dimensional and Electrical Characteristics,'' (hereafter ''ANSI_IEC C78.901–2014'') must be used. Therefore, DOE proposes to incorporate by reference ANSI_IEC C78.901–2014. DOE requests comment on its proposed requirement that non-integrated CFLs be tested using reference ballasts that meet ANSI_IEC C78.901–2014 specifications, except as noted.

DOE is aware that certain non-integrated CFL designs do not have reference ballast specifications listed in ANSI_IEC C78.901–2014. For these lamp designs, DOE has provided reference ballast specifications in Appendix W to reduce testing variation. In cases where there are no reference ballast specifications for a lower wattage CFL, DOE specified the reference ballast specifications of the corresponding full wattage version, if they existed. For all other cases, DOE developed specifications by matching the shape, diameter, and base of the CFL without reference ballast specifications to the most similar CFL with specifications that also had the closest wattage. DOE also proposes that manufacturers employ these two principles to apply the appropriate reference ballast specifications where none are provided in ANSI_IEC C78.901–2014 or specified in Appendix W. DOE requests comment on its proposed requirement that if not listed in ANSI_IEC C78.901–2014 or Appendix W, reference ballast specifications must be based on existing reference ballast specifications for the most similar lamp in ANSI_IEC C78.901–2014 or for the higher wattage lamp it is intended to replace.

To reduce testing variation in Appendix W, DOE also proposes several clarifications and specifications. Some non-integrated CFLs can be operated on more than one type of circuit. DOE proposes to specify that when non-integrated CFLs can be operated on a low frequency or high frequency circuit, they are to be tested at low frequency. DOE has found that lamp efficacy can vary depending on if the lamp is operated at high frequency or low frequency. DOE therefore proposes that non-integrated CFLs are to be tested at low frequency to ensure consistency and comparability across testing results. DOE requests comment on the proposed requirement that non-integrated CFLs are to be tested at low frequency when a choice is available between low and high frequency reference ballast specifications.

In addition, DOE proposes that non-integrated CFLs rated for multiple circuit types (*e.g.,* preheat or rapid start, instant start or rapid start) must be tested on rapid start circuits when possible to ensure consistent measurements. DOE has found that lamp efficacy can vary depending on the circuit type for testing. Therefore, DOE proposes that non-integrated CFLs that are rated for operation on a choice of preheat or rapid start circuits must be tested on rapid start circuits. Similarly, DOE proposes that non-integrated CFLs that are rated for operation on a choice of instant start or rapid start circuits must be tested on rapid start circuits. DOE requests comment on its proposal that non-integrated CFLs be tested on a rapid start circuit if rated for operation on (a) a choice of instant start or rapid start circuits, or (b) a choice of preheat or rapid start circuits.

c. Test Procedures for Hybrid CFLs

DOE proposes to establish a test procedure to measure the applicable metrics for hybrid CFLs in Appendix W. DOE considers hybrid CFLs to be CFLs with an additional light source of a different technology that is not the primary source of light. DOE proposes to define the term ''hybrid compact fluorescent lamp'' in Appendix W as a CFL that incorporates one or more supplemental light sources of different technology. While DOE has only identified hybrid CFLs that are integrated, based on this definition a hybrid CFL could be either an integrated or non-integrated CFL.

For hybrid CFLs capable of operation with both the fluorescent and supplemental light sources turned on, DOE considered proposing to apply a weighting of 7 percent to the efficacy of the lamp with both light sources on, and a weighting of 93 percent to the efficacy of the lamp with only the fluorescent light source on. DOE developed this weighting using the estimated average daily operating hours estimated for CFLs in the residential sector (1.9 hours),[23] the estimated average number of times a CFL is turned on per day (4 times),[24] and an estimated operation period of the supplemental light source of certain hybrid CFLs each time the hybrid CFL is turned on (120 seconds). The efficacy of the hybrid CFL would then be the sum of the weighted efficacy measured with both the fluorescent and supplementary light sources on, and the weighted efficacy measured with only the fluorescent light source on. However, DOE believes some hybrid CFLs might not fully stabilize when both the fluorescent and supplementary light sources are on, possibly presenting challenges in terms of measurement repeatability. Additionally, DOE has found at least one configuration where it may not be possible to turn on only the fluorescent light source. Therefore, DOE determined that the approach described above may not produce accurate and repeatable measurements for a majority of hybrid CFLs, and decided not to propose this methodology for testing hybrid CFLs.

Instead, DOE proposes that hybrid CFLs must be tested with all supplemental light sources turned off, if possible, and that the lamp must be stabilized in the operating mode that corresponds to its labeled wattage, according to test procedures proposed for CFLs in Appendix W. DOE has tentatively determined that this is the most consistent manner in which the

[23] U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, Solid-State Lighting Program. *Residential Lighting End-Use Consumption Study: Estimation Framework and Initial Estimates.* December 2012. Washington, DC. *http://apps1.eere.energy.gov/buildings/publications/pdfs/ssl/2012_residential-lighting-study.pdf.*

[24] Jump, C. et al. *Welcome to the Dark Side: The Effect of Switching on CFL Measure Life.* ACEEE 2008 Summer Study on Energy Efficiency in Buildings. 2008. Asilomar, CA, August 17–22. American Council for an Energy-Efficient Economy. *www.eceee.org/library/conference_proceedings/ACEEE_buildings/2008/Panel_2/2_111/paper.*

required metrics for hybrid CFLs can be measured. DOE requests comment on the proposed definition of hybrid CFLs and to test hybrid CFLs according to test procedures for non-hybrid CFLs.

6. Test Procedure for Standby Mode Power

DOE proposes to establish a test procedure to measure standby mode power for CFLs, where applicable, in Appendix W. EPCA directs DOE to amend its test procedures for all covered products to incorporate a measure of standby and off mode energy consumption in accordance with IEC 62301 and IEC 62087, if technically feasible. (42 U.S.C. 6295(gg)(2)) EPCA defines the three modes that consumer products can be in as: (1) Active mode, (2) standby mode, and (3) off mode. (42 U.S.C. 6295(gg)(1)) DOE incorporated EPCA's definitions for active, standby, and off modes into 10 CFR 430.2.

Active mode is defined as the condition in which an energy-using product is connected to a main power source, has been activated, and provides one or more main functions. Standby mode is defined as the condition in which an energy using product is connected to a main power source and offers one or more of the following user-oriented or protective functions: (1) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer; or (2) continuous functions, including information or status displays (including clocks) or sensor-based functions. Off mode is defined as the condition in which an energy using product is connected to a main power source and is not providing any standby or active mode function.

DOE research indicates that there are integrated CFLs incorporating either wireless controls or photocells integral to integrated CFLs. DOE did not find non-integrated CFLs that are capable of standby mode operation. Certain ballasts associated with a non-integrated lamp may be capable of a standby mode. However, this proposed test procedure covers performance of the lamp and not the lamp-and-ballast system. In addition, the controls and power requirements associated with the standby mode would be found in the ballast and not the non-integrated lamp itself. In conclusion, DOE has tentatively determined that integrated CFLs can operate in standby mode but not off mode, and non-integrated CFLs cannot operate in either standby or off mode. Consistent with EPCA's requirements in 42 U.S.C. 6295(gg)(2), DOE proposes in this NOPR to include standby mode power in its test procedures for integrated CFLs.

DOE also proposes that standby mode power for integrated CFLs be measured in accordance with IEC 62301. Therefore, DOE proposes to approve IEC 62301, which is already incorporated by reference in 10 CFR 430.3, for Appendix W. DOE proposes that the test conditions and setup be as prescribed in IEC 62301, except for ambient temperature and ambient airflow. DOE proposes instead to prescribe the ambient temperature and ambient airflow requirements in IES LM–66–14 (proposed for incorporation by reference in this NOPR), to minimize differences between test procedures for active mode and standby mode. DOE also proposes to season lamps in the same manner as for the other proposed test procedures, as described in section III.B.2.e. DOE notes that the method of measuring standby mode power consumption prescribed in section 5 of IEC 62301 is to be followed for the testing of standby mode power. Standby mode must be initiated when the CFL is connected to the power supply and lumen output is set to zero via remote or other wireless/sensor control, prior to taking measurements. DOE requests comment on its proposed test procedure for standby mode power of integrated CFLs, and on its proposal to season lamps according to requirements in the proposed active mode test procedures prior to taking measurements. DOE also requests comment on its assessment that integrated CFLs can operate in standby mode but not off mode, and that non-integrated CFLs cannot operate in either standby or off mode.

7. Rounding Values

DOE proposes to amend certain rounding requirements for existing metrics. Section 3 of the existing Appendix W specifies rounding of values; rounding requirements for individual units in a given test sample are inconsistent with rounding requirements for the test sample as a whole. Measurements are recorded at the resolution of the test instrumentation and calculations to the same number of significant digits as the previous step. While final values for initial efficacy must be rounded to one decimal place, final values for lumen maintenance at 1,000 hours, lumen maintenance at 40 percent of rated life, rapid cycle stress test surviving units, and lifetime must be rounded to whole numbers. However, existing standards for lumen maintenance at 1,000 hours (90.0 percent) and lumen maintenance at 40 percent of lifetime (80.0 percent) are at one decimal place precision in 10 CFR 430.32(u).

DOE proposes to specify rounding requirements for represented values in 10 CFR 429.35. Further, DOE proposes to revise the rounding requirements for lumen maintenance at 1,000 hours and lumen maintenance at 40 percent of lifetime to be to the nearest tenth, and for rapid cycle stress test surviving units to be to the nearest whole number, to align with existing standards for these metrics. DOE proposes to specify that lifetime of a compact fluorescent lamp be rounded to the nearest hour.

Additionally, DOE proposes rounding requirements for new metrics, also to be specified in 10 CFR 429.35. Based on a review of manufacturer catalogs, DOE proposes that CRI be rounded to the nearest whole number, CCT to the nearest 100 kelvins (K), and power factor to the nearest hundredth. These rounding requirements are consistent with other lighting technologies. DOE also proposes that the represented value of start time be rounded to the nearest whole number in milliseconds based on the requirements specified in ENERGY STAR Lamps Specification v1.1 and the ENERGY STAR Start Time Test Method. DOE confirmed the rounding requirement for start time was reasonable based on the precision of commercially available equipment. For standby mode power, DOE proposes rounding to the nearest tenth of a watt, as it believes this to be an achievable level of accuracy.

DOE requests comment on its proposed rounding requirements for metrics.

C. Amendments to Definitions at 10 CFR 430.2

DOE proposes to revise the definition in 10 CFR 430.2 for the existing term ''correlated color temperature,'' and to create a definition for the term ''compact fluorescent lamp.'' The following sections detail these proposed changes. DOE is also proposing a definition for ''lifetime of a compact fluorescent lamp'' (see section III.B.3.a. for further details) in 10 CFR 430.2. DOE also expects to propose amendments to the term ''basic model'' to include CFLs, but has tentatively determined that these amendments should be proposed as part of the GSL standards rulemaking, to align the product-specific definition of ''basic model'' with any additional metrics proposed in that rulemaking.

1. Compact Fluorescent Lamp

DOE proposes to add the term ''compact fluorescent lamp'' at 10 CFR 430.2. While the term ''compact fluorescent lamp'' is currently

referenced in the EPCA and DOE definitions of ''general service lamp,'' ''medium base compact fluorescent lamp,'' and ''self-ballasted compact fluorescent lamp,'' compact fluorescent lamp is not itself defined either in EPCA or by DOE. As discussed in section III.B.5, DOE is proposing test procedures for CFLs including both non-integrated and integrated CFLs. Therefore, in this NOPR, DOE proposes a definition for ''compact fluorescent lamp.''

DOE reviewed its definitions for other lighting products and considered the existing definition of the term ''fluorescent lamp'' as a basis for its proposed definition of ''compact fluorescent lamp.'' DOE defines a fluorescent lamp as a low pressure mercury electric-discharge source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into light, and explicitly limits the definition to six specific categories of double-based linear fluorescent lamps. 10 CFR 430.2 In comparison, DOE's existing definition of the term ''medium base compact fluorescent lamp'' does not describe the lamp's operating principles, but rather its physical characteristics (integrated, medium screw base), rated input voltage range (115–130 V), intended application, and lamp designs excluded from the definition. DOE believes a more general CFL definition, similar to DOE's definition of the term ''fluorescent lamp,'' is the most suitable to support DOE's coverage of additional CFL categories.

DOE also considered current IES definitions of ''compact fluorescent lamp'' contained in ANSI/IES RP–16–14 and IES LM–66–14 (proposed for incorporation by reference in this NOPR). Section 6.5.6.1.4 of ANSI/IES RP–16–14 defines a CFL as a fluorescent lamp with a small diameter glass tube (T5 or less) that is folded, bent, or bridged to create a long discharge path in a small volume; it also states that CFL designs generally include an amalgam and a cold chamber, or a cold spot to control the mercury vapor pressure and light output. The introduction to IES LM–66–14 provides a similar definition, but clarifies that CFLs are single-based lamps, and excludes circline (circular-shaped) and U-bent (U-shaped) lamps (which are included in IES LM–9–09, ''Electrical and Photometric Measurements of Fluorescent Lamps''). Unlike DOE's more general fluorescent lamp definition, the IES CFL definitions focus less on basic operational principles and more on specific physical characteristics.

DOE considered whether specific physical characteristics should be included in the definition of CFL. In addition to the lamp tube diameter and lamp geometry elements of the IES definitions, DOE also considered including a maximum overall lamp length of 21 inches, which was the greatest lamp length observed in DOE's review of commercially available non-integrated CFLs. A disadvantage to including detailed physical dimensions or descriptions of lamp geometry in a definition is that it may exclude future CFL form factors. However, DOE considers the single-based lamp construction specified in the IES LM–66–14 CFL definition to be a defining characteristic of common CFL designs. DOE therefore proposes to define a CFL as a single-based lamp.

DOE also considered whether U-shaped lamps and circline lamps should be included in the definition of CFL. As discussed, IES LM–66–14 specifically excludes U-shaped and circline fluorescent lamps from its CFL definition. The statutory and DOE definition for general service fluorescent lamp (GSFL) includes U-shaped lamps, and in the current energy conservation standards rulemaking for GSFLs, DOE considers circline lamps to be GSFLs as well.[25] Therefore, DOE proposes to explicitly exclude circline and U-shaped lamps from its proposed definition for CFL, as they are considered GSFLs.

Specifically, DOE proposes to define ''compact fluorescent lamp'' as an integrated or non-integrated single-base, low-pressure mercury, electric-discharge source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into light; however, the term does not include circline or U-shaped fluorescent lamps. DOE also proposes to clarify that the term may be abbreviated ''CFL,'' thereby enabling use of this common initialism. The proposed definition of CFL aligns with the existing fluorescent lamp definition by describing the general lamp operating principles, and incorporates the salient feature of the IES definitions by describing the distinguishing physical characteristic of single-based lamp construction. It is able to encompass all categories of CFLs, including hybrid CFLs, while specifying the characteristics unique to a CFL. DOE requests comment on its proposed definition of the term ''compact fluorescent lamp.''

[25] GSFL–IRL Preliminary Analysis, Technical Support Document, Chapter 2—Analytical Framework, 2013–02–28 (*http://eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/24*).

2. Correlated Color Temperature

DOE proposes to clarify the definition of ''correlated color temperature'' in 10 CFR 430.2 by adding the abbreviation ''CCT,'' similar to the inclusion of ''CRI'' in the definition for ''color rendering index.'' The initialism ''CCT'' is widely used in industry as well as by ENERGY STAR and in 10 CFR part 430, subpart B, appendix R. DOE proposes this change to support the inclusion of this metric in the proposed new and amended test procedures for CFLs. DOE requests comment on the proposed clarification of the term ''correlated color temperature.''

D. Amendments to Materials Incorporated by Reference at 10 CFR 430.3

As noted in preceding sections of this NOPR, DOE proposes to incorporate by reference portions of a number of industry test methods in support of the proposed new and amended test procedures for CFLs. In section III.B.1, DOE proposed to incorporate by reference portions of IES LM–54–12, IES LM–65–14, and IES LM–66–14; none of these three test methods are presently listed in 10 CFR 430.3.

In section III.B.4.a, DOE proposed to incorporate by reference portions of CIE 13.3–1995 and CIE 15:2004. In section III.B.5.b, DOE proposed to incorporate by reference portions of ANSI_IEC C78.901–2014. In section III.B.6, DOE proposed to incorporate by reference portions of IEC 62301. All four of these test methods are presently listed in 10 CFR 430.3 but require reference to Appendix W. DOE requests comment on its proposed incorporation by reference of portions of these eight test methods in support of the proposed new and amended test procedures for CFLs.

E. Amendments to 10 CFR 430.23(y)

DOE proposes to revise and add text at 10 CFR 430.23(y) to reflect the proposed changes detailed in section III.B of this NOPR. The existing text at 10 CFR 430.23(y) indicates that for MBCFLs, the initial efficacy, lumen maintenance at 1,000 hours, lumen maintenance at 40-percent of rated life, and lamp life must be measured, and the rapid cycle stress test conducted, in accordance with section 4 of appendix W of this subpart. DOE proposes to delete the text medium base to reflect the inclusion of additional CFL categories.

DOE also proposes to require that specific sections of Appendix W be used as follows: Initial lamp efficacy, lumen

maintenance at 1,000 hours, lumen maintenance at 40 percent of lifetime, CRI, CCT, and power factor must be measured in accordance with section 3.2; time to failure must be measured and rapid cycle stress test must be conducted in accordance with section 3.3; start time must be measured in accordance with section 3.4; and standby mode power must be measured in accordance with section 4. DOE requests comment on the proposed amendments to 10 CFR 430.23(y).

F. Amendments to Laboratory Accreditation Requirements at 10 CFR 430.25

DOE proposes to amend 10 CFR 430.25 to extend the laboratory accreditation requirements for MBCFL testing to additional CFL categories and metrics covered under its proposed new and amended test procedures. Specifically, DOE proposes to replace the text ''medium base compact fluorescent lamps'' with the text ''compact fluorescent lamps'' and also that if a manufacturer's or importer's laboratory is accredited it may conduct the applicable testing. DOE requests comment on the proposed amendments to 10 CFR 430.25.

G. Clarifications to Energy Conservation Standard Text at 10 CFR 430.32(u)

MBCFL energy conservation standards are codified in a table at 10 CFR 430.32(u). Certain language in the MBCFL energy conservation standards table provides clarification relevant to test procedures (*e.g.,* sampling, test methods, and test calculations). While this clarifying language is not in conflict with the specifications in the test procedures for MBCFLs contained in Appendix W and in 10 CFR 429.35, DOE proposes to modify the text in the MBCFL energy conservation standards table to remove specific test procedure language and instead reference the relevant parts of the MBCFL test procedures. In addition, in the introductory paragraph of 10 CFR 430.32(u), DOE proposes to replace the text bare lamp and covered lamp with the text bare or covered, to align with existing text in 10 CFR 429.35. DOE considers these revisions to be clarifications that do not modify the energy conservation standards. Revisions to specific metrics in the table at 10 CFR 430.32(u) are described in the sections that follow. DOE requests comment on the proposed amendments to the energy conservations standards for MBCFLs at 10 CFR 430.32(u) that remove test procedure specifications and align the language with existing and proposed terminology in Appendix W and 10 CFR 429.35.

1. Initial Lamp Efficacy

DOE proposes to amend the first column of the table in 10 CFR 430.32(u) by replacing the seven instances of the text ''lamp power'' with the text ''labeled wattage.'' DOE also proposes to amend the last two sentences of footnote 1, which pertains to labeled wattage. DOE proposes to delete the current text in footnote 1 that indicates to use wattages placed on packaging to select proper specification efficacy in this table, not measured wattage, and that labeled wattages are for reference only. DOE proposes to replace this language with text indicating to use labeled wattage to determine the appropriate minimum efficacy requirements in this table, to not use measured wattage for this purpose. These revisions clarify that the labeled wattage must be used to determine the applicable standard (see section III.B.3.e regarding proposed definition of ''labeled wattage'').

DOE also proposes to remove the first two sentences from footnote 1, which currently indicate that performance and electrical requirements must be taken at the end of the 100-hour aging period according to ANSI Standard C78.5, and that the lamp efficacy shall be the average of the lesser of the lumens per watt measured in the base up and/or other specified positions. These are sampling and calculation specifications that are provided in more detail and clarity in Appendix W and 10 CFR 429.35.

Additionally, DOE proposes to correct initial lamp efficacy requirements for covered lamps with no reflector in the table in 10 CFR 430.32(u). Specifically DOE proposes to amend the first column of the table by replacing the greater than or equal to operators in the eighth and ninth rows (addressing lamps rated at least 15 W but less than 25 W) with less than or equal to operators. These changes would clarify the intended continuity from category to category (grouped by labeled wattage). DOE proposes replacing the text in the second row of the second column (which indicates that the six values in the next rows correspond to minimum efficacy and lumens/watt based upon initial lumen data) with text that indicates these six values correspond to minimum initial lamp efficacy, expressed in lumens per watt. The data upon which initial lamp efficacy must be based are specified in Appendix W.

In addition, as detailed in sections III.B.2.i and III.I.1, DOE proposes to remove the text from footnote 2 indicating that for multi-level or dimmable systems, measurements shall be at the highest setting, and acceptable measurement error is ±3%. DOE proposes to address dimmable systems and measurement error in Appendix W and 10 CFR 429.35, respectively, thereby clarifying the test procedures. DOE also proposes to remove footnote 2, which indicates that efficacies are based on measured values for lumens and wattages from pertinent test data, and that wattages and lumens placed on packages may not be used in calculation and are not governed by this specification.

DOE proposes to make these amendments in order to maintain Appendix W and 10 CFR 429.35 as the main references for test procedure requirements, thereby avoiding confusion and ambiguity regarding the source of pertinent test data. DOE considers these proposed revisions to the energy conservation standards requirements table to be clarifications that align with the existing test procedures and do not modify the energy conservation standards.

2. Lumen Maintenance at 1,000 Hours

DOE proposes to amend the text for 1,000-hour lumen maintenance in the second column of the table in 10 CFR 430.32(u), which indicates that the average of at least 5 lamps must be a minimum 90.0 percent of initial (100-hour) lumen output at 1,000 hours of rated life. DOE proposes to delete this text and to only state the standard (≥90.0 percent). Complete sampling requirements are provided in 10 CFR 429.35, and complete test procedures are provided in Appendix W. In addition, DOE proposes to replace the text in the first column of this row to read lumen maintenance at 1,000 hours. This provides a more specific label of the metric and corresponds with the terminology used in the test procedures. DOE considers these proposed revisions to the energy conservation standards table to be clarifications that do not modify the energy conservation standards.

3. Lumen Maintenance at 40 Percent of Lifetime

DOE proposes to amend the text for lumen maintenance in the second column of the table in 10 CFR 430.32(u), which indicates 80.0 percent of initial (100-hour) rating at 40 percent of rated life (per ANSI C78.5 Clause 4.10). DOE proposes to delete this text and state only the standard (≥80.0 percent). The reference to ANSI C78.5 Clause 4.10 only reiterates the requirement that lumen maintenance at 40 percent of lifetime shall not be less than 80

percent, and is therefore unnecessary. Further, the test procedures for lumen maintenance are provided in more detail and complete form in Appendix W. In addition, DOE proposes to replace the text in the first column of this row to read lumen maintenance at 40 percent of lifetime. This provides a more specific label of the metric and corresponds with the terminology used in the test procedures. DOE considers these proposed revisions to the energy conservation standards to be clarifications that do not modify the energy conservation standards.

4. Rapid Cycle Stress Test

DOE proposes to amend the text in the second column of the table for rapid cycle stress test in 10 CFR 430.32(u). DOE proposes to delete the first two sentences of this text, which indicate that testing must be conducted as per ANSI C78.5 and IESNA LM–65 (clauses 2, 3, 5, and 6) except cycle times must be 5 minutes on and 5 minutes off. DOE proposes to state that each lamp must be cycled once for every 2 hours of lifetime and at least 5 lamps must meet or exceed the minimum number of cycles. ANSI C78.5 does not address rapid cycle stress testing, and DOE proposes to incorporate by reference IES LM–65 in the test procedures proposed in this NOPR. DOE proposes to address these test specifications in Appendix W instead, thereby avoiding confusion and ambiguity by maintaining Appendix W as the main reference for test procedures. DOE considers these proposed revisions to the energy conservation standards requirements table to be clarifications that do not modify the energy conservation standards.

5. Lifetime

As detailed in section III.B.3.a, DOE proposes to amend 10 CFR 430.32(u) by deleting the term ''average rated lamp life'' and replacing it with the term ''lifetime.'' In addition, DOE proposes to amend the text in the second column of this row, which indicates that lifetime must be ≥6,000 hours as declared by the manufacturer on packaging, and that at 80 percent of rated life, statistical methods may be used to confirm lifetime claims based on sampling performance. DOE proposes to remove this text and state only the standard (≥6,000 hours). DOE proposes to no longer allow the use of statistical methods at 80 percent of rated life to determine the represented value of lifetime. DOE is proposing to allow manufacturers to submit annual certifications of lifetime based on an estimated value followed by full certification once lifetime testing is completed (see section III.H for details).

H. Amendments to Certification Report Requirements

DOE recognizes that testing of CFL lifetime and lumen maintenance at 40 percent of lifetime requires considerably more time than testing of other required CFL metrics. Currently, MBCFLs may be marketed before completion of testing for lifetime and lumen maintenance at 40 percent of lifetime with supporting engineering predictions and analysis, pursuant to 42 U.S.C. 6293(b)(12)(C). DOE proposes to allow new basic models of CFLs to be distributed prior to completion of the full testing for lifetime and lumen maintenance at 40 percent of lifetime, as well as for the rapid cycle stress test because it is also dependent on lifetime. Similar to treatment of GSFLs and incandescent reflector lamps in 10 CFR 429.12(e)(2), DOE proposes that prior to distribution of the new basic model of CFL, manufacturers must submit an initial certification report. If testing for time to failure is not complete, manufacturers may include estimated values for lifetime, lumen maintenance at 40 percent of lifetime, and rapid cycle stress surviving units. If reporting estimated values, the certification report must state the description of the prediction method and the prediction method must be generally representative of the methods specified in appendix W. Manufacturers are also required to maintain records per 10 CFR 429.71 of the development of all estimated values and any associated initial test data. If reporting estimated values, the certification report must indicate that the values are estimated until testing for time to failure is complete. If, prior to completion of testing, a manufacturer ceases to distribute in commerce a basic model, the manufacturer must submit a full certification report and provide all of the information listed in 10 CFR 429.12(b), including the product-specific information required by 10 CFR 429.35(b)(2), as part of its notification to DOE that the model has been discontinued.

DOE requests comment on the proposed changes to the certification report requirements.

I. Amendments to 10 CFR 429.35

The text of the 10 CFR 429.35 title currently addresses bare or covered (no reflector) medium base compact fluorescent lamps. DOE proposes to remove this text and identical text found in § 429.35(a)(1) and § 429.35(a)(2), and replace it with the text ''compact fluorescent lamps'' to reflect the proposed inclusion of additional CFL categories.

In addition, to support the proposed new and amended test procedures in Appendix W, DOE proposes to clarify and amend the sampling requirements for existing and new metrics, including standby mode power, and to provide clarification on reuse of samples. DOE has tentatively concluded that these clarifications and amendments would not have a significant impact on measured values or test burden. DOE requests comment on the proposed clarifications to sampling requirements for initial lamp efficacy, lumen maintenance, rapid cycle stress test, and lifetime, and the tentative conclusion that they would not have a significant impact on measured values or test burden. These proposed changes to sampling requirements are discussed in detail in the following sections.

1. Initial Lamp Efficacy and Lumen Maintenance

Currently, in 10 CFR 429.35, sampling requirements are specified for efficacy, 1,000-hour lumen maintenance, and lumen maintenance. DOE proposes to replace the terms efficacy, 1,000-hour lumen maintenance, and lumen maintenance, respectively, with the terms initial lamp efficacy, lumen maintenance at 1,000 hours, and lumen maintenance at 40 percent of lifetime. Further, DOE proposes to include language that specifies that for each sample unit, a measured value for each metric must be determined. This addition will clarify that the mean and lower confidence limit (LCL) calculations must be applied to measured values of each metric.

DOE also proposes to create a separate sampling requirement section for initial efficacy in order to include an allowance of 3 percent tolerance on the represented value of this metric until the compliance date of any amended energy conservation standards for MBCFLs.[26] MBCFL energy conservation standards are codified in 10 CFR 430.32(u) and include footnotes that provide clarification on test procedures. Footnote 2 includes the statement that acceptable measurement error is ±3%. Because this statement pertains to measurement of initial lamp efficacy, DOE proposes to remove this statement from the table in 10 CFR 430.32(u), as noted in section III.G.1, and to reflect this provision instead in an amendment to 10 CFR 429.35.

Specifically, DOE proposes to state that, to account for measurement error,

[26] The provision would not be applicable for early certification to the proposed GSL standards.

the represented value for MBCFL initial lamp efficacy may include 3 percent added to the lower of (a) the mean of the sample and (b) the lower 97.5 percent LCL of the true mean divided by 0.95. For example, if the mean of the sample is the lower value at 60.0 lumens per watt, then the 1.03 multiplier could be applied to yield a represented value for initial lamp efficacy of 61.8 lumens per watt. DOE has tentatively concluded that this clarification will not result in a significant impact to measured values. In addition, DOE proposes to amend 10 CFR 429.35 to clarify that the 3 percent tolerance is only applicable to MBCFLs, and only until the compliance date of any amended energy conservation standards for MBCFLs if adopted by the ongoing GSL standards rulemaking. DOE requests comment on its proposed amendments to 10 CFR 429.35 regarding the existing allowance for measurement error of initial lamp efficacy.

Additionally, DOE proposes to expand the sample size from a minimum of 5 units to a minimum of 10 units for initial lamp efficacy, 1,000 hour lumen maintenance, and lumen maintenance at 40 percent of lifetime. DOE also proposes to require that half of the units are tested base up and half of the units are tested base down, rather than testing all units base up as currently required. DOE further proposes to specify that if more than 10 units are tested as part of the sample for these three metrics, the total number of units must be a multiple of two so that an equal number of units can be tested base up and base down. Testing in both the base up and base down positions provides an accurate representation of performance under both orientations since the end-use orientation is unknown. Because the current sampling requirements already require at least 10 units for determining lifetime, and initial lamp efficacy and lumen maintenance values can be determined in the course of time to failure testing, DOE has tentatively concluded that the proposed sampling size would not be overly burdensome for manufacturers. Further, DOE is proposing to require the use of the same samples for representations of lifetime and lumen maintenance values (see section III.I.5 for details). Additionally, this sampling plan is consistent with the sampling requirements for these metrics in the current ENERGY STAR Lamps Specification v1.1.

As noted in section III.B.4, DOE proposes to move all lamp orientation text from § 429.35 to Appendix W in order to consolidate test requirements. DOE therefore proposes to specify in section 3.2.1.1 of Appendix W that half of the units must be tested in the base up position, and half of the units must be tested in the base down position; if the position is restricted by the manufacturer, units must be tested in the manufacturer specified position. DOE also proposes to specify in 10 CFR 429.35 that any represented value of lumen maintenance at 40 percent of lifetime must be based on a lifetime value that is equal to or greater than the represented value of lifetime.

DOE also proposes to specify in 10 CFR 429.35 that any represented value of initial lamp efficacy be expressed in lumens per watt and rounded to the nearest tenth; any represented value of lumen maintenance at 1,000 hours be expressed as a percentage and rounded to the nearest tenth; and any represented value of lumen maintenance at 40 percent of lifetime be expressed as a percentage and rounded to the nearest tenth. DOE requests comment on its proposed rounding requirements.

2. Rapid Cycle Stress Testing

DOE proposes to restrict the sample size for rapid cycle stress testing to an exact number of units. Currently, the sampling size for rapid cycle stress testing is specified at 10 CFR 429.35(a)(2)(ii) as no less than 6 unique units. DOE proposes to specify that exactly 6 unique units must be tested per basic model for rapid cycle stress testing. This proposed specification will minimize confusion and improve consistency in the number of samples used for testing. This proposed sampling requirement would also align with the sample size requirement for rapid cycle stress testing in the ENERGY STAR Lamps Specification v1.1. As noted in section III.B.4, DOE proposes to move all lamp orientation text from 10 CFR 429.35 to Appendix W in order to consolidate test requirements; the relevant text for rapid cycle stress testing currently indicates that each unit can be tested in the base up or base down position as stated by the manufacturer. To align with other test procedures, DOE proposes to specify in section 3.3.1.1 of Appendix W that half of the units must be tested in the base up position, and half of the units must be tested in the base down position; if the position is restricted by the manufacturer, units must be tested in the manufacturer-specified position. DOE also proposes to specify at a new paragraph in 10 CFR 429.35 that any represented value of rapid cycle stress test surviving units must be based on a lifetime value that is equal to or greater than the represented value of lifetime. DOE also proposes to specify in 10 CFR 429.35 that any represented value of the results of rapid cycle stress testing be expressed in the number of surviving units. DOE requests comment on its proposed rounding requirements.

3. Lifetime of a Compact Fluorescent Lamp

DOE proposes to clarify the sampling requirements for lifetime of a compact fluorescent lamp, including the position in which lamps are tested. Currently, 10 CFR 429.35(a)(2)(iii) states that no less than 10 units per basic model must be used when testing for the average rated lamp life, and that half the sample should be tested in the base up position and half of the sample should be tested in the base down position, unless specific use or position appears on the packaging of that particular unit.

As noted in section III.B.3.a, DOE proposes to replace the term ''average rated lamp life'' with the term ''lifetime of a compact fluorescent lamp.'' In addition, DOE proposes amendments to align the sampling requirements for lifetime with the sampling requirements for initial lamp efficacy and lumen maintenance. DOE proposes to specify within the sampling requirements for lifetime, that if more than 10 units are tested as part of the sample, the total number of units must be a multiple of two. DOE also proposes to specify how the time to failure value determined per Appendix W must be used to determine the represented value of lifetime. Specifically, DOE proposes the lifetime of a compact fluorescent lamp must be calculated by determining the median time to failure of the sample (calculated as the arithmetic mean of the time to failure of the two middle sample units when the numbers are sorted in value order). DOE also proposes to reference section 3.3 of Appendix W in the sampling requirements for lifetime to clarify the use of the time to failure test procedure when determining lifetime. DOE also proposes to specify in 10 CFR 429.35 that any represented value of lifetime be expressed in hours and rounded to nearest whole number. DOE requests comment on its proposed rounding requirements.

As noted in section III.B.4, DOE proposes to move all lamp orientation text from § 429.35 to Appendix W in order to consolidate test requirements. DOE therefore proposes to specify in section 3.3.1.1 of Appendix W that half of the units must be tested in the base up position and half of the units must be tested in the base down position, but that if the position is restricted by the manufacturer, units must be tested in the manufacturer-specified position.

4. New Metrics

As discussed in section III.B.4, DOE is proposing test procedures for measuring new metrics including CRI, power factor, CCT, start time, and standby mode power. For CRI, power factor, CCT, and standby mode power, DOE proposes to require a sample size of at least 10 (half base up and half base down). Testing in both the base up and base down positions provides an accurate representation of performance under both orientations since the end-use orientation is unknown. DOE also proposes to specify within the sampling requirements for CRI, power factor, CCT, and standby mode power, that, if more than 10 units are tested as part of the sample, the total number of units must be a multiple of two.

DOE proposes to specify the same sampling requirements for CRI and power factor as those specified for initial lamp efficacy, lumen maintenance at 1,000 hours, and lumen maintenance at 40 percent of lifetime in 10 CFR 429.35. Thus, for CRI and power factor, DOE proposes that representations of these metrics be equal to the lesser of the mean of the sample and the 97.5 percent LCL divided by 0.95. Since higher values are desirable for CRI and power factor, use of the lesser of the mean and LCL ensures that a representative value is reported.

Because there are no targeted upper or lower bound values for CCT, DOE proposes to specify in 10 CFR 429.35 that representations of CCT be the mean of the sample.

For the start time, DOE proposes a sample size of three units. DOE believes this is an appropriate sample size to determine an accurate value for the lamp start time. Further, DOE proposes that representations be equal to the greater of the mean of the sample and the 97.5 percent upper confidence limit (UCL) divided by 1.05, since lower values are desirable. DOE proposes to describe the sampling requirements for start time in 10 CFR 429.35.

For standby mode power, DOE proposes to specify in 10 CFR 429.35 a sample size of at least 10 units, consistent with that used for the active mode power metric, initial lamp efficacy. DOE proposes that representations be equal to the greater of the mean of the sample and the 97.5 percent UCL divided by 1.05, since lower values are desirable.

DOE has tentatively concluded that the proposed sampling size for CRI, power factor, CCT, start time, and standby mode power would not increase test burden on manufacturers. The current sampling requirements already require 10 units for determining lifetime, and several of these metrics (*e.g.,* CRI, CCT, and power factor values) can be determined in the course of time to failure testing. Additionally, this sampling plan is consistent with the sampling requirements for these metrics in the ENERGY STAR Lamps Specification v1.1. DOE requests comment on the proposed sampling requirements for CRI, power factor, CCT, start time, and standby mode power and the preliminary determination that these requirements do not increase test burden on manufacturers.

DOE proposes to specify in 10 CFR 429.35 that any represented value of CCT be expressed in kelvins (K) and rounded to the nearest 100; any represented value of standby mode power be expressed in watts and rounded to the nearest tenth; any represented value of CRI be rounded to the nearest whole number; and any represented value of power factor be rounded to the nearest hundredths place. Further DOE proposes to specify in 10 CFR 429.35 any represented value of start time be expressed in milliseconds and rounded to the nearest whole number. DOE requests comment on its proposed rounding requirements.

5. Reuse of Samples

DOE proposes to specify in 10 CFR 429.35 that the same sample of units must be used to determine initial lamp efficacy, lumen maintenance at 1,000 hours, lumen maintenance at 40 percent of lifetime, lifetime, CRI, CCT, power factor, start time, and standby mode power. DOE believes that using the same sample units for all metrics reduces testing burden. For example, lifetime and lumen maintenance testing are inherently lengthy procedures, involving thousands of hours of lamp operation. Avoiding duplicate sets of long-term sample units could therefore reduce the effort and resources required for testing. DOE requests comment on its proposed clarifications and amendments to the reuse of samples.

J. Federal Trade Commission (FTC) Labeling Requirements

DOE is proposing to add provisions to 10 CFR 429 to support FTC's labeling program. DOE is including provisions for initial lumen output, input power, correlated color temperature, estimated annual energy cost, and life (in years) to enable FTC to allow manufacturers to submit data through DOE's Compliance Certification Management System (CCMS) for the FTC labeling requirements. The measurements required for these metrics are already described in Appendix W because they support other metrics described in this test procedure. For example, initial lumen output and input power (a standalone metric and also part of the calculation for estimated annual energy cost) are the two quantities required to calculate initial lamp efficacy. Furthermore, the life (expressed in years) is determined by dividing the lifetime by an average operating hour value specified by FTC. Both initial lamp efficacy and lifetime are metrics already required by DOE and described in detail throughout this test procedure. DOE proposes modifications to 10 CFR 429.35 to support the addition of provisions for initial lumen output, input power, correlated color temperature, estimated annual energy cost, and life (expressed in years).

K. Effective Date and Compliance Dates

If adopted, the effective date for the test procedures proposed in this NOPR would be 30 days after publication of the CFL test procedure final rule in the **Federal Register**. The compliance date for an amended or new test procedure is 180 days after publication of the final rule. (42 U.S.C. 6293(c)(2))

DOE proposes that after the effective date and prior to the compliance date of a CFL test procedure final rule, manufacturers may voluntarily begin to make representations with respect to the energy use or efficiency of CFLs (including but not limited to MBCFLs) using the results of testing pursuant to that final rule. On or after 180 days after publication of a final rule, any representations including certifications of compliance (if required), made with respect to the energy use or efficiency of CFLs (including but not limited to MBCFLs) must be made in accordance with the results of testing pursuant to the proposed new and amended test procedures.

DOE requests comment on the proposed effective date and compliance dates for the proposed new and amended CFL test procedures.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review.'' 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

DOE reviewed the proposed rule to amend the test procedures for CFLs under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE certifies that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification is set forth in the following paragraphs.

1. Small Business Manufacturers of Covered Products

The Small Business Administration (SBA) has set a size threshold for electric lamp manufacturers to describe those entities that are classified as ''small businesses'' for the purposes of the Regulatory Flexibility Act. DOE used the SBA's small business size standards to determine whether any small manufacturers of CFLs would be subject to the requirements of the rule. 65 FR 30836, 30849 (May 15, 2000), as amended at 65 FR 53533, 53545 (Sept. 5, 2000) and codified at 13 CFR part 121. The size standards are listed by North American Industry Classification System (NAICS) code and industry descriptions are available at *www.sba.gov/content/small-business-size-standards.*

In a final rule published in March 2011 for certification, compliance, and enforcement (2011 CCE final rule), DOE identified NAICS code 335110, ''Electric Lamp Bulb and Part Manufacturing,'' for MBCFLs. 76 FR 12422, 12488 (March 7, 2011). Although the 2011 CCE final rule focused on MBCFLs, the NAICS code 335110 is applicable to all CFLs, including but not limited to MBCFLs. The SBA sets a threshold of 1,000 employees or less for an entity to be considered as a small business for NAICS code 335110.

DOE conducted a focused inquiry of manufacturers of products covered by this rulemaking. During its market survey, DOE used all available public information to identify potential small manufacturers. DOE's research involved the review of DOE's Compliance Certification Database, the ENERGY STAR databases, individual company Web sites, and marketing research tools (*e.g.,* Hoovers.com, Manta.com) to create a list of companies that manufacture CFLs covered by this rulemaking. Using these sources, DOE identified 159 distinct manufacturers of CFLs (integrated and non-integrated lamps).

DOE then reviewed these data to determine whether the entities met the SBA's definition of a small business manufacturer of covered lighting products and screened out companies that do not offer products covered by this rulemaking, do not meet the definition of a ''small business,'' or are foreign owned and operated. Based on this review, DOE has identified 26 manufacturers that would be considered small businesses. Through this analysis, DOE determined the expected impacts of the rule on affected small businesses and whether an IRFA was needed (*i.e.,* whether DOE could certify that this rulemaking would not have a significant economic impact on a substantial number of small entities).

Table IV.1 stratifies the small businesses according to their number of employees. The smallest company has 1 employee and the largest company 167 employees. Annual revenues associated with these small businesses were estimated at $269 million ($10.4 million average annual sales per small business). According to DOE's analysis, small businesses comprise 16 percent of the entire CFL manufacturing industry covered by the proposed rule.

TABLE IV.1—SMALL BUSINESS SIZE BY NUMBER OF EMPLOYEES

Number of employees	Number of small businesses	Percentage of small businesses	Cumulative percentage
1–10	9	34.6	34.6
11–20	4	15.4	50.0
21–30	2	7.7	57.7
31–40	4	15.4	73.1
41–50	1	3.8	76.9
51–60	2	7.7	84.6
61–70	0	0.0	84.6
71–80	1	3.8	88.5
81–90	1	3.8	92.3
91–100	0	0.0	92.3
101–150	1	3.8	96.2
151–200	1	3.8	100.0
201–300	0	0.0	100.0
301–400	0	0.0	100.0
401–500	0	0.0	100.0
501–1,000	0	0.0	100.0
Total	26		

DOE assessed elements (testing methodology, testing times and sample size) in the proposed test procedure amendments that could affect costs associated with complying with this rule. The following is a synopsis of changes and analysis of costs associated with this proposed rulemaking.

2. Burden Related to Proposed Amendments to Appendix W

DOE's analysis of burden for Appendix W focused on updates to

industry test methods, test procedures scope of coverage, proposed new test procedures, and sample size.

a. Updates to Industry Test Methods

DOE proposes in this NOPR to incorporate by reference the latest versions of industry test methods relevant to CFL performance measurements, which would collectively replace the test procedures adopted from the August 2001 version of the ENERGY STAR program requirements for CFLs that is incorporated by reference in DOE's existing MBCFL test procedures. DOE proposes to incorporate by reference the latest IES and CIE industry test methods contained in the current ENERGY STAR Lamps Specification v1.1. Further, DOE proposes to incorporate these latest industry test methods directly, instead of indirectly through an ENERGY STAR reference as in the existing test procedures. These updated test methods provide revised procedures and do not require additional equipment. Therefore, updating the test methods should not increase the burden.

b. Test Procedures Scope of Coverage

This notice proposes test procedures that cover all CFLs and not just the MBCFLs currently covered by the existing test procedures. The additional scope of coverage will increase burden compared to the existing burden. DOE analyzes the cost of testing the additional CFL categories in the analysis of burden.

c. Proposed New Test Procedures

DOE's proposed amendments to Appendix W include additional elements not currently addressed in Appendix W. The additional testing for power factor, start time, and standby mode power will increase the labor and energy burden compared to the existing burden. DOE analyzes the costs of these additional metrics in the analysis of burden. As previously stated in this NOPR, DOE is also considering proposing test procedures for CCT and CRI in support of the ongoing GSL standards rule. DOE does not believe that the additional metrics of CCT or CRI will increase burden because the data to calculate the metrics can be measured at the same time and without additional setup and labor as the lumen output measurements. Further, most manufacturers already measure, calculate, and report these values as part of Lighting Facts labels and specification sheets and, in many cases, participation in the ENERGY STAR program.

d. Sample Size

In addition to the change in scope of coverage and the additional tests added to the proposed test procedures, Appendix W also proposes to increase the sample size of lamps being tested. Many of the sample sizes would increase from 5 to 10 which will increase burden. DOE analyzes the costs associated with increased sample size in the analysis of burden.

e. Analysis of Burden

To determine the costs, DOE analyzed the labor cost and the cost of electricity for the different measurements discussed in the proposed test procedure. To determine the cost of labor, DOE reviewed the 2012 median pay for electrical and electronic engineering technicians ($57,850), electrical and electronics engineers ($89,630) and electro-mechanical technicians ($51,820) based on data published by the U.S. Department of Labor Bureau of Labor Statistics.[27] The average annual salary of $66,433 was divided by 1,920 hours per year (40 hours per week for 48 weeks per year) to develop an hourly rate of $34.60. The hourly labor rate was increased 31.3 percent [28] to account for benefits,[29] yielding an estimated total hourly labor rate of $45.43. The cost of labor was then calculated by multiplying the estimated hours of labor by the total hourly labor rate.

To determine the cost of electricity, DOE used the labeled wattage of integrated lamps or referred to a ballast catalog for non-integrated lamps. The wattage value was multiplied by the estimated operating time needed to complete the required testing to determine the energy use of the lamp during testing. The energy use of the lamp during testing was then multiplied by an electricity rate of $0.1077 per kilowatt-hour (kWh) to determine the cost of electricity.[30]

DOE collected annual revenue estimates for 26 small businesses for CFLs using the Hoovers.com and Manta.com company profile databases. Hoovers.com and Manta.com report significantly different annual revenue for certain manufacturers; in these situations, DOE averaged the two datasets for each manufacturer. DOE determined that the mean revenue of the identified small businesses is $10,356,384. According to a combination of Hoovers.com and Manta.com, the smallest of the 26 small businesses had revenues of $0.29 million per year.

DOE analyzed the potential burden for 8 of the 26 small businesses identified, including the following: The manufacturer with the fewest employees, the manufacturer with the most employees, a manufacturer with a relatively high number of MBCFL basic models, a manufacturer with a relatively high number of CFL basic models (34 basic models, 11 of which were MBCFLs), and 4 others that were near median for the 26-manufacturer dataset in terms of number of employees and basic models.

Table IV.2 compares the total number of basic models, the testing cost per basic model, and the testing costs as a portion of their revenues for both the existing Appendix W and the proposed amendments to Appendix W. The average cost of testing in accordance with the existing Appendix W is $1,180 per basic model, versus $2,602 for the proposed amended Appendix W. This is a 120 percent increase in testing costs per basic model. For the 8 small businesses analyzed, costs associated with testing in accordance with the proposed Appendix W represent on average 3 percent of their annual revenue. For one small business, the proposed testing in Appendix W could represent 7.6 percent of their annual revenue; however, this value is likely overstated since the analysis for each of these businesses assumes just one unique product configuration per basic model.

[27] United States Department of Labor. *Bureau of Labor Statistics Occupational Outlook Handbook.* Washington, DC. (Last accessed February 25, 2015.) *www.bls.gov/ooh/Architecture-and-Engineering/home.htm.*

[28] Obtained from the Bureau of Labor Statistics News Release: Employer Cost For Employee Compensation—December 2014, U.S. Department of Labor (December 2014) *www.bls.gov/news.release/ecec.nr0.htm.*

[29] Additional benefits include paid leave, supplemental pay, insurance, retirement savings, Social Security, Medicare, unemployment insurance, and workers compensation.

[30] The electricity rate of $0.1077 per kWh is the average commercial rate year to date for 2014 from the U.S. Energy Information Administration's (EIA's) *Electric Power Monthly, March 2014,* Table 5.3, available at *www.eia.gov/electricity/monthly/* (last accessed February 25, 2015).

TABLE IV.2—ANALYSIS OF SMALL BUSINESSES

	Small Business #							
	1	2	3	4	5	6	7	8
	Existing Appendix W							
# of basic models	8	28	5	28	25	27	85	19
Testing cost/basic model	$1,154	$1,292	$1,186	$1,246	$1,187	$1,110	$1,187	$1,078
Testing cost portion of revenue	0.13%	3.12%	1.19%	0.17%	0.61%	1.58%	0.36%	1.08%
	Proposed Amendments to Appendix W							
# of basic models	11	34	5	116	59	31	87	44
Testing cost/basic model	$2,708	$2,598	$2,500	$2,732	$2,585	$2,506	$2,657	$2,531
Testing cost portion of revenue	0.43%	7.62%	2.50%	1.57%	3.13%	4.09%	0.82%	5.90%

f. Summary

The final cost per manufacturer primarily depends on the number of basic models the manufacturer sells. These are not annual costs because DOE does not require manufacturers to retest a basic model annually. The initial test results used to generate a certified rating for a basic model remain valid as long as the basic model has not been modified from the tested design in a way that makes it less efficient or more consumptive, which would require a change to the certified rating. If a manufacturer has modified a basic model in a way that makes it more efficient or less consumptive, new testing is required only if the manufacturer wishes to make representations of the new, more efficient rating.

DOE analyzed the industry for CFL manufacturing to determine all manufacturers of CFLs covered in this NOPR. Analysis of the industry determined that 16 percent of all CFL manufacturers could be classified as small businesses according to SBA classification guidelines. Although 16 percent of the market could be considered a significant portion of the overall industry, these manufacturers are not substantially affected by this proposed rule because the testing represents a small portion of annual revenue and does not need to be repeated annually. Further, 80 percent of the small businesses identified participate in ENERGY STAR. Therefore, a vast majority of small businesses are already testing these same quantities and metrics for ENERGY STAR certification.

Based on the criteria outlined earlier, DOE certifies that proposed testing procedure amendments would not have a ''significant economic impact on a substantial number of small entities,'' and the preparation of an IRFA is not warranted. DOE will transmit the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the SBA for review under 5 U.S.C. 605(b). DOE requests comment on its tentative conclusion that the proposed test procedure changes will not have a significant economic impact on a substantial number of small entities.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of covered products must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the applicable DOE test procedure, including any amendments adopted for that test procedure. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including MBCFLs. 76 FR 12422 (March 7, 2011); 80 FR 5099 (January 30, 2015). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB Control Number 1910–1400 and includes an estimated public reporting burden for manufacturers of other CFL categories, in addition to MBCFLs, should DOE set any future energy conservation standards for these products. Public reporting burden for the certification is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to, a penalty for failure to comply with a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this proposed rule, DOE proposes test procedure amendments that it expects will be used to develop and implement future energy conservation standards for CFLs. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this proposed rule would amend the existing test procedures without affecting the amount, quality, or distribution of energy usage, and, therefore, would not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The

Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel*. DOE examined this proposed rule according to UMRA and its statement of policy, and DOE determined that the rule contains neither an intergovernmental mandate nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999, (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 18, 1988), that this regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001, (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this proposed rule under the OMB and DOE guidelines, and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

The proposed regulatory action to amend the test procedures for measuring the energy efficiency of CFLs is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply,

distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the FTC concerning the impact of the commercial or industry standards on competition.

The proposed test procedures incorporate testing methods contained in the following commercial standards:

(1) ANSI_IEC C78.901–2014, ''American National Standard for Electric Lamps—Single-Based Fluorescent Lamps—Dimensional and Electrical Characteristics,'' 2014;

(2) CIE 13.3–1995, ''Technical Report: Method of Measuring and Specifying Colour Rendering Properties of Light Sources,'' 1995;

(3) CIE 15:2004, ''Technical Report: Colorimetry, 3rd edition,'' 2004;

(4) IES LM–54–12, ''IES Guide to Lamp Seasoning,'' 2012;

(5) IES LM–65–14, ''IES Approved Method for Life Testing of Single-Based Fluorescent Lamps,'' 2014;

(6) IES LM–66–14, ''IES Approved Method for the Electrical and Photometric Measurements of Single-Based Fluorescent Lamps,'' 2014; and

(7) IEC Standard 62301 (Edition 2.0), ''Household electrical appliances—Measurement of standby power,'' 2011.

DOE has evaluated these standards and is unable to conclude whether they fully comply with the requirements of section 32(b) of the FEAA (*i.e.,* that they were developed in a manner that fully provides for public participation, comment, and review). DOE will consult with the Attorney General and the Chairman of the FTC concerning the impact of these test procedures on competition, prior to prescribing a final rule.

M. Description of Materials Proposed To Be Incorporated by Reference

In this NOPR, DOE proposes to incorporate by reference the test standard published by ANSI, titled ''American National Standard for Electric Lamps—Single-Based Fluorescent Lamps—Dimensional and Electrical Characteristics,'' ANSI_IEC C78.901–2014. ANSI_IEC C78.901–2014 is an industry accepted test standard that specifies physical and electrical characteristics of non-integrated CFLs and is applicable to products sold in North America. The test procedures proposed in this NOPR reference ANSI_IEC C78.901–2014 for characteristics of reference ballasts that must be used when testing non-integrated CFLs. ANSI_IEC C78.901–2014 is readily available on ANSI's Web site at *http://webstore.ansi.org/*.

DOE also proposes to incorporate by reference the test standard published by IES, titled ''IES Guide to Lamp Seasoning,'' IES LM–54–12. IES LM–54–12 is an industry accepted test standard that specifies a method for seasoning CFLs prior to testing and is applicable to products sold in North America. The test procedures proposed in this NOPR reference various sections of IES LM–54–12 that address seasoning of CFLs prior to testing. IES LM–54–12 is readily available on IES's Web site at *www.ies.org/store.*

DOE also proposes to incorporate by reference the test standard published by IES, titled ''IES Approved Method for Life Testing of Single-Based Fluorescent Lamps,'' IES LM–65–14. IES LM–65–14 is an industry accepted test standard that specifies a method for measuring the time to failure of CFLs and is applicable to products sold in North America. The test procedures proposed in this NOPR reference various sections of IES LM–65–14 that address test conditions and procedures for measuring time to failure and rapid cycle stress testing of CFLs. IES LM–65–14 is readily available on IES's Web site at *www.ies.org/store.*

DOE also proposes to incorporate by reference the test standard published by IES, titled ''IESNA Approved Method for Total Luminous Flux Measurement of Lamps Using an Integrating Sphere Photometer,'' IESNA LM–78–07. IESNA LM–78–07 is an industry accepted test standard that specifies a method for measuring lumen output in an integrated sphere and is applicable to products sold in North America. The test procedures proposed in this NOPR reference sections of IESNA LM–78–07 that address measurements of lumen output. IESNA LM–78–07 is readily available on IES's Web site at *www.ies.org/store.*

DOE also proposes to incorporate by reference the test standard published by IES, titled ''IES Approved Method for the Electrical and Photometric Measurements of Single-Based Fluorescent Lamps,'' IES LM–66–14. IES LM–66–14 is an industry accepted test standard that specifies methods for measuring the photometric and electrical characteristics of CFLs and is applicable to products sold in North America. The test procedures proposed in this NOPR reference various sections of IES LM–66–14 that address test conditions and procedures for measuring initial lamp efficacy, lumen maintenance, CCT, CRI, power factor, start time, and standby mode power of CFLs. IES LM–66–14 is readily available on IES's Web site at *www.ies.org/store.*

V. Public Participation

A. Attendance at Public Meeting

The time, date, and location of the public meeting are listed in the **DATES** and **ADDRESSES** sections at the beginning of this notice. If you plan to attend the public meeting, please notify Ms. Brenda Edwards at (202) 586–2945 or *Brenda.Edwards@ee.doe.gov.*

Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE of this fact as soon as possible by contacting Ms. Regina Washington at (202) 586–1214 or by email: *Regina.Washington@ee.doe.gov* so that the necessary procedures can be completed.

DOE requires visitors to have laptops and other devices, such as tablets, checked upon entry into the building. Any person wishing to bring these devices into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing these devices, or allow an extra 45 minutes to check in. Please report to the visitor's desk to have devices checked before proceeding through security.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS), there have been recent changes regarding ID requirements for individuals wishing to enter Federal buildings from specific states and U.S. territories. Driver's licenses from the following states or territory will not be accepted for building entry and one of the alternate forms of ID listed below will be required. DHS has determined that regular driver's licenses (and ID

cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, American Samoa, Arizona, Louisiana, Maine, Massachusetts, Minnesota, New York, Oklahoma, and Washington. Acceptable alternate forms of Photo-ID include: U.S. Passport or Passport Card; an Enhanced Driver's License or Enhanced ID-Card issued by the states of Minnesota, New York or Washington (Enhanced licenses issued by these states are clearly marked Enhanced or Enhanced Driver's License); a military ID or other Federal government issued Photo-ID card.

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site *http://eere.energy.gov/buildings/appliance_standards/product.aspx/productid/28.* Participants are responsible for ensuring that their systems are compatible with the webinar software.

B. Procedure for Submitting Prepared General Statement for Distribution

Any person who has plans to present a prepared general statement may request that copies of his or her statement be made available at the public meeting. Such persons may submit requests, along with an advance electronic copy of their statement in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format, to the appropriate address shown in the **ADDRESSES** section at the beginning of this notice. The request and advance copy of statements must be received at least one week before the public meeting and may be emailed, hand-delivered, or sent by mail. DOE prefers to receive requests and advance copies via email. Please include a telephone number to enable DOE staff to make a follow-up contact, if needed.

C. Conduct of Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA. (42 U.S.C. 6306) A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. After the public meeting and until the end of the comment period, interested parties may submit further comments on the proceedings and any aspect of the rulemaking.

The public meeting will be conducted in an informal, conference style. DOE will present summaries of comments received before the public meeting, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the procedures that may be needed for the proper conduct of the public meeting.

A transcript of the public meeting will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this notice. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this notice. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this notice.

Submitting comments via regulations.gov. The regulations.gov Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to regulations.gov information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through regulations.gov cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through regulations.gov before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that regulations.gov provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to regulations.gov. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in

PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

Although comments are welcome on all aspects of this proposed rulemaking, DOE is particularly interested in comments on the following issues.

(1) DOE requests comment on its proposed incorporation of updated versions of industry standards and its tentative conclusion that the updates would not have a significant impact on measured values for MBCFLs or pose additional test burden for CFL manufacturers. DOE specifically requests comments on its assessment of the updates to the following standards and their impacts on test burden and measured values of MBCFLs: (a) IES LM–66–14, (b) IES LM–54–12, and (c) IES LM–65–14.

(2) DOE requests comment on the proposed clarifications to test methods and setup and the tentative conclusion that they would not have a significant impact on test burden and measured values. DOE specifically requests comment on the proposed (a) requirement that all photometric values be measured by an integrating sphere, (b) ambient temperature requirements for photometric and electrical testing, (c) input voltage requirements, (d) requirement that lamp orientation must be maintained throughout testing, (e) clarifications to the lamp seasoning methods, (f) disallowed use of the peak method as an alternative to the stabilization method, (g) disallowance of the time to failure testing of CFLs in a fixture, (h) definition for the term ''ballasted adapter,'' and on its proposed requirement that CFLs packaged with or designed exclusively for use with ballasted adapters must be tested as non-integrated CFLs, and (i) clarification that all CFL testing must be conducted at labeled wattage, with no dimmer used in the circuit.

(3) DOE requests comment on the proposed changes to definitions in 10 CFR 430.2 and Appendix W, and the tentative conclusion that they would not have a significant impact on test burden and measured values. DOE specifically requests comment on the proposed (a) removal of the term ''average rated life'' and addition of definitions of ''lifetime of a compact fluorescent lamp'' and ''time to failure,'' (b) removal of the terms ''initial performance values'' and ''rated luminous flux or rated lumen output,'' and addition of the terms ''initial lamp efficacy,'' ''measured initial input power,'' and ''measured initial lumen output,'' (c) clarification to the definition of ''lumen maintenance,'' (d) removal of the term ''rated supply frequency,'' (e) relabeling of the term ''rated wattage'' to ''labeled wattage'' and amendments to this definition, and (f) removal of the term ''self-ballasted compact fluorescent lamp'' and addition of definitions of ''integrated compact fluorescent lamp'' and ''non-integrated compact fluorescent lamp.''

(4) DOE requests comment on the proposed clarifications to test procedures for measuring initial lamp efficacy and lumen maintenance values.

(5) DOE requests comment on the proposed test procedures for measuring time to failure and for rapid cycle stress testing.

(6) DOE requests comment on its proposed test procedures for measuring CCT, CRI, and power factor.

(7) DOE requests comment on the proposed test procedure for start time and the proposed definitions for the terms ''start time,'' ''start plateau,'' and ''percent variability.'' DOE also requests comment on the summary of start time testing and results that can be found in the docket for this rulemaking.

(8) DOE requests comment on its proposal that integrated CFLs with medium screw bases and other base types are to follow the same test procedures.

(9) DOE requests comment on the proposed (a) requirement that non-integrated CFLs be tested using reference ballasts that meet ANSI_IEC C78.901–2014 specifications, except as noted, (b) requirement that non-integrated CFLs are to be tested at low frequency when a choice is available between low and high frequency reference ballast specifications, (c) requirement that non-integrated CFLs are to be tested on a rapid start circuit when possible, and (d) requirement that if not listed in ANSI_IEC C78.901–2014 or Appendix W, reference ballast specifications be based on existing reference ballast specifications of the most similar lamp in ANSI_IEC C78.901–2014 or for the higher wattage lamp it is intended to replace.

(10) DOE requests comment on the proposed definition of and test procedure for hybrid CFLs.

(11) DOE requests comment on its proposed test procedure for standby mode power of integrated CFLs, and on its proposal to season lamps according to requirements in the proposed active mode test procedures prior to measuring standby mode power. DOE also requests comment on its assessment that integrated CFLs can operate in standby mode but not off mode, and that non-integrated CFLs cannot operate in either standby mode or off mode.

(12) DOE requests comment on the proposed amendments to 10 CFR 430.23(y).

(13) DOE requests comment on its proposed rounding requirements for represented value of metrics.

(14) DOE requests comment on its proposed definition of the term ''compact fluorescent lamp.'' DOE also requests comment on the proposed

clarification of the term ''correlated color temperature.''

(15) DOE requests comment on its proposed incorporation by reference of eight test methods in support of the proposed new and amended test procedures for CFLs.

(16) DOE requests comment on the proposed amendments to 10 CFR 430.25.

(17) DOE requests comment on the proposed amendments to the energy conservations standards for MBCFLs at 10 CFR 430.32(u) that remove test procedures specifications and align the language with existing and proposed terminology in Appendix W and 10 CFR 429.35. DOE also requests comment on its proposed amendments to 10 CFR 429.35 regarding the existing allowance for measurement error of initial lamp efficacy for MBCFLs.

(18) DOE requests comment on the proposed changes to the certification report requirements.

(19) DOE requests comment on the proposed clarifications and amendments to sampling requirements for initial lamp efficacy, lumen maintenance, lifetime, and rapid cycle stress testing, and the tentative conclusion that they would not have a significant impact on measured values or manufacturer test burden.

(20) DOE requests comment on the proposed sampling requirements for CRI, power factor, CCT, and standby mode power, and the determination that these requirements do not increase the test burden on manufacturers.

(21) DOE requests comment on its proposed clarifications and amendments to the reuse of samples.

(22) DOE requests comment on the proposed effective date and compliance dates for the proposed new and amended CFL test procedures.

(23) DOE requests comment on its tentative conclusion that the proposed test procedure changes will not have a significant economic impact on a substantial number of small entities.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this proposed rule.

List of Subjects

10 CFR Part 429

Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on July 9, 2015.

Kathleen B. Hogan,

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

For the reasons stated in the preamble, DOE proposes to amend parts 429 and 430 of chapter II of title 10, of the Code of Federal Regulations, as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.12 is amended by revising paragraph (f) to read as follows:

§ 429.12 General requirements applicable to certification reports.

* * * * *

(f) *Discontinued model filing.* When production of a basic model has ceased and it is no longer being sold or offered for sale by the manufacturer or private labeler, the manufacturer must report this discontinued status to DOE as part of the next annual certification report following such cessation. For each basic model, the report shall include the information specified in paragraphs (b)(1) through (b)(7) of this section, except that for compact fluorescent lamps, the manufacturer must submit a full certification report, including all of the information required by paragraph (b) of this section and the product-specific information required by § 429.35(b)(2).

* * * * *

■ 3. Section 429.35 is revised to read as follows:

§ 429.35 Compact fluorescent lamps.

(a) *Determination of represented value.* Manufacturers must determine represented values, which includes the certified ratings, for each basic model of compact fluorescent lamp by testing, in conjunction with the following sampling provisions:

(1) *Units to be tested.* (i) The requirements of § 429.11(a) are applicable; and

(ii) For each basic model of CFL, the minimum number of units tested shall be no less than 10 units when testing for the initial lumen output, input power, initial lamp efficacy, lumen maintenance at 1,000 hours, lumen maintenance at 40 percent of lifetime, lifetime, CCT, CRI, power factor, and standby mode power. If more than 10 units are tested as part of the sample, the total number of units must be a multiple of 2. The same sample of units must be used as the basis for representations for initial lumen output, input power, initial lamp efficacy, lumen maintenance at 1,000 hours, lumen maintenance at 40 percent of lifetime, lifetime, CCT, CRI, power factor, and standby mode power. No less than three units from the same sample of units must be used when testing for the start time. Exactly six unique units (*i.e.,* units that have not previously been tested under this paragraph but are representative of the same basic model tested under this paragraph) must be used for rapid cycle stress testing.

(iii) For each basic model, a sample of sufficient size shall be randomly selected and tested to ensure that:

(A) Represented values of initial lumen output, initial lamp efficacy, lumen maintenance at 1,000 hours, lumen maintenance at 40 percent of lifetime, CRI, power factor, or other measure of energy consumption of a basic model for which consumers would favor higher values must be less than or equal to the lower of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

$\bar{x}$ is the sample mean,
n is the number of units in the sample, and
x_i is the i^{th} unit;

Or,

(*2*) The lower 97.5-percent confidence limit (LCL) of the true mean divided by 0.95, where:

$$LCL = \bar{x} - t_{0.975}\left(\frac{s}{\sqrt{n}}\right)$$

$\bar{x}$ is the sample mean of the characteristic value;
s is the sample standard deviation;
n is the number of units in the sample, and
$t_{0.975}$ is the t statistic for a 97.5% one-tailed confidence interval with n-1 degrees of freedom (from appendix A of this subpart).

(B) The represented value of CCT must be equal to the mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

$\bar{x}$ is the sample mean,
n is the number of units in the sample, and
x_i is the i^{th} unit.

(C) Represented values of input power, standby mode power, start time or other measure of energy consumption of a basic model for which consumers would favor lower values must be greater than or equal to the higher of:

(*1*) The mean of the sample, where:

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i$$

$\bar{x}$ is the sample mean,
n is the number of units in the sample, and
x_i is the i^{th} unit;

Or,

(*2*) The upper 97.5-percent confidence limit (UCL) of the true mean divided by 1.05, where:

$$UCL = \bar{x} + t_{0.975}\left(\frac{s}{\sqrt{n}}\right)$$

$\bar{x}$ is the sample mean of the characteristic value;
s is the sample standard deviation;
n is the number of units in the sample, and
$t_{0.975}$ is the t statistic for a 97.5% one-tailed confidence interval with n-1 degrees of freedom (from appendix A of this subpart).

(D) The represented value of lifetime is the median time to failure of the sample (calculated as the arithmetic mean of the time to failure of the two middle sample units when the numbers are sorted in value order).

(E) The represented value of the results of rapid cycle stress testing must be

(*1*) Expressed in the number of surviving units and

(*2*) Based on a lifetime value that is equal to or greater than the represented value of lifetime.

(2) The represented value of life (in years) of a compact fluorescent lamp must be calculated by dividing the lifetime of a compact fluorescent lamp by the estimated annual operating hours as specified in 16 CFR 305.15(b)(3)(iii).

(3) The represented value of the estimated annual energy cost for a compact fluorescent lamp, expressed in dollars per year, must be the product of the input power in kilowatts, an electricity cost rate as specified in 16 CFR 305.15(b)(1)(ii), and an estimated average annual use as specified in 16 CFR 305.15(b)(1)(ii).

(4) For compliance with standards specified in § 430.32(u)(1) of this chapter, initial lamp efficacy may include a 3 percent tolerance added to the value determined in accordance with paragraph (a)(1)(iii)(A) of this section.

(5) The represented value of lumen maintenance at 40 percent of lifetime must be based on a lifetime value that is equal to or greater than the represented value of lifetime.

(b) *Certification reports.* (1) The requirements of § 429.12 are applicable to bare or covered medium base compact fluorescent lamps; and

(2) Values reported in certification reports are represented values. Lifetime, lumen maintenance at 40 percent of lifetime, life, and rapid cycle stress test surviving units are estimated values until testing is complete. When reporting estimated values, the certification report must specifically describe the prediction method, which must be generally representative of the methods specified in appendix W. Manufacturers are required to maintain records per § 429.71 of the development of all estimated values and any associated initial test data. Pursuant to § 429.12(b)(13), a certification report shall include the following public product-specific information: The testing laboratory's NVLAP identification number or other NVLAP-approved accreditation identification, the seasoning time in hours (h), the initial lumen output in lumens (lm), the input power in watts (W), the initial lamp efficacy in lumens per watt (lm/W), the correlated color temperature in kelvin (K), the lumen maintenance at 1,000 hours in percent (%), the lumen maintenance at 40 percent of lifetime in percent (%), the results of rapid cycle stress testing in number of units passed, the lifetime in hours (h), and the life in years.

(c) *Rounding requirements.* For represented values,

(1) Round initial lamp efficacy to the nearest tenth of a lumen per watt.

(2) Round lumen maintenance at 1,000 hours to the nearest tenth of a percent.

(3) Round lumen maintenance at 40 percent of lifetime to the nearest tenth of a percent.

(4) Round CRI to the nearest whole number.

(5) Round power factor to the nearest hundredths place.

(6) Round lifetime to the nearest whole hour.

(7) Round CCT to the nearest 100 kelvin (K).

(8) Round standby mode power to the nearest tenth of a watt.

(9) Round start time to the nearest whole millisecond.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 4. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 5. Section 430.2 is amended by:
■ a. Revising the definition of ''correlated color temperature''; and
■ b. Adding in alphabetical order definitions of ''compact fluorescent lamp'' and ''lifetime of a compact fluorescent lamp.''

The revision and additions read as follows:

§ 430.2 Definitions.

* * * * *

Compact fluorescent lamp or CFL means an integrated or non-integrated single-base, low-pressure mercury, electric-discharge source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into light; however, the term does not include circline or U-shaped fluorescent lamps.

* * * * *

Correlated color temperature or CCT means the absolute temperature of a blackbody whose chromaticity most nearly resembles that of the light source.

* * * * *

Lifetime of a compact fluorescent lamp means the length of operating time between first use and failure of 50 percent of the sample units (as defined in § 429.35(a)(1)), in accordance with the test procedures described in section 3.3 of appendix W to subpart B of this part.

* * * * *

■ 6. Section 430.3 is amended by:
■ a. Redesignating paragraphs (d)(8) through (d)(19) as paragraphs (d)(9) through (d)(20), respectively, and adding paragraph (d)(8);
■ b. Revising paragraph (l);
■ c. Redesignating paragraph (o)(7) to be paragraph (o)(8) and adding paragraphs (o)(7), (o)(9), (o)(10), and (o)(11);
■ d. Revising paragraph (p)(4); and
■ e. Removing and reserving paragraph (v)(2).

The revisions and additions read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(d) * * *

(8) ANSI_IEC C78.901–2014, Revision of ANSI C78.901–2005 (''ANSI_IEC C78.901–2014''), American National Standard for Electric Lamps—Single-Based Fluorescent Lamps—Dimensional

and Electrical Characteristics, approved July 2, 2014; IBR approved for § 430.2 and appendix W to subpart B.

* * * * *

(l) * * *

(1) CIE 13.3–1995 (''CIE 13.3''), Technical Report: Method of Measuring and Specifying Colour Rendering Properties of Light Sources, 1995, ISBN 3 900 734 57 7; IBR approved for § 430.2 and appendices R and W to subpart B.

(2) CIE 15:2004 (''CIE 15''), Technical Report: Colorimetry, 3rd edition, 2004, ISBN 978 3 901906 33 6; IBR approved for appendices R and W to subpart B.

* * * * *

(o) * * *

(7) IES LM–54–12, IES Guide to Lamp Seasoning, approved October 22, 2012; IBR approved for appendix W to subpart B.

* * * * *

(9) IES LM–65–14, IES Approved Method for Life Testing of Single-Based Fluorescent Lamps, approved December 30, 2014; IBR approved for appendix W to subpart B.

(10) IES LM–66–14, IES Approved Method for the Electrical and Photometric Measurements of Single-Based Fluorescent Lamps, except Annexes A, B and C, approved December 30, 2014; IBR approved for appendix W to subpart B.

(11) IESNA LM–78–07, IESNA Approved Method for Total Luminous Flux Measurement of Lamps Using an Integrating Sphere Photometer, approved January 28, 2007; IBR approved for appendix W to subpart B.

* * * * *

(p) * * *

(4) IEC 62301 (''IEC 62301''), Household electrical appliances—Measurement of standby power, (Edition 2.0, 2011–01); IBR approved for appendices C1, D1, D2, G, H, I, J2, N, O, P, W, and X1 to subpart B.

* * * * *

(v) * * *

(2) [Reserved]

■ 7. Section 430.23 is amended by revising paragraph (y) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(y) *Compact fluorescent lamps.* (1) Measure initial lumen output in accordance with section 3.2 of appendix W to this subpart.

(2) Measure input power in accordance with section 3.2 of appendix W to this subpart.

(3) Measure lamp initial lamp efficacy in accordance with section 3.2 of appendix W to this subpart.

(4) Measure lamp lumen maintenance at 1,000 hours in accordance with section 3.2 of appendix W to this subpart.

(5) Measure lamp lumen maintenance at 40 percent of lifetime of a compact fluorescent lamp (as defined in 10 CFR 430.2) in accordance with section 3.2 of appendix W to this subpart.

(6) Measure lamp color rendering index (CRI) in accordance with section 3.2 of appendix W to this subpart.

(7) Measure lamp correlated color temperature (CCT) in accordance with section 3.2 of appendix W to this subpart.

(8) Measure lamp power factor in accordance with section 3.2 of appendix W to this subpart.

(9) Measure lamp time to failure in accordance with section 3.3 of appendix W to this subpart, and express time to failure in hours.

(10) Conduct the rapid cycle stress test in accordance with section 3.3 of appendix W to this subpart.

(11) Measure lamp start time in accordance with section 3.4 of appendix W to this subpart.

(12) Measure lamp standby mode power in accordance with section 4 of appendix W to this subpart.

■ 8. Section 430.25 is revised to read as follows:

§ 430.25 Laboratory Accreditation Program.

The testing for general service fluorescent lamps, general service incandescent lamps (with the exception of lifetime testing), incandescent reflector lamps, compact fluorescent lamps, and fluorescent lamp ballasts must be conducted by test laboratories accredited by an Accreditation Body that is a signatory member to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA). A manufacturer's or importer's own laboratory, if accredited, may conduct the applicable testing.

■ 9. Appendix W to subpart B of part 430 is revised to read as follows:

Appendix W to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Compact Fluorescent Lamps

Note: Before January 27, 2016, any representations, including certifications of compliance, made with respect to the energy use or efficiency of medium base compact fluorescent lamps must be made in accordance with the results of testing pursuant either to this appendix, or to the applicable test requirements set forth in 10 CFR parts 429 and 430 as they appeared in the 10 CFR parts 200 to 499 annual edition revised as of January 1, 2015.

On or after January 27, 2016, any representations, including certifications of compliance (if required), made with respect to the energy use or efficiency of CFLs must be made in accordance with the results of testing pursuant to this appendix.

1. Scope

1.1. This appendix specifies the test methods required to measure the initial lamp efficacy, lumen maintenance at 1,000 hours, lumen maintenance at 40 percent of lifetime of a compact fluorescent lamp (as defined in 10 CFR 430.2), time to failure, power factor, correlated color temperature (CCT), color rendering index (CRI), and start time, and to conduct rapid cycle stress testing, of CFLs.

1.2. This appendix also provides test requirements applicable to integrated CFLs capable of operation in standby mode (as defined in § 430.2), such as those that can be controlled wirelessly.

2. Definitions

2.1. *Ballasted adapter* means a ballast that is not permanently attached to a CFL, has no consumer-replaceable components, and serves as an adapter by incorporating both a lamp socket and a lamp base.

2.2. *Hybrid compact fluorescent lamp* means a CFL that incorporates one or more supplemental light sources of different technology.

2.3. *Initial lamp efficacy* means the lamp efficacy (as defined in § 430.2) at the end of the seasoning period, as calculated pursuant to section 3.2.2.9 of this appendix.

2.4. *Integrated compact fluorescent lamp* means an integrally ballasted CFL that contains all components necessary for the starting and stable operation of the lamp, contains an ANSI standard base, does not include any replaceable or interchangeable parts, and is capable of being connected directly to a branch circuit through a corresponding ANSI standard lamp-holder (socket).

2.5. *Labeled wattage* means the highest wattage marked on the lamp and/or lamp packaging.

2.6. *Lumen maintenance* means the lumen output measured at a given time in the life of the lamp and expressed as a percentage of the measured initial lumen output, respectively.

2.7. *Measured initial input power* means the root mean square (RMS) input power to the lamp, measured at the end of the lamp seasoning period, and expressed in watts (W).

2.8. *Measured initial lumen output* means the lumen output of the lamp measured at the end of the lamp seasoning period, expressed in lumens (lm).

2.9. *Non-integrated compact fluorescent lamp* means a CFL that is not an integrated CFL.

2.10. *Percent variability* means the range (calculated by subtracting the minimum from the maximum) expressed as a percentage of the mean for the contiguous set of separate lumen output measurements spanning the specified time period, where each measurement is the average value of the sampled waveform over an interval corresponding to one full cycle of sinusoidal input voltage.

2.11. *Power factor* means the measured RMS input power (watts) divided by the product of the measured RMS input voltage (volts) and the measured RMS input current (amps).

2.12. *Start plateau* means the first 100 millisecond period of operation during which the percent variability does not exceed 5 percent and the average measured lumen output is at least 10 percent of the measured initial lumen output.

2.13. *Start time* means the time, measured in milliseconds, between the application of power to the CFL and the point when the measured full-cycle lumen output (the average value of the sampled waveform over an interval corresponding to one full cycle of sinusoidal input voltage) reaches 98 percent of the average measured lumen output of the start plateau.

2.14. *Time to failure* means the time elapsed between first use and the point at which the CFL ceases to produce measureable lumen output.

3. Active Mode Test Procedures

3.1. General Instructions.

3.1.1. Maintain lamp operating orientation throughout seasoning and testing, including storage and handling between tests.

3.1.2. Season CFLs prior to photometric and electrical testing in accordance with sections 4, 5, 6.1, and 6.2.2.1 of IES LM–54–12 (incorporated by reference, see § 430.3).

3.1.2.1. Unit operating time during seasoning may be counted toward time to failure, lumen maintenance at 40 percent of lifetime of a compact fluorescent lamp (as defined in § 430.2), and lumen maintenance at 1,000 hours if the required operating cycle and test conditions for time to failure testing per section 3.3 of this appendix are satisfied.

3.1.2.2. If a lamp breaks, becomes defective, fails to stabilize, exhibits abnormal behavior (such as swirling), or stops producing light prior to the end of the seasoning period, the lamp must be replaced with a new unit. If a lamp exhibits one of the conditions listed in the previous sentence after the seasoning period, the lamp's measurements must be included in the sample.

3.1.3. Conduct all testing with the lamp operating at labeled wattage and with no dimmer in the circuit. This requirement applies to all integrated CFLs, including those that are dimmable or multi-level.

3.1.4. Operate the CFL at the rated input voltage throughout testing. For a CFL with multiple rated input voltages including 120 volts, operate the CFL at 120 volts. If a CFL with multiple rated input voltages is not rated for 120 volts, operate the CFL at the highest rated input voltage.

3.1.5. Test CFLs packaged with ballasted adapters or designed exclusively for use with ballasted adapters as non-integrated CFLs, with no ballasted adapter in the circuit.

3.1.6. Conduct all testing of hybrid CFLs with all supplemental light sources in the lamp turned off, if possible. Before taking measurements, verify that the lamp has stabilized in the operating mode that corresponds to its labeled wattage.

3.2. Test Procedures for Determining Initial Lamp Efficacy, Lumen Maintenance, CCT, CRI, and Power Factor

Use the test procedures specified in IES LM–66–14 (incorporated by reference; see § 430.3) where those procedures do not conflict with the test procedures specified in this section. Determine initial lamp efficacy, lumen maintenance at 1,000 hours, lumen maintenance at 40 percent of lifetime of a compact fluorescent lamp (as defined in § 430.2), CCT, and CRI for integrated and non-integrated CFLs. Determine power factor for integrated CFLs only.

3.2.1. Test Conditions and Setup

3.2.1.1. Test half of the units in the sample in the base-up position, and half of the units in the base-down position; if the position is restricted by the manufacturer, test the units in the manufacturer-specified position.

3.2.1.2. Establish the ambient conditions, power supply, auxiliary equipment, circuit setup, lamp connections, and instrumentation in accordance with the specifications in sections (and corresponding subsections) 4.0, 5.0 and 6.0 of IES LM–66–14 (incorporated by reference; see § 430.3). The following exceptions apply:

3.2.1.2.1. Maintain ambient temperature at 25 °C ±1 °C (77 °F ±1.8 °F).

3.2.1.3. Non-integrated CFLs must adhere to the ballast requirements in section 5.2 of IES LM–66–14 (incorporated by reference; see § 430.3).

3.2.1.3.1. Test non-integrated lamps rated for operation on a choice of low frequency or high frequency circuits (*e.g.,* many preheat lamps) at low frequency.

3.2.1.3.2. Test non-integrated lamps rated for operation on a choice of preheat (starter) or rapid start (no starter) circuits on rapid start.

3.2.1.3.3. Test non-integrated lamps rated for operation on a choice of instant start (shunted) or rapid start (non-shunted) circuits on rapid start.

3.2.1.3.4. Operate non-integrated CFLs not listed in ANSI_IEC C78.901–2014 (incorporated by reference; see § 430.3) using the following reference ballast settings:

3.2.1.3.4.1. Operate 25–28 W, T5 twin 2G11-based lamps that are lower wattage replacements of the 40 W, T5 twin 2G11-based lamps using the following reference ballast settings: 400 volts, 0.270 amps, and 1240 ohms.

3.2.1.3.4.2. Operate 14–15 W, T4 quad G24q-2-based lamps using the following reference ballast settings: 220 volts, 0.220 amps, and 815 ohms.

3.2.1.3.4.3. Operate 21 W, T4 quad G24q-3-based lamps using the following reference ballast settings: 220 volts, 0.315 amps, and 546 ohms.

3.2.1.3.4.4. Operate 21 W, T4 quad G24d-3-based lamps using the following reference ballast settings: 220 volts, 0.315 amps, and 546 ohms.

3.2.1.3.4.5. Operate 21 W, T4 multi (6) GX24q-3-based lamps using the following reference ballast settings: 220 volts, 0.315 amps, and 546 ohms.

3.2.1.3.4.6. Operate 27–28 W, T4 multi (6) GX24q-3-based lamps using the following reference ballast settings: 200 volts, 0.320 amps, and 315 ohms.

3.2.1.3.4.7. Operate 33–38 W, T4 multi (6) GX24q-4-based lamps using the following reference ballast settings: 270 volts, 0.320 amps, and 420 ohms.

3.2.1.3.4.8. Operate 10 W, T4 square GR10q-4-based lamps using the following reference ballast settings: 236 volts, 0.165 amps, and 1,200 ohms.

3.2.1.3.4.9. Operate 16 W, T4 square GR10q-4-based lamps using the following reference ballast settings: 220 volts, 0.195 amps, and 878 ohms.

3.2.1.3.4.10. Operate 21 W, T4 square GR10q-4-based lamps using the following reference ballast settings: 220 volts, 0.260 amps, and 684 ohms.

3.2.1.3.4.11. Operate 28 W, T6 square GR10q-4-based lamps using the following reference ballast settings: 236 volts, 0.320 amps, and 578 ohms.

3.2.1.3.4.12. Operate 38 W, T6 square GR10q-4-based lamps using the following reference ballast settings: 236 volts, 0.430 amps, and 439 ohms.

3.2.1.3.4.13. Operate 55 W, T6 square GRY10q-3-based lamps using the following reference ballast settings: 236 volts, 0.430 amps, and 439 ohms.

3.2.1.3.4.14. For all other lamp designs not listed in ANSI_IEC C78.901–2014 or in section 3.2.1.3.4 of this appendix:

3.2.1.3.4.14.1. If the lamp is a lower wattage replacement of a lamp with specifications in ANSI_IEC C78.901–2014, use the reference ballast specifications of the corresponding higher wattage lamp replacement in ANSI_IEC C78.901–2014.

3.2.1.3.4.14.2. For all other lamps, use the reference ballast specifications in ANSI_IEC C78.901–2014 for a lamp with the most similar shape, diameter, and base specifications, and next closest wattage.

3.2.2. Test Methods, Measurements, and Calculations

3.2.2.1. Season CFLs as specified in section 3.1.2 of this appendix.

3.2.2.2. Stabilize CFLs as specified in section 6.2.1 of IES LM–66–14 (incorporated by reference; see § 430.3).

3.2.2.3. Measure the input power (in watts), the input voltage (in volts), and the input current (in amps) as specified in section 5.2 of IES LM–66–14 (incorporated by reference; see § 430.3).

3.2.2.4. Measure initial lumen output as specified in section 6.3.1 of IES LM–66–14 (incorporated by reference; see § 430.3) and in accordance with IESNA LM–78–07 (incorporated by reference; see § 430.3).

3.2.2.5. Measure lumen output at 1,000 hours as specified in section 6.3.1 of IES LM–66–14 (incorporated by reference; see § 430.3) and in accordance with IESNA LM–78–07 (incorporated by reference; see § 430.3).

3.2.2.6. Measure lumen output at 40 percent of lifetime of a compact fluorescent lamp (as defined in 10 CFR 430.2) as specified in section 6.3.1 of IES LM–66–14 (incorporated by reference; see § 430.3) and in accordance with IESNA LM–78–07 (incorporated by reference; see § 430.3).

3.2.2.7. Measure CCT as specified in section 6.4 of IES LM–66–14 (incorporated by reference; see § 430.3) and in accordance with CIE 15:2004 (incorporated by reference; see § 430.3).

3.2.2.8. Measure CRI as specified in section 6.4 of IES LM–66–14 (incorporated by reference; see § 430.3) and in accordance with CIE 13.3–1995 (incorporated by reference; see § 430.3).

3.2.2.9. Determine initial lamp efficacy by dividing measured initial lumen output by the measured initial input power.

3.2.2.10. Determine lumen maintenance at 1,000 hours by dividing measured lumen output at 1,000 hours by the measured initial lumen output.

3.2.2.11. Determine lumen maintenance at 40 percent of lifetime of a compact fluorescent lamp (as defined in § 430.2) by dividing measured lumen output at 40 percent of lifetime of a compact fluorescent lamp (as defined in § 430.2) by the measured initial lumen output.

3.2.2.12. Determine power factor by dividing the measured RMS input power (watts) by the product of measured RMS input voltage (volts) and measured RMS input current (amps).

3.3. Test Method for Time to Failure and Rapid Cycle Stress Test

Use the test procedures specified in IES LM–65–14 (incorporated by reference; see § 430.3) where those procedures do not conflict with the test procedures specified in this section. Disregard section 3 of IES LM–65–14. Determine time to failure and conduct rapid cycle stress testing for integrated and non-integrated CFLs.

3.3.1. Test Conditions and Setup

3.3.1.1. Test half of the units in the base up position and half of the units in the base down position; if the position is restricted by the manufacturer, test in the manufacturer specified position.

3.3.1.2. Establish the ambient and physical conditions and electrical conditions in accordance with the specifications in sections 4.0 and 5.0 of IES LM–65–14 (incorporated by reference; see § 430.3). The following exceptions apply:

3.3.1.2.1. Do not test lamps in fixtures or luminaires.

3.3.1.3. Non-integrated CFLs must adhere to ballast requirements as specified in section 3.2.1.3 of this appendix.

3.3.2. Test Methods and Measurements

3.3.2.1. Season CFLs as specified in section 3.1.2 of this appendix.

3.3.2.2. Measure time to failure of CFLs as specified in section 6.0 of IES LM–65–14 (incorporated by reference; see § 430.3).

3.3.2.3. Conduct rapid cycle stress testing of CFLs as specified in section 6.0 of IES LM–65–14 (incorporated by reference; see § 430.3), except cycle the lamp continuously with each cycle consisting of one 5-minute ON period followed by one 5-minute OFF period.

3.4. Test Method for Start Time.

Use the test procedures specified in IES LM–66–14 (incorporated by reference; see § 430.3) where those procedures do not conflict with the test procedures specified in this section. Determine start time for integrated CFLs only.

3.4.1. Test Conditions and Setup

3.4.1.1. Test all units in the base up position; if the position is restricted by the manufacturer, test units in the manufacturer specified position.

3.4.1.2. Establish the ambient conditions, power supply, auxiliary equipment, circuit setup, lamp connections, and instrumentation in accordance with the specifications in sections 4.0, 5.0 and 6.0 of IES LM–66–14 (incorporated by reference; see § 430.3). The following exceptions apply:

3.4.1.2.1. Maintain ambient temperature at 25 °C ±1 °C (77 °F ±1.8 °F).

3.4.2. Test Methods and Measurement

3.4.2.1. Season CFLs as specified in section 3.1.2 of this appendix.

3.4.2.2. After seasoning, store units at 25 °C ±5 °C ambient temperature for a minimum of 16 hours prior to the test, after which the ambient temperature must be 25 °C ±1 °C for a minimum of 2 hours immediately prior to the test. Any units that have been off for more than 24 hours must be operated for 3 hours and then be turned off for 16 to 24 hours prior to testing.

3.4.2.3. Measure lumen output as specified in section 3.2.2.4 of this appendix.

3.4.2.4. Connect multichannel oscilloscope with data storage capability to record input voltage to CFL and lumen output. Set oscilloscope to trigger at 10 V lamp input voltage. Set oscilloscope vertical scale such that vertical resolution is 1 percent of measured initial lumen output or finer. Set oscilloscope to sample the lumen output waveform at a minimum rate of 2 kHz.

3.4.2.5. Apply rated voltage and frequency to CFL.

3.4.2.6. Upon trigger for start time testing, record sampled lumen output waveform until the measured full-cycle lumen output has reached the start plateau. Determine the start plateau as defined in this appendix.

3.4.2.7. Calculate the measured full-cycle lumen output as a moving average, whereby values are determined at least once every millisecond and each value represents the full-cycle interval in which it is centered. Measure input voltage and start time.

4. Standby Mode Test Procedure

Use the test procedures specified in IEC 62301 (incorporated by reference; see § 430.3) where those procedures do not conflict with the test procedures specified in this section. Measure standby mode power only for integrated CFLs that are capable of standby mode operation.

4.1. Test Conditions and Setup

4.1.1. Test half of the units in the sample in the base up position and half of the units in the base down position; if the position is restricted by the manufacturer, test units in the manufacturer specified position.

4.1.2. Maintain ambient temperature at 25 °C ±1 °C (77 °F ±1.8 °F).

4.1.3. Ambient airflow must be maintained in accordance with section 4.4 of IES LM–66–14 (incorporated by reference, see § 430.3).

4.2. Test Methods and Measurements

4.2.1. Season CFLs as specified in section 3.1.2 of this appendix.

4.2.2. Utilize the methodology for measuring power consumption specified in section 5 of IEC 62301 (incorporated by reference; see § 430.3) for the testing of standby mode power.

4.2.3. Standby mode is initiated when the CFL is connected to the power supply and lumen output is zero.

■ 10. Section 430.32 is amended by revising paragraph (u) to read as follows:

§ 430.32 Energy and water conservation standards and their effective dates.

* * * * *

(u) *Compact fluorescent lamps*—(1) *Medium base compact fluorescent lamps.* A bare or covered (no reflector) medium base compact fluorescent lamp manufactured on or after January 1, 2006, must meet the following requirements:

Factor	Requirements
Labeled Wattage (Watts) & Configuration *	Measured initial lamp efficacy (lumens per watt) must be at least:
Bare Lamp:	
Labeled Wattage < 15	45.0.
Labeled Wattage ≥ 15	60.0.
Covered Lamp (no reflector):	
Labeled Wattage < 15	40.0.
15 ≤ Labeled Wattage < 19	48.0.
19 ≤ Labeled Wattage < 25	50.0.
Labeled Wattage ≥ 25	55.0.
Lumen Maintenance at 1,000 Hours	≥90.0%.
Lumen Maintenance at 40 Percent of Lifetime	≥80.0%.
Rapid Cycle Stress Test	Each lamp must be cycled once for every 2 hours of lifetime of compact fluorescent lamp as defined in § 430.2. At least 5 lamps *must meet or exceed* the minimum number of cycles.

Factor	Requirements
Lifetime	≥6,000 hours.

* Use labeled wattage to determine the appropriate efficacy requirements in this table; do not use measured wattage for this purpose.

(2) [Reserved]

* * * * *

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Part III

Department of Energy

10 CFR Parts 429 and 431

Energy Conservation Program: Test Procedure for Refrigerated Bottled or Canned Beverage Vending Machines; Final Rule

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 431

[Docket No. EERE–2013–BT–TP–0045]

RIN 1904–AD07

Energy Conservation Program: Test Procedure for Refrigerated Bottled or Canned Beverage Vending Machines

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

ACTION: Final rule.

SUMMARY: On August 11, 2014, the U.S. Department of Energy (DOE) issued a notice of proposed rulemaking (NOPR) to amend the test procedure for refrigerated bottled or canned beverage vending machines (beverage vending machines or BVMs). That proposed rulemaking serves as the basis for the final rule. In this final rule, DOE is reorganizing its test procedure for beverage vending machines into an Appendix A, which will be mandatory for equipment testing beginning 180 days after the final rule is published in the **Federal Register**, and an Appendix B, which will be mandatory for equipment testing to demonstrate compliance with any amended energy conservation standards arising out of DOE's ongoing BVM energy conservation standards rulemaking. Specifically, Appendix A includes amendments that update the referenced test method to ANSI/ASHRAE Standard 32.1–2010, eliminate the requirement to test at the 90 °F ambient test condition, establish a provision for testing at the lowest application product temperature, and adopt several amendments and clarifications to the DOE test procedure to improve the repeatability and remove ambiguity from the current BVM test procedure, as established by DOE in the 2006 BVM test procedure final rule. Appendix B contains all the amendments included in Appendix A and, in addition, incorporates provisions to account for the impact of low power modes on measured daily energy consumption (DEC). Finally, DOE is adopting in this final rule several clarifications regarding the certification and reporting requirements for beverage vending machines.

DATES: The effective date of this rule is August 31, 2015. Compliance with Appendix A to subpart Q of 10 CFR part 431 will be mandatory for representations made on or after January 27, 2016. Compliance with Appendix B to subpart Q of 10 CFR part 431 will be mandatory for representations made on or after the compliance date of any amended energy conservation standards. (Docket No. EERE–2013–BT–STD–0022). DOE will publish a document in the **Federal Register** announcing the compliance date for Appendix B to subpart Q of 10 CFR part 431. The incorporation by reference of certain publications listed in this rule was approved by the Director of the Federal Register as of August 31, 2015.

ADDRESSES: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at regulations.gov. All documents in the docket are listed in the regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/24.* This Web page will contain a link to the docket for this document on the regulations.gov site. The regulations.gov Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

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SUPPLEMENTARY INFORMATION: This final rule incorporates by reference into 10 CFR part 431 the testing methods contained in the following commercial standards:

(1) ANSI/ASHRAE Standard 32.1–2010, ''Methods of Testing for Rating Vending Machines for Sealed Beverages,'' approved July 23, 2010.

Copies of ASHRAE standards may be purchased from the American Society of Heating, Refrigerating and Air-Conditioning Engineers; 1791 Tullie Circle NE., Atlanta, GA 30329, 404–636–8400, or *www.ashrae.org.*

See section IV.N. for additional information on this standard.

Table of Contents

I. Authority and Background

A. Authority

Title III, Part B [1] 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.'' [2] These include refrigerated bottled or canned beverage vending machines (''beverage vending machines'' or BVMs), the subject of this document. (42 U.S.C. 6295(v)) [3]

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The Secretary or the Federal Trade Commission, as appropriate, may prescribe labeling requirements for beverage vending machines. (42 U.S.C. 6294(a)(5)(A)) The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) making representations about the efficiency of those products. Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA.

EPCA requires the test procedure for beverage vending machines to be based on ANSI/ASHRAE Standard 32.1–2004. (42 U.S.C. 6293(b)(15)) In addition, under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA provides that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results that measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) EPCA also provides that the Secretary of Energy (Secretary) shall review test procedures for all covered products at least once every 7 years, and either amend the test procedures (if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of 42 U.S.C. 6293(b)(3)) or publish a determination in the **Federal Register** not to amend them. (42 U.S.C. 6293(b)(1)(A))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish the proposed test procedure and offer the public an opportunity to present oral and written comments on it. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency of any covered product as determined under the existing test procedure. (42 U.S.C. 6293(e)(1))

Pursuant to DOE's obligations under EPCA, DOE reviewed the BVM test procedure at 10 CFR 431.294 and determined that the test procedure could be amended to improve the accuracy of the test procedure for beverage vending machines and to incorporate new technology features. As such, on August 11, 2014, DOE published a notice of proposed rulemaking (NOPR) proposing amendments to its test procedure (2014 BVM test procedure NOPR). 79 FR 46908. These proposed amendments were presented at the BVM test procedure NOPR public meeting held on September 16, 2014. DOE received written and verbal comments in response to the 2014 BVM test procedure NOPR at the NOPR public meeting as well as throughout the comment period. The amendments adopted in this final rule respond to and reflect upon those comments.

This final rule also fulfills DOE's obligation to periodically review its test procedures under 42 U.S.C. 6293(b)(1)(A). DOE anticipates that its next evaluation of this test procedure will occur in a manner consistent with the timeline set out in this provision.

DOE also reviewed the adopted amendments to determine whether they would have an impact on the measured energy consumption of covered beverage vending machines. DOE has determined that the test procedure amendments incorporating provisions to account for low power modes will change the measured energy use of beverage vending machines when compared to the current BVM test procedure, as established by DOE in the 2006 BVM test procedure final rule (subsequent references to DOE's ''current test procedure'' for beverage vending machines in this document refer to the test procedure established by DOE in the 2006 BVM test procedure final rule as it existed at 10 CFR 431.294 in the edition of 10 CFR parts 200 to 499 revised as of January 1, 2015). Therefore, DOE is considering the impacts of these changes as part of its standards rulemaking for beverage vending machines (''BVM energy conservation standards rulemaking,'' Docket No. EERE–2013–BT–STD–0022) and will not require use of these test procedure provisions (contained in Appendix B) until the compliance date of any amended standards set as a result of that rulemaking.

B. Background

EPCA requires the test procedure for beverage vending machines to be based on American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 32.1–2004 (ANSI/ASHRAE Standard 32.1–2004), ''Methods of Testing for Rating Vending Machines for Bottled, Canned or Other Sealed Beverages.'' (42 U.S.C. 6293(b)(15)) In December 2006, DOE published a final rule establishing a test procedure for beverage vending machines, among other products and equipment (the 2006 BVM test procedure final rule). 71 FR 71340, 71355 (Dec. 8, 2006). In that final rule, consistent with 42 U.S.C. 6293(b)(15), DOE adopted ANSI/ASHRAE Standard 32.1–2004 as the DOE test procedure, except that DOE modified ANSI/ASHRAE Standard 32.1–2004 to require parties to test equipment with dual nameplate voltages at the lower of the two voltages only. 71 FR at 71355.

ANSI/ASHRAE Standard 32.1–2004 specifies a method for determining the capacity of vending machines, referred to as ''vendible capacity,'' which is

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[2] All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act of 2015, Public Law 114–11 (Apr. 30, 2015).

[3] Because Congress included beverage vending machines in Part A of Title III of EPCA, the consumer product provisions of Part A (not the industrial equipment provisions of Part A–1) apply to beverage vending machines. DOE placed the regulatory requirements specific to beverage vending machines in Title 10 of the Code of Federal Regulations (CFR), part 431, ''Energy Efficiency Program for Certain Commercial and Industrial Equipment'' as a matter of administrative convenience based on their type and will refer to beverage vending machines as ''equipment'' throughout this document because of their placement in 10 CFR part 431. Despite the placement of beverage vending machines in 10 CFR part 431, the relevant provisions of Title A of EPCA and 10 CFR part 430, which are applicable to all product types specified in Title A of EPCA, are applicable to beverage vending machines. See 74 FR 44914, 44917 (Aug. 31, 2009). In this test procedure final rule, DOE is clarifying the relevant authority for beverage vending machines by modifying 10 CFR 431.291 to specify that the regulatory provisions of 10 CFR 430.33 and 430.34 and subparts D and E of 10 CFR part 430 are applicable to beverage vending machines. DOE notes that because the procedures in Parts 430 and 431 for petitioning DOE for obtaining a test procedure waiver are substantively the same (79 FR 26591, 26601(May 9, 2014)), the regulations for applying for a test procedure waiver for beverage vending machines are those found at 10 CFR 431.401 rather than those found at 430.27.

essentially the maximum number of standard sealed beverages a vending machine can hold for sale. In the 2006 BVM test procedure final rule, however, DOE adopted the ''refrigerated volume'' measure in section 5.2, ''Refrigerated Volume Calculation,'' of ANSI/Association of Home Appliance Manufacturers (AHAM) HRF–1–2004 (ANSI/AHAM HRF–1–2004) in addition to the ''vendible capacity'' measure, as referred to in ANSI/ASHRAE Standard 32.1–2004. 71 FR at 71355. DOE adopted ''refrigerated volume'' as the primary measure of capacity for beverage vending machines because of the variety of dispensing mechanisms and storage arrangements among similar machines that may lead to potentially different refrigerated volumes for different machines with the same vendible capacity. In addition, EPCA has historically used upper limits on energy use as a function of volume for the purposes of establishing energy conservation standards for refrigeration equipment. *Id.*

In the 2006 BVM test procedure final rule, DOE determined that section 5.2 of ANSI/AHAM HRF–1–2004, which addresses the measurement of refrigerated volume in household freezers, is also applicable to beverage vending machines and is more appropriate than the language for measurement of volume in household refrigerators of section 4.2 of ANSI/AHAM HRF–1–2004. Specifically, section 5.2 of ANSI/ASHRAE Standard 32.1–2004 includes provisions for specific compartments and features that are typically found in beverage vending machines, which are similar to compartments and features found in freezers. Therefore, DOE adopted ''refrigerated volume'' in lieu of ''vendible capacity'' as the dimensional metric for beverage vending machines in the 2006 BVM test procedure final rule. *Id.*

Since the publication of the 2006 BVM test procedure final rule, ASHRAE and AHAM have both published updated test standards. The most recent edition of the ASHRAE 32.1 test method is ANSI/ASHRAE Standard 32.1–2010, which includes changes that align ANSI/ASHRAE Standard 32.1–2010 with the nomenclature and methodology used in the 2006 BVM test procedure final rule (71 FR at 71355) and the 2009 BVM energy conservation standards final rule (74 FR 44914 (Aug. 31, 2009)). The most recent version of the AHAM HRF–1 test standard, AHAM HRF–1–2008, changes and reorganizes some sections for simplicity and usability, including the section relevant to measuring refrigerated volume of beverage vending machines.

DOE reviewed these updated industry standards and proposed in the 2014 BVM test procedure NOPR to, among other things, incorporate by reference ANSI/ASHRAE 32.1–2010, with minor modifications, as the DOE test procedure for beverage vending machines, for both determining daily energy consumption (DEC) and refrigerated volume. Specifically, DOE proposed to adopt Appendix C of ANSI/ASHRAE Standard 32.1–2010 for determining refrigerated volume and proposed to remove ANSI/AHAM HRF–1–2004 from the documents incorporated by reference in 10 CFR 431.293. 79 FR 46908, 46911–46912 (Aug. 11, 2014). In addition to updating the BVM test procedure to incorporate by reference the latest industry standards, DOE also proposed a number of other amendments to clarify DOE's BVM regulations, remove ambiguity from the BVM test procedure, and adopt provisions to account for low power modes in the measured DEC. 79 FR 46908.

II. Synopsis of the Final Rule

This final rule amends the DOE test procedure for beverage vending machines to clarify and remove ambiguity from the procedure, as well as incorporate several amendments that account for updated industry test methods and new equipment features. This final rule also reorganizes the DOE test procedure for beverage vending machines into an Appendix A to subpart Q of 10 CFR part 431, which will be mandatory for representations made starting 180 days after the final rule is published in the **Federal Register**, and an Appendix B, that will be mandatory for equipment testing to demonstrate compliance with any amended energy conservation standards adopted as a result of the BVM energy conservation standards rulemaking. (Docket No. EERE–2013–BT–STD–0022)

Appendix A includes amendments that (1) update the referenced test method to ANSI/ASHRAE Standard 32.1–2010, (2) incorporate amendments to clarify several ambiguities in the ANSI/ASHRAE Standard 32.1–2010, (3) eliminate the requirement to test at the 90 °F ambient test condition, (4) clarify the test procedure for combination vending machines, (5) clarify the requirements for loading of BVM units under the DOE test procedure, (6) specify the characteristics of a standard test package, (7) clarify the average next-to-vend beverage temperature test condition, (8) specify placement of thermocouples during the DOE test procedure, (9) establish provisions for testing at the lowest application product temperature, (10) clarify the treatment of certain accessories during the DOE test procedure, and (11) clarify the certification and reporting requirements for covered beverage vending machines. DOE has concluded that these amendments will serve to clarify the test procedure. As such, and as noted above, these clarifications and amendments are mandatory for representations made starting 180 days after the final rule is published in the **Federal Register**, and manufacturers will be required to use Appendix A to demonstrate compliance with existing energy conservation standards for beverage vending machines after that date. If desired, manufacturers may elect to begin using Appendix A on the effective date of this final rule, 30 days after publication in the **Federal Register**, instead of the existing BVM test procedure requirements in 10 CFR 431.294 as it appeared in the 10 CFR parts 200 to 499 edition revised as of January 1, 2015.

Appendix B includes all provisions of Appendix A, as well as provisions to account for the impact of low power modes on the measured DEC of beverage vending machines. Appendix B is intended to be used to demonstrate compliance with any amended energy conservation standards for beverage vending machines established as part of the parallel BVM energy conservation standards rulemaking. (Docket No. EERE–2013–BT–STD–0022) Manufacturers will be required to use the test procedure adopted in Appendix B to demonstrate compliance with any future DOE energy conservation standards for beverage vending machines, as well as for labeling or other representations as to the energy use of refrigerated beverage vending machines, beginning on the compliance date of any final rule establishing amended energy conservation standards for beverage vending machines.

Prior to the compliance date of any such amended energy conservation standards, manufacturers must continue to use the test procedure found in Appendix A to demonstrate compliance with existing DOE energy conservation standards and for representations concerning the energy use of refrigerated beverage vending machines. However, manufacturers may elect to use the amended test procedure in Appendix B established as a result of this rulemaking to demonstrate compliance with any future, amended standards prior to the compliance date of such standards. Manufacturers who choose to use the amended test procedure in Appendix B early must

ensure that their equipment satisfies any applicable amended energy conservation standards established as a result of the BVM energy conservation standards rulemaking. In other words, a manufacturer may elect to use the test procedure in Appendix B prior to the established compliance date of any amended energy conservation standards to make representations with respect to the energy use of a basic model only if it also elects to certify compliance with the amended energy conservation standards.

Finally, DOE is amending 10 CFR 429.52(b) with regard to reporting requirements for beverage vending machines, including a clarifying amendment that the reported energy consumption value for beverage vending machines is based on the DEC measured in accordance with the test procedure. Similarly, DOE is amending the introductory language found in 10 CFR 431.296 to clarify the applicability of the DEC to the energy conservation standards listed in that section.

III. Discussion

In this BVM final rule, DOE is adopting several amendments to subpart Q of 10 CFR part 431 to (1) clarify the scope of DOE's BVM regulations, (2) incorporate several new definitions relevant to testing beverage vending machines, (3) update the industry test methods incorporated by reference into the DOE test procedure, (4) update and clarify DOE's test procedure for beverage vending machines, and (5) clarify the language describing the energy conservation standards for beverage vending machines for the purposes of reporting the DEC determined in accordance with the test procedure. DOE is also clarifying how the DEC measured in accordance with the test procedure is reported to DOE in accordance with 10 CFR 429.52(b). The amendments adopted in this final rule are summarized in Table III.1 and discussed in more detail in the subsequent sections of this final rule, as noted in the table.

TABLE III.1—SUMMARY OF AMENDMENTS ADOPTED IN THIS FINAL RULE, THEIR LOCATION WITHIN THE CODE OF FEDERAL REGULATIONS (CFR), AND THE APPLICABLE PREAMBLE DISCUSSION

CFR location	Topic	Summary of amendments	Applicable preamble discussion
10 CFR 429.52(b)	Reporting Requirements	Amend reporting requirements to reflect amendments incorporated in Appendices A and B.	Section III.C.2.
10 CFR 431.291	Scope	Clarify applicability of 10 CFR 430.33 and 430.34 and subparts D and E of 10 CFR part 430 to beverage vending machines.	Section III.C.1.
10 CFR 431.292	Definitions	Incorporate new definitions pertinent to testing beverage vending machines.	Section III.A.7 and III.A.10.
10 CFR 431.293	Incorporation by Reference	Update industry standards incorporated by reference in the DOE test procedure to reflect the latest versions.	Section III.A.1.
10 CFR 431.294	Test Procedure	Reorganize BVM test procedure into Appendices A and B (see below).	N/A.
Appendix A to Subpart Q of Part 431.	Test Procedure Applicable to Energy Conservation Standards for which Compliance was Required as of August 31, 2012.	Incorporate several minor amendments and clarifications to improve the accuracy and remove ambiguity.	Section III.A.
Appendix B to Subpart Q of Part 431.	Test Procedure Applicable to Amended Energy Conservation Standards Being Considered in a Related Rulemaking.	Incorporate amendments included in Appendix A and provisions for measuring low power modes.	Section III.B.
10 CFR 431.466	Energy Conservation Standards.	Clarify the applicability of the DEC measured in accordance with the test procedure to the energy conservation standards listed in this section.	Section III.C.2.

The amendments discussed in the subsequent sections and adopted in this final rule also respond to and reflect comments by interested parties in response to the proposed amendments presented in the 2014 BVM test procedure NOPR. 79 FR 46908 (Aug. 11, 2014).

A. Appendix A: Clarifications and Amendments to the DOE Test Procedure

In order to clarify and remove ambiguity from the test procedure for beverage vending machines, DOE is amending subpart Q of 10 CFR part 431 by moving most of the existing test procedure for beverage vending machines from 10 CFR 431.294 to a new Appendix A to subpart Q of 10 CFR part 431. In Appendix A, DOE is also incorporating amendments to clarify and update the current DOE test procedure for beverage vending machines in the following ways:

(1) Updating the referenced test method to ANSI/ASHRAE Standard 32.1–2010,

(2) incorporating several additional amendments to clarify ambiguities in the ANSI/ASHRAE 32.1–2010 test method,

(3) eliminating testing at the 90 °F ambient test condition,

(4) clarifying the test procedure for combination vending machines,

(5) clarifying the requirements for loading BVM models under the DOE test procedure,

(6) clarifying the specifications of the standard product,

(7) clarifying the next-to-vend beverage temperature test condition,

(8) specifying placement of thermocouples during the DOE test procedure,

(9) establishing testing provisions at the lowest application product temperature, and

(10) clarifying the treatment of certain accessories when conducting the DOE test procedure.

In the 2014 BVM test procedure NOPR, DOE also proposed a new

definition and optional test method for ''fully cooled.'' 79 FR 46908, 46915–17 (Aug. 11, 2014). DOE discusses this issue in section III.A.8 of this final rule. However, due to the complexity and scope of the comments received on this issue, DOE is electing to address the differentiation of Class A and Class B equipment, including the definition of fully cooled, in the ongoing BVM energy conservation standard rulemaking instead of this test procedure final rule. (Docket No. EERE–2013–BT–STD–0022).

The subsequent sections III.A.1 through III.A.11 of this final rule discuss the specific test procedure provisions that required clarification, any comments received on these topics in response to the 2014 BVM test procedure NOPR, DOE's response to those comments, and any final amendments DOE is adopting in this final rule.

1. Updating the Referenced Test Method

The current DOE test procedure for beverage vending machines incorporates by reference two industry test procedures, ANSI/ASHRAE Standard 32.1–2004 and ANSI/AHAM HRF–1–2004, which establish a test method for beverage vending machines and a method for determining refrigerated volume, respectively. Each of these industry test procedures has been updated since the publication of the DOE test procedure in 2006. The most current versions are ANSI/ASHRAE Standard 32.1–2010 and AHAM HRF–1–2008.

ANSI/ASHRAE Standard 32.1–2010 was amended from the 2004 version to include new definitions and nomenclature established by DOE in the 2009 BVM final rule. These changes include removing references to specific sealed-bottle package designs such as ''bottled'' or ''canned,'' revising the scope, and incorporating a new Appendix C, ''Measurement of Volume,'' which consists of certain portions of ANSI/AHAM HRF–1–2004 for measuring the refrigerated volume. Specifically, ANSI/ASHRAE Standard 32.1–2004 incorporated the portions of ANSI/AHAM HRF–1–2004 currently referenced in the DOE test procedure, section 5.2 (excluding subsections 5.2.2.2 through 5.2.2.4), which describes the method for determining refrigerated volume for residential freezers, as well as section 5.1, which describes the purpose of the section. These new amendments make the ANSI/ASHRAE Standard 32.1–2010 test procedure identical to the DOE test procedure established in the 2006 BVM test procedure final rule. As the amendments to ANSI/ASHRAE Standard 32.1–2010 are primarily editorial, they do not affect the tested DEC. In the 2014 BVM test procedure NOPR, DOE proposed to update the industry test method incorporated by reference to ANSI/ASHRAE Standard 32.1–2010 for the measurement of DEC and vendible capacity. 79 FR 46908, 46911–46912 (Aug. 11, 2014).

Since DOE published the 2006 BVM test procedure final rule, AHAM has released a new version of the AHAM HRF–1 test method, which reorganizes and simplifies the test method as presented in ANSI/AHAM HRF–1–2004. The revised AHAM HRF–1 test method, ANSI/AHAM HRF–1–2008, combines sections 4, 5, and 6, which relate to measuring the refrigerated volume of refrigerators and freezers, into one section describing methods for determining the refrigerated volume of refrigerators, refrigerator-freezers, wine chillers, and freezers. This unified and simplified method includes several changes regarding the inclusion or exclusion of certain special features from the determination of refrigerated volume, such that DOE believes AHAM HRF–1–2008 has the potential to yield refrigerated volume values that differ slightly from those measured and calculated using the method in the current DOE test procedure. As such, in the 2014 BVM test procedure NOPR, DOE proposed to adopt Appendix C of ANSI/ASHRAE Standard 32.1–2010 as the volume measurement methodology in its amended BVM test procedure. In the NOPR, DOE stated that adopting Appendix C of ANSI/ASHRAE Standard 32.1–2010 would simplify testing for manufacturers because it would allow them to reference a single document containing all information needed to conduct the DOE test procedure. DOE also stated that it did not believe that the updated AHAM HRF–1–2008 test procedure has sufficient additional merit, compared to the volume calculation method included in ANSI/ASHRAE Standard 32.1–2010, to justify the additional burden on manufacturers. 79 FR at 46912. Commensurate with this proposal, DOE also proposed to remove ANSI/AHAM HRF–1–2004 from the documents incorporated by reference in 10 CFR 431.293. *Id.*

In response to these proposals, DOE received several comments from interested parties regarding which industry test methods DOE should incorporate by reference and the impacts of updating the industry test methods incorporated by reference in the DOE test procedure. Automated Merchandising Systems, Inc. (AMS), Sanden Vendo America Inc. (SVA), and Coca-Cola generally supported DOE's proposal to update its test procedure reference to ANSI/ASHRAE 32.1–2010 (AMS, No. 0007 at p. 1;[4] SVA, No. 0008 at p. 1; Coca-Cola, No. 0010 at p. 2). Coca-Cola and ASHRAE's Standard Project Committee (SPC) 32.1 recommended that DOE wait for ASHRAE 32.1 revisions before adopting a new version of 32.1. The California investor-owned utilities (CA IOUs), including Pacific Gas & Electric, Southern California Gas Company, Southern California Edison, and San Diego Gas and Electric, commented that DOE should align new test procedure development with ANSI/ASHRAE 32.1–2010 and track the efforts of the ASHRAE Standard Project Committee 32.1 (ASHRAE SPC 32.1) to incorporate changes into Appendix B before publication of the final rule (Coca-Cola, No. 0010 at p. 2; CA IOUs, No. 0005 at p. 2; ASHRAE SPC 32.1, No. 0011 at p. 1–2).

DOE appreciates comments from interested parties and agrees that alignment with the most recent version of the industry test method, ANSI/ASHRAE 32.1, is advisable and will make testing beverage vending machines more consistent with the latest industry methods. DOE is aware that ASHRAE SPC 32.1 was convened in January 2014 and has been meeting monthly to discuss potential updates to the ASHRAE 32.1 standard.[5] DOE has been participating in these meetings to stay abreast of the changes ASHRAE SPC 32.1 is considering. To the extent possible, DOE has sought to align this final rule with those discussions and proposed updates. However, DOE notes that the discussions of the committee are not final until such amendments are approved as a new version of the ASHRAE 32.1 standard. At this time, DOE is not aware of ASHRAE's specific timeline for making such an updated version available. DOE also notes that DOE must also consider its obligations under 42 U.S.C. 6293(b)(1)(A) to review test procedures every 7 years, as well as the relationship between the BVM test

[4] A notation in this form provides a reference for information that is in the docket of DOE's rulemaking to develop test procedures for beverage vending machines (Docket No. EERE–2013–BT–TP–0045, which is maintained at *www.regulations.gov*). This particular notation refers to a comment: (1) submitted by Automated Merchandising Systems, Inc. (AMS); (2) appearing in document number 0007 of the docket; and (3) appearing on page 1 of that document.

[5] The meeting minutes for ASHRAE SPC 32.1 are available at: *http://spc321.ashraepcs.org/*. DOE notes that, as of April 10, 2015, the Web site was last updated June 10, 2014 and, as such, only meeting minutes through May 2014 were available, although the committee has continued to meet since that time.

procedure rulemaking and the ongoing BVM energy conservation standards rulemaking, when determining timelines. As such, DOE is compelled to move forward with finalizing the BVM test procedure amendments, as presented in this final rule, to satisfy its EPCA requirements and not adversely impact the BVM energy conservation standards rulemaking schedule.

Regarding DOE's proposal to update the test method for determining refrigerated volume, Coca-Cola expressed support for the method described in HRF–1–2008 for determining refrigerated volume but emphasized that measurements resulting from these proposed clarifications would render different results than existing procedure, as opposed to DOE's proposed adoption of Appendix C of ANSI/ASHRAE 32.1–2010. (Coca-Cola, No. 0010 at p. 2) ASHRAE SPC 32.1 and AMS objected to DOE's proposal to update the referenced method of test for the measurement of refrigerated volume in its test procedure from section 5 of ANSI/AHAM HRF–1–2004 to Appendix C of ANSI/ASHRAE 32.1–2010. (ASHRAE SPC 32.1, No. 0011 at p. 1–2; AMS, No. 0007 at pp. 1–2) In particular, ASHRAE SPC 32.1 stated that they are considering updating Appendix C of ANSI/ASHRAE 32.1–2010 to reference section 4 of AHAM HRF–1–2008 to simplify the refrigerated volume measurement process that would result in minimal differences in the measurement of refrigerated volume. (ASHRAE SPC 32.1, No. 0011 at p. 1–2) AMS commented that the new calculations would affect the Maximum Daily Energy Consumption (MDEC) of their machines. (AMS, No. 0007 at pp. 1–2)

In response to comments regarding the proposed test method for determining refrigerated volume, DOE analyzed ANSI/AHAM HRF–1–2004, AHAM HRF–1–2008, and Appendix C of ANSI/ASHRAE 32.1–2010 and compared the relevant methods. DOE believes AHAM HRF–1–2008 has the potential to yield refrigerated volume values that differ slightly from those calculated using ANSI/AHAM HRF–1–2004, which was the method incorporated by reference in the 2006 BVM test procedure final rule, as ASHRAE SPC 32.1 acknowledged during the NOPR public meeting. DOE does not believe that the updated method for computing refrigerated volume from section 4 of the AHAM HRF–1–2008 test method has sufficient additional merit when compared to the volume calculation method included in Appendix C of the ANSI/ASHRAE Standard 32.1–2010, which adopts section 5.2 (excluding subsections 5.2.2.2 through 5.2.2.4) of ANSI/AHAM HRF–1–2004. Therefore, DOE is adopting provisions to continue referencing ANSI/AHAM HRF–1–2004, as incorporated into Appendix C of ANSI/ASHRAE 32.1–2010.

In addition, adopting Appendix C of ANSI/ASHRAE Standard 32.1–2010 will allow manufacturers to reference a single industry standard containing all information needed to conduct the DOE test procedure for beverage vending machines and will also limit manufacturer testing burden since they will only have to purchase one industry standard to complete the DOE test procedure. For these reasons, DOE is updating the industry test method incorporated by reference to ANSI/ASHRAE Standard 32.1–2010 for the measurement of refrigerated volume and removing the incorporation by reference of ANSI/AHAM HRF–1–2004 from the DOE test procedure. Accordingly, DOE is also amending the definition for refrigerated volume at § 431.292 to reference the appropriate standard.

2. Other Minor Clarifications and Amendments to ASHRAE 32.1–2010

In reviewing ANSI/ASHRAE 32.1–2010, and in light of the comments received from interested parties suggesting that DOE follow the work of ASHRAE SPC 32.1 to update the ASHRAE 32.1 test method, DOE is adopting several additional clarifications in this final rule. Specifically, DOE is clarifying: (1) The ambient temperature and relative humidity tolerances, (2) the voltage tolerances for equipment with dual nameplate voltages, (3) the requirements for sampling and recording of specific test data, and (4) how to calculate DEC based on tested values determined in the ASHRAE 32.1 test method.

DOE is incorporating these amendments in response to comments that DOE should align updates to the DOE test procedure for beverage vending machines with the updates being considered by ASHRAE SPC 32.1. DOE has determined that these amendments will improve the clarity and repeatability of the DOE test procedure and is incorporating these amendments in Appendices A and B of the BVM test procedure.

a. Ambient Temperature and Relative Humidity Tolerance

In written comments, AMS suggested that DOE clarify permissible temperature limits during testing (AMS, No. 0007 at p. 3). DOE appreciates the comment, and wishes to clarify that ambient temperature and humidity shall be maintained within the ranges specified in Table 1, ''Standard Test Conditions,'' of ANSI/ASHRAE 32.1–2010 for each recorded measurement for the duration of the test, including stabilization. The ambient temperature and relative humidity requirements from Table 1 of ANSI/ASHRAE 32.1–2010 that are pertinent to the DOE test procedure are shown in Table III.2. To clarify that the tolerance on relative humidity is in fact in the units of ''percent relative humidity (percent RH)'' and not a percentage of the measured value, the acceptable range is also provided in Table III.2.

TABLE III.2—AMBIENT TEMPERATURE AND RELATIVE HUMIDITY SPECIFIED VALUE AND TOLERANCE

Test and pretest condition	Value	Tolerance	Acceptable range
Ambient Temperature	75 °F	±2 °F	73–77 °F
Relative Humidity	45 percent RH	±5 percent RH	40–50 percent RH

In this final rule, DOE is adopting a similar table in section 2.1 of Appendix A and B to clearly specify the appropriate test conditions and applicable tolerances for, among other things, the ambient temperature and relative humidity.

DOE's amendments specifying the ambient temperature and relative humidity tolerances in Table 1 of ANSI/ASHRAE 32.1–2010 as an instantaneous tolerance to be applied to each measurement are consistent with the updates ASHRAE SPC 32.1 is considering in their revisions of the ASHRAE 32.1 standard. In addition, such treatment is consistent with the specification of ambient conditions in the DOE test procedure for similar equipment, including commercial refrigeration equipment (10 CFR 431.64) and automatic commercial ice makers (10 CFR 431.134). DOE also notes,

however, that such treatment is different than the tolerance applied to the integrated average temperature (as described in section III.A.7 of this final rule), which is a single tolerance applied to that one average value and is not applicable to each temperature measurement in that case.

In addition, when reviewing the ANSI/ASHRAE 32.1–2010 test method in conjunction with ASHRAE SPC 32.1, DOE determined that the accuracy requirements for the equipment used to measure relative humidity are not clearly specified. As the relative humidity is required to be maintained within ±5 percent RH of the specified value, the precision of the measurement equipment must be of higher resolution than the allowed tolerance in order to ensure that the relative humidity is in fact maintained within such a range. As such, and in accordance with the changes being considered by ASHRAE SPC 32.1, DOE is adopting provisions in section 1.1 of Appendices A and B that relative humidity shall be measured with a calibrated instrument accurate to ±2 percent RH at the ambient conditions specified in Table 1 of ANSI/ASHRAE 32.1–2010. That is, the instrument must have a measured accuracy of ±2 percent RH at 45 percent RH, or 4.4 percent of the measured value.

b. Voltage and Frequency Tolerances

Following publication of the NOPR, DOE learned that ASHRAE SPC 32.1 was considering changes to ANSI/ASHRAE 32.1–2010 concerning BVM nameplate voltages. Specifically, DOE became aware that ASHRAE SPC 32.1 was considering a change such that the same tolerances on nameplate voltage and frequency that apply to equipment with single nameplate voltages, namely ±2 percent and ±1 percent, respectively, should also apply to the tested voltage for equipment with dual nameplate voltages. Consistent with the changes being considered by ASHRAE SPC 32.1, DOE determined that the tolerances on voltage and frequency listed in paragraph (a) of section 6.2, ''Voltage and Frequency,'' of ANSI/ASHRAE 32.1–2010 (which addresses beverage vending machines with single nameplate voltages) are not equivalently applied to equipment with dual nameplate voltages in paragraph (b) of section 6.2 of ANSI/ASHRAE 32.1–2010. As such, DOE is adopting, in this final rule, provisions in section 2.1 of Appendices A and B that beverage vending machines with dual nameplate voltages must be conducted at the lower of the two voltages ±2 percent and at the rated frequency ±1 percent.

c. Data Collection

In section 7.2.2.3, ANSI/ASHRAE 32.1–2010 currently specifies that the following data shall be recorded for 24 consecutive hours after stabilization has been achieved: Ambient temperature, relative humidity, average beverage temperature, energy consumption, input voltage, and time. However, ANSI/ASHRAE 32.1–2010 does not provide specific requirements regarding how frequently such data should be sampled.

In response to the 2014 BVM test procedure NOPR, AMS recommended that DOE clearly state at what interval each reading is taken, and suggested that readings should be recorded at a minimum frequency of once per minute. (AMS, No. 0007 at p. 3)

DOE agrees with AMS that the sampling interval for data collection should be clearly specified, as collecting data at different sampling intervals can affect the energy consumption results. As such, DOE is clarifying in section 2.2.4 of Appendix A and 2.2.6 of Appendix B that the sampling interval must be at least 1 minute; that is, each measured data variable should be recorded at least every 1 minute. DOE notes that this requirement is also consistent with the changes being considered by ASHRAE SPC 32.1 for future revisions of the ASHRAE 32.1 standard.

In addition, DOE notes that, as part of this final rule, DOE is also adopting amendments to the BVM test procedure that change the terms that are used to refer to the ''average beverage temperature,'' as described more fully in section III.A.7 and III.B.3 of this final rule. Specifically, instead of the ''average beverage temperature,'' as referenced in ANSI/ASHRAE 32.1–2010, DOE's test procedure for beverage vending machines as adopted in this final rule refers to the ''instantaneous average next-to-vend beverage temperature'' and the ''integrated average temperature.'' As such, DOE is clarifying in section 2.2.4 of Appendix A and 2.2.6 of Appendix B that, in section 7.2.2.3 of ANSI/ASHRAE 32.1–2010, the ''average beverage temperature'' refers to the ''instantaneous average next-to-vend beverage temperature.''

d. Calculation of Daily Energy Consumption.

Section 7.2.3, ''Energy Consumption Calculations,'' of ANSI/ASHRAE 32.1–2010 specifies that the daily rated energy consumption of each basic model of a vending machine shall be determined as:

$E_D = (E_T/t_T) \times 24$

Where:

E_D = primary rated energy consumption per day, kWh,

E_T = energy consumed during the test, kWh,

t_T = duration of the test, h, and

24 = the number of hours per day.

In reviewing ANSI/ASHRAE 32.1–2010, DOE realized that there may be confusion regarding the terminology used in this section and how these values are to be used when determining the DEC result for a given tested unit for the purposes of rating equipment in accordance with the DOE test procedure. Specifically, the variable E_D is referred to as both the ''daily rated energy consumption'' in the introductory paragraph and the ''primary rated energy consumption per day'' in the variable definitions below the stated equation In section 2.3 of Appendices A and B, DOE is referring to the variable E_D using only the term ''primary rated energy consumption per day'' to describe how to use this value when determining the DEC of each tested beverage vending machine.[6]

DOE also notes that ANSI/ASHRAE 32.1–2010 currently does not specify how to treat measured values when calculating the DEC values in accordance with section 7.2.3, ''Energy Consumption Calculations,'' of ANSI/ASHRAE 32.1–2010. In this final rule, DOE is also adopting specifications in section 2.3.1 of Appendix A and 2.3.3 of Appendix B that the primary rated energy consumption per day (E_D) must be calculated with raw measured values and rounded to units of 0.01 kWh/day.

3. Eliminating Testing at the 90 °F Ambient Test Condition

Both ANSI/ASHRAE Standard 32.1–2004, the test method incorporated by reference in the DOE test procedure adopted in the 2006 BVM test procedure final rule, and ANSI/ASHRAE Standard 32.1–2010, the test method DOE is incorporating by reference in the amended test procedure as discussed in section III.A.1 of this final rule, specify two tests: One at an ambient condition of 75 °F ± 2 °F and 45 percent ± 5 percent relative humidity (''the 75 °F ambient test condition'') and the other at an ambient condition of 90 °F ± 2 °F and 65 percent ± 5 percent relative humidity (''the 90 °F ambient test condition''). By incorporating by reference ANSI/ASHRAE Standard

[6] DOE notes that additional calculations may be required to determine the ''daily energy consumption'' in accordance with the DOE BVM test procedure adopted in this final rule to address payment mechanisms, depending on the configuration in which the beverage vending machine is tested. See section III.A.11.a for more information.

32.1–2004, DOE's current test procedure for beverage vending machines requires testing at both the 75 °F ambient test condition and 90 °F ambient test condition. In the energy conservation standards rulemaking that culminated in the 2009 BVM final rule, however, DOE decided that only the measured DEC determined at the 75 °F ambient test condition would be used for the purposes of demonstrating compliance with applicable energy conservation standards. The data taken at the 90 °F ambient test condition were not used by DOE in setting the standards established in the 2009 BVM final rule and are not used to demonstrate compliance with those standards. 74 FR 44914, 44920 (Aug. 31, 2009) and 10 CFR 429.52. However, the 2009 BVM final rule did not similarly amend the DOE test procedure to remove the requirement to test at the 90 °F ambient test condition and, as such, the requirement to test covered BVM models at both the 75 °F and 90 °F ambient test conditions established in the 2006 BVM test procedure final rule remained in place until being reevaluated in this test procedure rulemaking.

In the 2014 BVM test procedure NOPR, DOE proposed to amend its test procedure to eliminate the requirement to perform a test at the 90 °F ambient test condition as described in ANSI/ASHRAE Standard 32.1–2004 and ANSI/ASHRAE Standard 32.1–2010. 79 FR 46908, 46912–46913 (Aug. 11, 2014). DOE understands that the 90 °F test is used primarily to represent and evaluate the performance of some units that may be installed outdoors, especially in hot-humid locations; however, as mentioned above, the performance of a beverage vending machine at the 90 °F ambient test condition is not currently used for DOE regulatory purposes. Therefore, DOE does not see a need to maintain the 90 °F test condition as part of the DOE test procedure.

DOE believes that removing the 90 °F ambient test condition test requirement will also reduce manufacturer burden associated with its test procedure by eliminating testing that does not significantly increase the accuracy or representativeness of the DOE test procedure and is unnecessary for demonstrating compliance with DOE's energy conservation standards.

In the 2014 BVM test procedure NOPR, DOE requested comment on its proposal to eliminate the requirement to conduct testing at the 90 °F ambient test condition. 79 FR at 46913. AMS, SVA, and ASHRAE SPC 32.1 supported the elimination of testing at the 90 °F test condition. (AMS, No. 0007 at p. 2; SVA, No. 0008 at p. 1; ASHRAE SPC 32.1, No. 0011 at p. 2) Natural Resources Canada (NRCan) asked why DOE would not test their machines according to worst case conditions. (NRCan, Public Meeting Transcript, No. 0004 at p. 25) Coca-Cola also agreed with DOE that there should be a single set of conditions for testing and rating purposes. Coca-Cola, however, stated that some machines are designed for higher ambient temperatures, and asked DOE to factor this into the application of test results, even if the machine is not tested at 90 °F. (Coca-Cola, No. 0010 at p. 2)

DOE appreciates the comments from AMS, SVA, and ASHRAE SPC 32.1 supporting the elimination of the 90 °F ambient test condition and Coca-Cola's comment to have a single set of conditions for testing and rating purposes. In response to the comment from NRCan, DOE notes that it is required to create test procedures that are representative of the performance of the equipment under an average cycle of use. (42 U.S.C. 6293(b)(3)) DOE believes that the test conditions required by the test procedure, namely 75 °F and 45 percent relative humidity, are reasonably representative of the average operating conditions of most beverage vending machines. In particular, DOE notes that the majority of beverage vending machines are installed indoors (see chapter 7 of the BVM energy conservation standard preliminary analysis technical support document; Docket No. EERE–2013–BT–STD–0022) and that such indoor environments are normally kept close to the average temperature used for the DOE test. As such, DOE believes that the DEC values measured at the current test conditions are an accurate reflection of field energy use and does not believe a test condition of 90 °F would be representative of field energy use for the majority of equipment. In response to Coca-Cola's comment regarding the application of test results on machines designed for higher ambient temperatures, DOE understands that some beverage vending machines are placed in locations that experience ambient temperature and relative humidity conditions that differ from those required in the test procedure, including environments that are often warmer and have higher relative humidity than specified by ASHRAE 32.1–2010. However, it is not feasible or realistic to test BVM models at all the different ambient temperature conditions they may experience in the field. First, doing so would be extremely burdensome. Second, it is difficult to determine which BVM models will be placed in different ambient conditions (*e.g.*, tropical conditions), as often the same BVM model may be placed indoors or outdoors. In the BVM energy conservation standards preliminary analysis, DOE estimated that 18 percent of Class B and Combination B [7] beverage vending machines were located outdoors, and all Class A and Combination A [7] equipment is located indoors (see chapter 7 of the BVM energy conservation standard preliminary analysis technical support document (TSD)). DOE believes that the required test condition of 75 °F is representative of the indoor environments in which the majority of BVM units are placed. Therefore, DOE believes the 75 °F ambient test condition provides a reasonable and comparable representation of energy performance for all BVM models and testing at alternative test conditions is not necessary. DOE is accounting for the variable energy performance of beverage vending machines that are placed outdoors as part of the energy use analysis associated with the BVM energy conservation standard rulemaking. However, DOE is not considering different or alternative energy conservation standards for such equipment based on the fact that most BVM models can be placed indoors or outdoors and that, as a result, a standard based on analysis at the 75 °F test procedure ambient condition would be applicable. (*See* Docket No. EERE–2013–BT–STD–0022 for more information.)

Thus, in this final rule, DOE is removing the requirement to conduct testing at the 90 °F ambient test condition as part of the DOE test procedure. DOE is clarifying the ambient test conditions necessary for testing in accordance with the DOE test procedure in a new Table A.1 in Appendix A and Table B.1 in Appendix B in section 2.1 of both Appendices A and B. DOE notes that ASHRAE SPC 32.1 is also currently considering updating ASHRAE 32.1 to remove the 90 °F ambient test condition.

4. Test Procedure for Combination Vending Machines

''Combination vending machine'' is currently defined as a refrigerated bottled or canned beverage vending machine that also has non-refrigerated

[7] In the DOE energy conservation standard preliminary analysis, DOE discussed dividing the ''combination vending machine'' equipment class into ''Combination A'' equipment that was fully cooled and ''Combination B'' equipment that was not fully cooled, similar to the Class A and Class B distinction. *See* chapter 2 of the BVM energy conservation standard preliminary analysis TSD. Additionally, DOE is proposing language to address equipment class distinctions as part of the energy conservation standards rulemaking.

volumes for the purpose of vending other, non-''sealed beverage'' merchandise. 10 CFR 431.292. Based on this definition, any machine (a) that upon payment dispenses beverages in sealed containers and (b) in which the entire internal storage volume is refrigerated is not a combination vending machine.

In the 2009 BVM final rule, DOE elected to define ''combination vending machine,'' but refrained from setting standards for combination vending machines due to a lack of data regarding their energy performance. *Id.* However, DOE is currently considering standards for combination vending machines in a parallel energy conservation standards rulemaking. (Docket No. EERE–2013–BT–STD–0022)

While combination vending machines are not currently required to comply with energy conservation standards, any representations with regard to the DEC of such equipment must still be made in accordance with the DOE BVM test procedure. DOE's current test procedure is appropriate for the evaluation of the refrigerated volume, vendible capacity, and energy use of combination vending machines. DOE notes, however, that the application of the BVM test procedure may require clarification as to how it is applied to combination vending machines. Accordingly, in the 2014 BVM test procedure NOPR, DOE proposed to clarify the test procedure for combination vending machines. 79 FR 46908, 46913–46914 (Aug. 11, 2014). In the 2014 BVM test procedure NOPR, DOE proposed that only the refrigerated compartment would be considered in the refrigerated volume calculation, while both refrigerated and non-refrigerated compartments would be considered in the vendible capacity calculation. Similarly, DOE proposed that standard test packages be placed in the next-to-vend product location only in the refrigerated portion of the refrigerated beverage vending machine, and only the refrigerated portion of the combination vending machine be required to be fully loaded to capacity. 79 FR at 46914.

With regard to the measurement of DEC for combination vending machines, DOE also proposed that any lighting or other energy-consuming features in the non-refrigerated compartment be fully energized during the test procedure and operated in the same manner as any lighting or features in the refrigerated compartment. DOE also proposed that the total energy use of the machine measured during the 24-hour test would comprise the DEC, as measured in accordance with ANSI/ASHRAE Standard 32.1–2010. *Id.*

In the 2014 BVM test procedure NOPR, DOE proposed the addition of these clarifications to the DOE test procedure at 10 CFR 431.294 for combination vending machines and requested comment on the applicability of the existing test procedure, as clarified, to combination vending machines. In response, SVA and ASHRAE SPC 32.1 commented that they believe the test procedure is applicable to combination vending machines. (SVA, No. 0008 at p. 1; ASHRAE SPC 32.1, No. 0011 at p. 2) Coca-Cola commented that the test was applicable to combination vending machines that have more than half of the machine capacity refrigerated. (Coca-Cola, No. 0010 at p. 3) AMS noted that the test procedure does not specify how or what products would be required to be loaded in the non-refrigerated product compartment during the test, and stated this could affect the energy consumption of combination vending machines that do not provide 100 percent thermal isolation between zones. (AMS, No. 0007 at p. 2) AMS commented that the insulation between refrigerated and non-refrigerated zones does not completely separate the two zones and hence should not be excluded from the MDEC calculation. (AMS, No. 0007 at p. 4)

DOE appreciates the comments from SVA and ASHRAE SPC 32.1 confirming DOE's position that the DOE test procedure is applicable to combination vending machines. However, DOE disagrees with Coca-Cola's comment that they believe the test is only applicable to combination vending machines that have more than half of the machine capacity refrigerated. The DOE test procedure for beverage vending machines is applicable to all equipment that meets the definition of a ''refrigerated bottled or canned beverage vending machine,'' as defined at 10 CFR 431.292, including Class A, Class B, and combination vending machines. As noted above, DOE currently defines ''combination vending machine'' as a refrigerated bottled or canned beverage vending machine that also has non-refrigerated volumes for the purpose of vending other, non-''sealed beverage'' merchandise. 10 CFR 431.292. DOE notes that its regulations do not restrict the applicability of the definition based on the relative volumes of the refrigerated and non-refrigerated volumes. As stated previously, any equipment that is capable of vending bottled or canned beverages upon payment from a refrigerated compartment contained within the unit, and also has non-refrigerated compartments for the purpose of vending other, non-''sealed beverage'' merchandise, meets the definition of a combination vending machine regardless of the relative volume of the refrigerated and non-refrigerated compartments.

In considering the applicability of the combination vending machine definition, DOE wishes to clarify that combination vending machines must include compartments that are physically separated. However, DOE acknowledges that some combination equipment designs employ a common product delivery chute between the refrigerated and non-refrigerated compartments. As such, DOE also wishes to clarify that such physically separate compartments in a combination vending machine may or may not share a common product delivery chute for the purposes of delivering vendible merchandise to the customer. To permit additional consideration of these issues and to provide more opportunity for comment, DOE will further address the definition of combination vending machine in the standards rulemaking (Docket EERE–2013–BT–STD–0022). DOE notes that any changes to the definition adopted in the standards rulemaking would be to provide more clarity of the distinctions between the various product classes and would not change the appropriate classifications.

With regard to the determination of refrigerated volume and vendible capacity for combination vending machines, ASHRAE SPC 32.1 is also considering specifying that both the refrigerated volume and vendible capacity measurements refer only to the deliberately refrigerated compartment(s). In consideration of these changes suggested by ASHRAE SPC 32.1, DOE is also adopting wording changes in Appendices A and B to help clarify testing of refrigerated and non-refrigerated compartments. Section 3.2 of each appendix specifies that the vendible capacity to be measured includes only the capacity of the refrigerated compartment; this is a change from DOE's proposed approach in the BVM test procedure NOPR, where DOE had proposed to include the entire volume from which the product may be vended, whether or not that volume is refrigerated. In this final rule, DOE is also clarifying in section 3.1 of each appendix that the refrigerated volume measurement only includes the refrigerated compartment, and, in section 2.2.1.3 of each appendix, that only this compartment shall be fully loaded to capacity with standard product and test packages. These clarifications are consistent with the

changes being considered by ASHRAE SPC 32.1 to the ASHRAE 32.1 standard. DOE will continue to consider how to delineate more clearly the distinction between refrigerated and non-refrigerated compartments as it addresses the definition of combination vending machine in the standards rulemaking (Docket EERE–2013–BT–STD–0022). Because the goal is to ensure the regulatory text is clear and consistent between the test procedure, the definitions and the standards, DOE may make, as part of the standards rulemaking, conforming changes to these sections to reflect any final changes to the definition of combination vending machine.

DOE agrees with AMS that the loading of non-refrigerated compartments for the purposes of testing combination vending machines requires clarification. The thermal mass of any items loaded into the volumes that are not refrigerated may affect the measured DEC of equipment and, as such, it is important that the loading of these compartments be done consistently to ensure repeatable and comparable results. DOE also notes that there is significant variability in the thermal mass of the different ''non-sealed beverage merchandise'' that might be loaded into the volumes that are not refrigerated. As such, as mentioned previously, in this final rule, DOE is clarifying in section 2.2.1.3 of Appendices A and B to Subpart Q of Part 431 that, during conduct of the test procedure, the non-refrigerated compartments of combination vending machines must not be loaded with any standard products or other vendible merchandise. In response to AMS's comment suggesting that the refrigerated and non-refrigerated zones may not be completely separated and, thus, should be considered in the calculation of the standard level for combination equipment, DOE agrees with AMS that some combination vending machines may be designed such that the refrigerated and non-refrigerated compartments are not completely thermally isolated, such as from air leakage through a shared product delivery chute. However, DOE notes that a refrigerated compartment that has a thermal gradient is considered to be zone-cooled. As noted above, DOE is continuing to consider how best to clarify the distinction between refrigerated and non-refrigerated compartments in a combination vending machine as part of the standards rulemaking. Regarding the standard level for such combination equipment, DOE notes that combination vending machines are not currently subject to standards but that DOE is considering new standards for such equipment in the ongoing BVM energy conservation standard rulemaking. (Docket No. EERE–2013–BT–STD–0022) DOE acknowledges that the fact that there may be some heat transfer between the non-refrigerated and refrigerated volumes may affect the appropriate energy conservation standard level, and DOE will consider such in the setting of an appropriate standard level for this equipment.

5. Loading of BVM Models When Conducting the DOE Test Procedure

In the 2014 BVM test procedure NOPR, DOE proposed to add language to the BVM test procedure to clarify the loading requirements for beverage vending machines that are offered in a variety of configurations and may be capable of vending other refrigerated merchandise from their refrigerated volumes. 79 FR 46908, 46914 (Aug. 11, 2014). Specifically, DOE proposed to amend the regulatory text to clarify that, for beverage vending machines that are available with a variety of product storage configurations, the refrigerated compartment(s) should be configured, for purposes of testing, to hold the maximum number of sealed beverages that it is capable of accommodating per manufacturer specifications. *Id.* For example, if some areas of the refrigerated volume can be configured either to vend sealed beverages or to vend other refrigerated merchandise, the equipment should be configured and loaded with the maximum number of sealed beverages in the refrigerated compartment(s) for testing.

DOE understands that tests conducted with other configurations may produce different results because of the decrease in thermal mass in the refrigerated space. Various configurations that differ in placement and type of shelving only may be placed in the same basic model with the performance at the maximum beverage configuration used to represent the performance of all of the configurations in the basic model. Alternatively, if a manufacturer wishes to make different representations regarding the energy consumption of a beverage vending machine in various shelving configurations, the manufacturer may elect to test and certify each unique shelving configuration as a separate basic model.[8] In that case, the unique shelving configuration for that BVM model would comprise the ''maximum beverage configuration'' for that model.

In response to DOE's proposed language regarding the loading requirements for BVM models subject to the DOE test procedure, ASHRAE SPC 32.1 expressed support for DOE's proposal to add language to the DOE test procedure in Appendices A and B to clarify the loading requirements for covered BVM models. (ASHRAE SPC 32.1, No. 0011 at p. 2) DOE did not receive any negative comments on this proposal. As such, in this final rule, DOE has added language to the DOE test procedure in section 2.2.1 of Appendices A and B to clarify the loading requirements for the refrigerated compartment(s) of BVM models. As noted in section III.A.4 of this final rule, DOE is also clarifying that non-refrigerated compartments should be left empty and not loaded with any vendible products or merchandise.

6. Specifying the Characteristics of the Standard Product

When testing a BVM model in accordance with the DOE test procedure established in the 2006 BVM test procedure final rule, the equipment is to be loaded with the maximum quantity of standard products and with standard test packages in each next-to-be-vended position for each selection, as required by section 7.2.2.1 and 7.2.2.2 of ANSI/ASHRAE Standard 32.1–2004. Section 5 of ANSI/ASHRAE Standard 32.1–2004 further requires that the standard product shall be 12-ounce cans for machines that are capable of dispensing 12-ounce cans. For all other machines, the standard product shall be the product specified by the manufacturer as the standard product.

The DOE test procedure established in the 2006 BVM test procedure final rule does not provide any further specificity regarding the characteristics of the standard product when conducting the DOE test procedure or the manufacture of standard test packages. DOE understands that there may be variability among manufacturers and testing laboratories with regard to the characteristics of standard products and

[8] For purposes of beverage vending machines, basic model means all units of a refrigerated bottled or canned beverage vending machine (or class thereof) manufactured by one manufacturer, having the same primary energy source, and which have essentially identical electrical, physical, and functional characteristics that affect energy consumption or energy efficiency. *See* 10 CFR 431.292. If differing shelving configurations affect the energy consumption, these differing configurations should be considered different basic models, unless manufacturers elect to group BVM units that vary in shelving configuration only into the same BVM basic model and rate such model based on the performance of the shelving configuration that holds the maximum number of sealed beverages.

standard test packages. DOE believes that such variability may result in minor inconsistencies in test results. As such, in the 2014 BVM test procedure NOPR, DOE proposed to clarify the characteristics of the standard product and standard test package to ensure test results are as consistent and repeatable as possible. 79 FR 46908, 46914–46915 (Aug. 11, 2014). Specifically, in the 2014 BVM test procedure NOPR, DOE proposed to add text to the BVM test procedure in Appendices A and B, specifying that the standard product shall be:

- Standard 12-ounce aluminum beverage cans filled with a liquid with a density of 1.0 grams per milliliter (g/mL) ± 0.1 g/mL at 36 °F for beverage vending machines that are capable of vending cans,
- 20-ounce plastic bottles filled with a liquid with a density of 1.0 g/mL ± 0.1 g/mL at 36 °F for beverage vending machines that are not capable of vending 12-ounce cans, but are capable of vending 20-ounce bottles, and
- the product specified by the manufacturer as the standard product for beverage vending machines that are not capable of vending 12-ounce cans or 20-ounce bottles.

Id.

DOE selected a density range of 1.0 g/mL ± 0.1 g/mL, as it is inclusive of most test fluids used today. For example, this density range includes water, diet and regular soda, fruit juices, and propylene glycol/water mixtures up to 50/50 percent by volume. In addition, Fischer-Nickel conducted research in 2004 that compared the temperature measurements of standard test packages constructed in the manner specified by ANSI/ASHRAE Standard 32.1 to the test packages described in ASHRAE Standard 117–2002, ''Method of Testing Closed Refrigerators and Freezers,'' which are 1-pint plastic test packages filled with a 50/50 mixture of water and propylene glycol; little variation was found in measured temperatures when comparing different test package materials and fluids.[9]

Section 3 of ASHRAE 32.1–2004 and 2010 defines the standard test package as a beverage container of the size and shape for which the vending machine is designed, altered to include a temperature-measuring instrument at its center of mass. DOE finds the requirements in ANSI/ASHRAE Standard 32.1–2004 and 2010 to be fairly clear and concise when paired with the clarification above regarding the standard product. Therefore, DOE did not propose additional clarifications regarding the construction of standard test packages beyond the proposed clarification that the standard product shall be 12-ounce cans or 20-ounce bottles for BVM models that are capable of vending cans or bottles, respectively, filled with a liquid with a density of 1.0 g/mL ± 0.1 g/mL at 36 °F. *Id.*

In response to DOE's proposals in the 2014 BVM test procedure NOPR, DOE received several comments from interested parties supporting DOE's proposed clarifications. AMS expressed their approval of DOE's proposed definition of a standard test package. (AMS, No. 0007 at p. 3) Specifically, Coca-Cola and ASHRAE SPC 32.1 agreed with DOE's assertion that the most common standard products were 12-ounce cans or 20-ounce bottles. (Coca-Cola, No. 0010 at p. 3; ASHRAE SPC 32.1, No. 0011 at p. 2)

DOE also received several comments suggesting improvements or requesting further clarification to the proposed standard product specifications. Coca-Cola noted that beverage vending machines that dispense 330 mL ''slimline'' cans (which have a higher ratio of height to diameter than standard 12-ounce cans) also exist. (Coca-Cola, No. 0010 at p. 3) AMS requested DOE clarify the standard products for helix driven machines, noting that they typically do not dispense 12-ounce cans. (AMS, No. 0007 at pp. 2–3) SVA supported clarity in what a standard product was, and noted that flexibility was required for machines designed to vend milk cartons, aseptic packs, pouches, and energy drinks. (SVA, No. 0008 at p. 1)

DOE appreciates the comment from AMS in support of the definition of a standard test package. DOE also appreciates the comments from ASHRAE SPC 32.1 and Coca-Cola acknowledging that 12-ounce cans or 20-ounce bottles are the most common standard products and supporting DOE's clarification of the standard product definition. In response to the comments from Coca-Cola, SVA, and AMS regarding equipment that is designed to vend non-standard products, such as ''slimline'' cans, milk cartons, aseptic packs, pouches, and energy drinks, DOE agrees with commenters that flexibility in the specification of the standard product is required for beverage vending machines that are not capable of vending 12-ounce cans or 20-ounce bottles. DOE appreciates the specific examples of such products provided by commenters where such provision would be required. For such beverage vending machines, the product specified by the manufacturer as the standard product shall continue to be used in testing. DOE will determine the appropriate standard product for use in testing by consulting manufacturer product literature. DOE notes, however, that manufacturers may only test equipment with products other than 12-ounce cans or 20-ounce bottles if the machine is not capable of vending either of these product types.

In light of these comments, DOE is not altering the clarification regarding the standard product proposed in the 2014 BVM test procedure NOPR. Therefore, in this final rule, DOE is adding a clarification in section 2.2.1.4 of Appendices A and B that the standard product shall be 12-ounce cans or 20-ounce bottles for BVM models that are capable of vending 12-ounce cans or 20-ounce bottles, respectively, filled with a liquid with a density of 1.0 g/mL ± 0.1 g/mL at 36 °F, or the product specified by the manufacturer as the standard product for beverage vending machines that are not capable of vending 12-ounce cans or 20-ounce bottles.

7. Clarifying the Next-To-Vend Beverage Temperature Test Condition

ANSI/ASHRAE Standard 32.1–2004, the test method incorporated by reference in the DOE test procedure adopted in the 2006 BVM test procedure final rule, states, ''the beverage temperature shall be measured in standard test packages in each next-to-be-vended position for each selection.'' ANSI/ASHRAE Standard 32.1–2004 specifies an average next-to-vend temperature of 36 °F ± 1 °F ''throughout test.'' The beverage temperature requirements of the ANSI/ASHRAE Standard 32.1–2010 test method, which DOE proposed to incorporate by reference in the DOE BVM test procedure as part of the 2014 BVM test procedure NOPR (79 FR 46908, 46911–46912 (Aug. 11, 2014)), are identical to those of ANSI/ASHRAE Standard 32.1–2004. However, DOE became aware of a need to clarify whether the next-to-vend temperature specification of 36 °F ± 1 °F ''throughout test'' refers to a condition in which the average next-to-vend temperature is maintained at 36 °F ± 1 °F constantly for the duration of the test, or one in which the temperature of next-to-vend beverages is averaged across all selections and over the entire length of the test, resulting in a single value of 36 °F ± 1 °F.

In the 2014 BVM test procedure NOPR, DOE proposed to clarify its test

[9] Cowen, D. and Zabrowski, D. 2004. ''Application and Evaluation of ASHRAE 117–2002 and ASHRAE 32.1–1997.'' FSTC Report # 5011.04.01. Fischer-Nickel, Inc. Available at: *http://www.fishnick.com/publications/appliancereports/refrigeration/Application_of_ASHRAE_117_and_32.1.pdf.*

procedure by explicitly stating that the temperature of next-to-vend beverages shall be averaged across all next-to-vend beverages and over the entire time of the test, resulting in a single value of 36 °F ± 1 °F. Specifically, to clarify this requirement, DOE proposed to incorporate a definition of integrated average temperature and define this term as the average of all standard test package measurements in the next-to-vend beverage positions taken during the test, expressed in degrees Fahrenheit (°F). 79 FR at 46915. That is, the integrated average temperature is calculated as follows:

$$T_{IAT} = \frac{\sum_{x=1}^{d} \sum_{i=1}^{n} T_{xi}}{d \times n}$$

Where:

T_{IAT} = integrated average temperature, °F (°C),
T_{xi} = measured beverage temperature for next-to vend test package x at interval i,
d = total number of recorded intervals, and
n = total number of next-to-vend test packages.

In response to DOE's proposed definition of integrated average temperature, SVA and ASHRAE SPC 32.1 commented that they support DOE's definition of integrated average temperature. (SVA, No. 0008 at p. 1; ASHRAE SPC 32.1, No. 0011 at p. 3) ASHRAE SPC 32.1, Southern California Edison (SCE), and AMS added that maintaining each individual thermocouple within 1 °F of 36 °F was unnecessarily rigorous and not possible in many machine designs. (ASHRAE SPC 32.1, No. 0011 at pp. 2–3; SCE, Public Meeting Transcript, No. 0004 at p. 43; AMS, No. 0007 at p. 3) Coca-Cola also stated their understanding that 36 °F ± 1 °F should be applied over the entire testing period and cannot be maintained for every individual data measurement because of programmed defrost cycles. (Coca-Cola, No. 0010 at p. 3–4)

DOE appreciates the comments from SVA and ASHRAE SPC 32.1 supporting DOE's definition of integrated average temperature. In response to comments from ASHRAE SPC 32.1, SCE, and AMS, DOE recognizes that it is not possible to maintain individual standard test packages in the next-to-vend beverage positions within 36 °F ± 1 °F for some equipment designs due to spatial variability within the unit. In addition, DOE agrees with Coca-Cola's remarks that even an instantaneous spatial average of all standard test packages in the next-to-vend beverage locations may not be feasible to maintain throughout the entire test period due to temporal temperature variability resulting from defrost cycles or other compressor cycling behavior. DOE notes that these comments are consistent with DOE's proposed treatment of the ''average beverage temperature'' condition and the definition of integrated average temperature proposed in the 2014 BVM test procedure NOPR.

Therefore, in section 1.2 of Appendices A and B, DOE is adopting the definition of integrated average temperature proposed in the 2014 BVM test procedure NOPR. DOE is also specifying, in section 2.1.1 of Appendices A and B, that the integrated average temperature must be 36 °F ± 1 °F, or the lowest application product temperature as discussed in section III.A.10 of this final rule, for the purposes of testing equipment in accordance with the DOE test procedure. 79 FR at 49615.

DOE notes that, while the integrated average temperature is the measurement that must be used to comply with DOE's requirements regarding the average beverage temperature of beverage vending machines during the test period (excluding the stabilization period), the instantaneous spatial average temperature of all standard test packages in the next-to-vend beverage positions is still a relevant measurement for the purposes of determining the presence of a refrigeration low power mode (see section III.B.3 of this final rule) and for determining temperature stabilization prior to initiating the test period. Specifically, section 7.2.2.2 of ANSI/ASHRAE 32.1–2010 specifies that temperature stabilization is considered to be achieved 24 hours after the ''average beverage temperature'' reaches 36 °F ±1 °F (and measured energy consumption is within 2 percent for two successive 6-hr periods). In this case, the ''average beverage temperature'' specified in ANSI/ASHRAE 32.1–2010 refers to the ''instantaneous average next-to-vend beverage temperature'' and not a temporal average (*i.e.,* the integrated average temperature). Therefore, in this final rule, DOE is also adopting in section 1.2 of Appendices A and B a new definition of instantaneous average next-to-vend beverage temperature, which means the spatial average temperature of all standard test packages in the next-to-vend beverage positions at a given time. To clarify, using the previously discussed nomenclature, the instantaneous average next-to-vend beverage temperature is calculated as follows:

$$T_i = \frac{\sum_{i=1}^{n} T_{xi}}{n}$$

Where:

T_i = average beverage temperature at interval i, °F (°C),
T_{xi} = measured beverage temperature for next-to-vend test package x at interval i, and
n = total number of next-to-vend test packages.

To clarify the applicability of the instantaneous average next-to-vend beverage temperature to the temperature stabilization requirements in the test procedure, DOE is also clarifying in section 2.1.1.1, that temperature stabilization is considered to be achieved 24 hours after the instantaneous average next-to-vend beverage temperature reaches 36 °F ±1 °F.

Regarding the measurement of the integrated average temperature, AMS and SVA requested that some means be provided by which the number of thermocouples could be reduced. (AMS, No. 0007 at p. 3; SVA, No. 0008 at p. 1) AMS further suggested that, as there are many different BVM geometries and configurations, manufacturers be allowed some flexibility in how this was accomplished, provided it could be demonstrated that the method used would generate equivalent DEC results to testing with a thermocouple in each next-to-vend beverage location. (AMS, No. 0007 at p. 3) Coca-Cola agreed with AMS and SVA and stated that added temperatures sensors introduce additional points of air infiltration into the machine and thus may upset the integrity of the test. (Coca-Cola, No. 0010 at p. 4).

In response to the comments from AMS, SVA, and Coca-Cola regarding reduction in the number of standard test packages required for testing beverage vending machines, DOE agrees with commenters that there is potential to reduce burden associated with testing beverage vending machines with horizontal product configurations, which may have a large number of next-to-vend beverage locations, by reducing the number of standard test packages that are required to be loaded in the next-to-vend beverage positions. Furthermore, DOE believes that provided the standard test packages are spatially distributed across the face of the beverage vending machine, the measured integrated average temperature should not be significantly different than that determined with a standard test package in each next-to-vend location. This is particularly true for fully-cooled, Class A beverage vending machines (which are the category of beverage vending machine that most commonly has a horizontal product arrangement), since the temperature distribution across the

standard test packages should be reasonably consistent. DOE also notes that ASHRAE SPC 32.1 is, similarly, considering changing the requirements for loading standard test packages in equipment with horizontal product arrangement to reduce the required number of standard test packages.

Therefore, consistent with the submitted comments from interested parties and the potential changes ASHRAE SPC 32.1 is considering, DOE is amending the requirements for placement of standard test packages for beverage vending machines with products arranged horizontally in this final rule. In particular, DOE is specifying in section 2.2.1 of Appendices A and B that, for refrigerated bottled or canned beverage vending machines with products arranged horizontally (*e.g.,* on shelves or in product spirals), standard test packages must be placed in the refrigerated compartment(s) in the following locations, as shown in Figure III.1:

1) For odd-number shelves, when counting starting from the bottom shelf, standard test packages shall be placed at:

a) the left-most next-to-vend product location,

b) the right-most next-to-vend product location, and

c) for equipment with greater than or equal to five product locations on each shelf, the next-to-vend product location in the center of the shelf (*i.e.,* equidistant from the left-most and right-most next-to-vend product locations) if there are an odd number of next-to-vend products on the shelf or the next-to-vend product location immediately to the right and to the left of the center position if there are an even number of next-to-vend products on the shelf.

2) For even-numbered shelves, when counting from the bottom shelf, standard test packages shall be placed at either:

a) for equipment with less than or equal to six next-to-vend product locations on each shelf, the next-to-vend product location(s) [10] (1) one location towards the center from the left-most next-to-vend product location and (2) one location towards the center from the right-most next-to-vend product location, or

b) for equipment with greater than six next-to-vend product locations on each shelf, the next-to-vend product locations (1) two locations towards the center from the left-most next-to-vend product location and (2) two locations toward the center from the right-most next-to-vend product location.

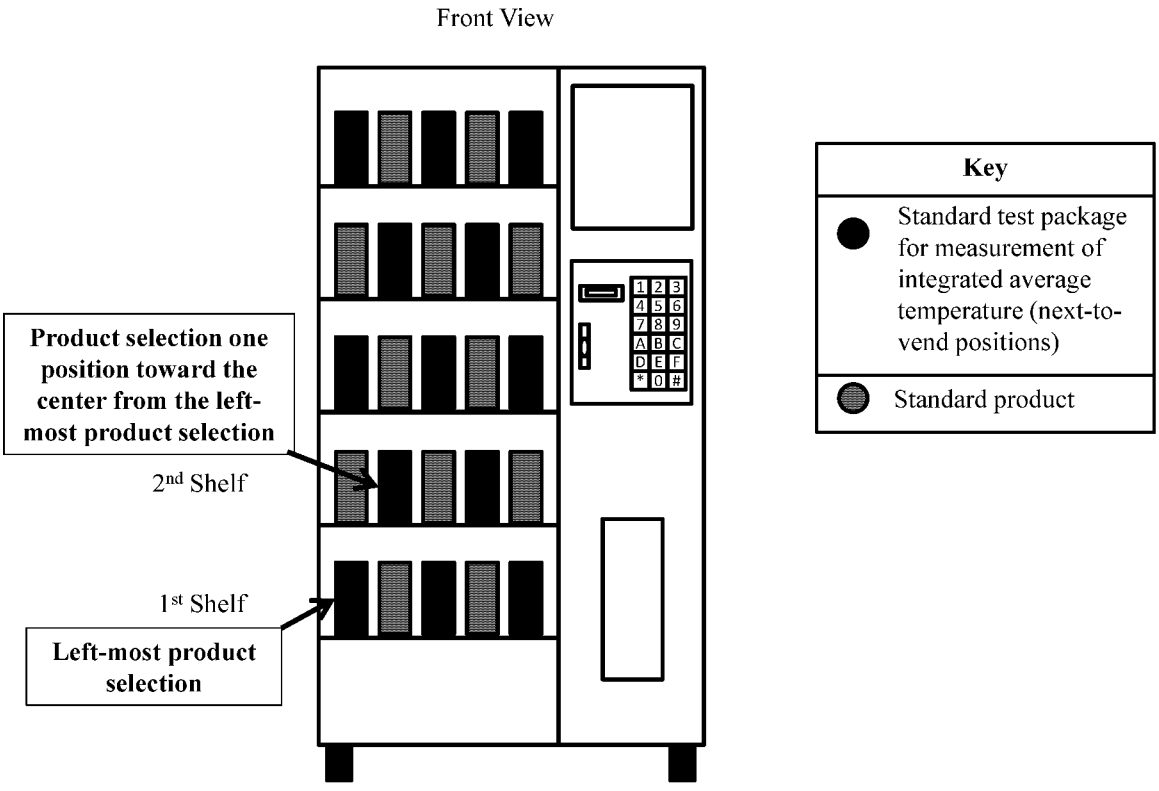

Figure III.1 Location of Standard Test Packages for Beverage Vending Machines with Products Arranged Horizontally and Five Next-to-Vend Product Locations on Each Shelf.

As beverage vending machines with products arranged vertically, in stacks, typically have far fewer next-to-vend beverage locations, DOE has determined that such a sampling procedure is not necessary for this equipment.

8. Defining ''Fully Cooled''

The 2009 BVM final rule established DOE energy conservation standards for beverage vending machines in two

[10] For equipment with three next-to-vend product locations on each shelf, the next-to-vend product location one location towards the center from the left-most next-to-vend product location is the same position as the next-to-vend product location one location towards the center from the right-most next-to-vend product location.

equipment classes: Class A and Class B refrigerated beverage vending machines. 74 FR 44914, 44968 (Aug. 31, 2009). The distinguishing criterion between these two equipment classes is whether the equipment is fully cooled. 10 CFR 431.292.

DOE regulations, however, have never defined the term ''fully cooled.'' In the 2014 BVM test procedure NOPR, DOE proposed to define ''fully cooled'' as a condition in which the refrigeration system of a beverage vending machine cools products throughout the entire refrigerated volume of a machine instead of being directed at a fraction (or zone) of the refrigerated volume as measured by the average temperature of the standard test packages in the furthest from the next-to-vend product locations, which would be required to be no more than 10 °F above the integrated average temperature of the standard test packages in the next-to-vend product locations. 79 FR 46908, 46916 (Aug. 11, 2014).

The proposed definition was predicated upon the different methods of cooling used in Class A and Class B machines and the customer utility provided by fully cooling the refrigerated space. Maintaining all refrigerated beverages within 10 °F of the next-to-vend beverage temperature typically allows customers to select from more beverages and ensures that the customer will receive a properly cooled product, regardless of the product's vertical location in the machine. 79 FR at 46915–46917. DOE selected a temperature range of 10 °F, based on feedback from manufacturers, as a reasonable temperature bound to differentiate fully cooled beverage vending machines. DOE also verified this proposed temperature range based on limited testing of beverage vending machines currently available on the market to determine the typical temperature variability observed between the next-to-vend and furthest from next-to-vend beverages in Class A and Class B equipment, respectively. *Id.*

To accompany DOE's proposed definition of fully cooled, the 2014 BVM test procedure NOPR also proposed to adopt an optional test method that could be used to quantitatively differentiate between Class A and Class B equipment. To confirm whether a given BVM model is fully cooled, DOE proposed that temperature measurements be taken at the next-to-vend and furthest from next-to-vend temperature positions to confirm the proposed 10 °F temperature differential. For beverage vending machines with horizontal product rows, or spirals, DOE's proposed test procedure required a standard test package at the back of the horizontal product rows in the four corners of the machine (*e.g.*, bottom right, bottom left, top right, and top left). For beverage vending machines with standard products configured in a vertical stack, the proposal included an additional standard test package at the top of each stack. To determine if a given beverage vending machine is fully cooled, manufacturers would calculate the average temperature of the standard test packages in the furthest from the next-to-vend product location over the entire test period and compare that value to the integrated average temperature of standard test packages in the next-to-vend beverage positions. If the difference between these two values was less than or equal to 10 °F, the tested unit would be considered fully cooled. 79 FR at 46917.

In the 2014 BVM test procedure NOPR, DOE noted that this test method would not be required to certify equipment, but would be the method used by DOE to determine the appropriate equipment class for enforcement purposes. Therefore, DOE noted that its proposed definition and test method would not require manufacturers to take any additional temperature measurements beyond what is currently specified in ANSI/ASHRAE Standard 32.1–2010 and, as such, would not increase the burden associated with conducting the DOE BVM test procedure. *Id.*

In the 2014 BVM test procedure NOPR, DOE requested comments on its proposed definition of ''fully cooled'' and the proposed fully cooled validation test method. DOE was particularly interested in whether the proposed definition aligns with the classifications of Class A and Class B equipment currently used in industry. *Id.*

ASHRAE SPC 32.1 stated they are considering the removal of product class definitions from the new ASHRAE test method. (ASHRAE SPC 32.1, No. 0011 at p. 3) Coca-Cola commented that configurations such as ''zone cooled'' and ''fully cooled'' did not apply to the test method, but to how the machine was rated. (Coca-Cola, No. 0010 at p.4) Similarly, SVA commented that two classifications for beverage vending machines were not needed. (SVA, No. 0008 at p. 2) SVA also suggested that DOE use the same test procedure for both classes. (SVA, Public Meeting Transcript, No. 0004 at pp. 50–55)

In response to the definition of ''fully cooled'' proposed in the BVM test procedure NOPR, several interested parties recommended that DOE consider an alternate differentiation between equipment types to better capture differences in energy consumption, and suggested the presence of a transparent or opaque front and the arrangement of products within the machine as potential differentiating criteria that are more appropriate and consistent with the differentiation between equipment configurations applied in industry. (CA IOUs, No. 0005 at p. 1; Sanden Vendo America Inc., Public Meeting Transcript, No. 0004 at p. 52). Many interested parties also commented regarding the difficulty of establishing a quantitative temperature threshold to differentiate fully cooled equipment from non-fully cooled equipment that would be applicable across all BVM models. (AMS, Public Meeting Transcript, No. 0004 at p. 54; SVA, No. 0008 at p. 2; NEEA, No. 0009 at p. 1). Coca-Cola and SVA also noted the potential for additional burden associated with the fully cooled verification test procedure. (Coca-Cola, No. 0010 at p. 4; SVA, No. 0008 at p. 2)

DOE considered all the comments received regarding the classification of beverage vending machines based on the definition of ''fully cooled.'' In light of the extent and scope of the comments received in response to the amendments proposed in the 2014 BVM test procedure NOPR regarding the proposed definition of fully cooled, alternative criteria for differentiating Class A and Class B equipment, and the optional fully cooled verification test protocol, DOE wishes to further consider potential classification options and criteria suggested by interested parties. As such, DOE will respond to these comments raised by interested parties and propose an alternative approach as a part of the associated ongoing energy conservation standards rulemaking. (Docket No. EERE–2013–BT–STD–0022)). This approach will provide interested parties an additional opportunity to provide DOE with feedback and suggestions regarding the appropriate classification criteria and definitions for Class A and Class B beverage vending machines.

9. Placement of Thermocouples During Testing

The DOE test procedure established by the 2006 BVM test procedure final rule does not specify how to position thermocouple wires during testing. In the 2014 BVM test procedure NOPR, DOE proposed to clarify that, in order to avoid compromising the thermal integrity of the vending machine, thermocouple wires should not be run through the dispensing door. Instead, the wires should be fed through the

door gasket, as it will mold around them and maintain a better thermal seal for the cooled compartment. DOE proposed to add text to the BVM test procedure in Appendices A and B specifying that sensors shall be installed in a manner that does not affect energy performance. Specifically, DOE proposed to amend the regulatory text to require that thermocouple wires be run through the door gasket and not through the dispensing door of the beverage vending machine such that the sensor pathway is sealed to prohibit airflow between the interior refrigerated volume and the ambient room air. 79 FR 46908, 46917–46918 (Aug. 11, 2014).

In response to DOE's proposal regarding the routing of temperature sensors and associated wiring, AMS, SVA, Royal Vendors, and Crane Merchandising Systems (CMS) commented at the NOPR public meeting they should be able to route thermocouples using whatever method was best for their machine, including destructive methods such as drilling holes. (AMS, No. 0004 at pp. 59–62; SVA, No. 0004 at pp. 62–63; Royal Vendors, No. 0004 at pp. 63–64; CMS, No. 0004 at p. 65) Royal Vendors emphasized that the routing method used by other manufactures would not work for their machines and noted that they route thermocouple wire through a removable panel in the base of the machine where the refrigerant lines enter the machine. (Royal Vendors, No. 0004 at pp. 63–64) CMS suggested that DOE did not need to provide specificity as to the placement of thermocouples for testing beyond requiring that they be routed in a manner to reduce airflow and not run through the dispensing door. (CMS, No. 0004 at p. 65) AMS suggested that manufacturers could provide documentation with their certification reports regarding the method that was used to route thermocouples when testing the beverage vending machine to establish the certified rating. AMS also recommended that DOE use the same method used by manufacturers when conducting enforcement testing to ensure consistent results. (AMS, No. 0004 at pp. 59–61) SVA also recommended DOE consider the reduction of thermocouple placements in Class A ''shelf style'' beverage vending machines in order to reduce the effects of airflow caused by thermocouple wire routing. (SVA, No. 0008 at p. 1)

DOE considered all the comments received regarding the placement of thermocouples during testing. Manufacturers commented that many methods may be used to route thermocouples and DOE should not limit the allowable methods, since some methods are more feasible than the others based on the specific equipment design. However, DOE acknowledges that without specific, verifiable requirements, it is difficult to ensure testing is conducted in accordance with any such test procedure requirement. This is an issue both for certification testing, and for ensuring repeatability of test results in DOE assessment and enforcement testing.

As such, in this final rule, DOE maintains that the thermocouple wires should not be run through dispensing doors compromising the thermal integrity of the equipment, but instead should be run through the door gasket or other alternate routes that would not affect the performance of the machine. DOE is adopting requirements regarding routing of thermocouples and other sensor wires in section 2.2.2 of Appendices A and B.

DOE does not intend to limit the manner in which manufacturers could route thermocouple wire when conducting certification testing and will continue to allow manufacturers to use whatever method they deem appropriate, including drilling holes in the side of the beverage vending machine through which the thermocouple wire can be routed and caulked in place to limit airflow. However, DOE notes that, even with precise documentation, it may be difficult to repeat exactly what was done by manufacturers during certification testing. Further, DOE does not typically employ methods that require physical destruction or permanent modification of the unit when conducting assessment or enforcement testing. Therefore, when testing a BVM model during assessment or enforcement testing, DOE will route thermocouple wire through the door gasket such that the malleable gasket material is compressed around the thermocouple wire to ensure a good seal and prohibiting airflow between the interior refrigerated volume and the ambient test chamber air. If a manufacturer uses a specific method for routing of the thermocouple wires during their own certification testing, it must document these specific steps as part of the test data records maintained by the manufacturer in accordance with 10 CFR 429.71.

10. Establishing Testing Provisions at the Lowest Application Product Temperature

The DOE test procedure for beverage vending machines requires that an average next-to-vend temperature of 36 °F ± 1 °F be maintained throughout the test, as discussed in section III.A.7 of this final rule. While DOE recognizes that the majority of covered beverage vending machines can be tested at the established rating temperature of 36 °F, DOE is aware of some unique BVM models that are designed to operate much higher than 36 °F and cannot operate at 36 °F, and thus cannot be tested in accordance with the DOE test procedure. Manufacturers of such equipment currently must request a test procedure waiver to comply with DOE's energy conservation standards in accordance with 10 CFR 431.401.[11]

Therefore, in the 2014 BVM test procedure NOPR, DOE proposed amendments to its test procedure for beverage vending machines to allow covered beverage vending machines that cannot achieve an average next-to-vend temperature of 36 °F ± 1 °F to instead be tested at their lowest application product temperature. 79 FR 46908, 46418 (Aug. 11, 2014).

DOE proposed that the lowest application product temperature would describe the lowest temperature at which a beverage vending machine model is capable of maintaining next-to-vend beverages and could correspond to the lowest setting on a unit's thermostat. For beverage vending machines that cannot maintain an average next-to-vend temperature of 36 °F ± 1 °F, the lowest application product temperature provision would specify a revised average beverage temperature for beverages in the next-to-vend product location, but would not modify any other requirements of the DOE test procedure. Equipment tested and certified using the lowest application product temperature would be required to meet the standard applicable for its equipment class and refrigerated volume, and the manufacturer would be required to maintain records of the lowest application product temperature at which a given model was rated. *Id.*

In the 2014 BVM test procedure NOPR, DOE requested comments on its proposal to adopt a lowest application product temperature provision for covered beverage vending machines that cannot be tested at the specified average next-to-vend temperature of 36 °F ± 1 °F.

DOE received several comments on the applicability of establishing testing provisions at the lowest application product temperature. AMS and SVA

[11] DOE issued a final rule amending its regulations governing petitions for waiver and interim waiver from DOE test procedures for consumer products and commercial and industrial equipment. 79 FR 26591 (May 9, 2014). This final rule was effective on June 9, 2014.

noted that all their machines can meet the 36 °F requirement. (CMS, Public Meeting Transcript, No. 0004 at pp. 75–76; SVA, Public Meeting Transcript, No. 0004 at pp. 71–72) However, AMS commented that they have machines where the lowest temperature setting is 40 °F and special software is required to set the system at 36 °F. (AMS, Public Meeting Transcript, No. 0004 at p. 71)

DOE received several comments in support of the proposed lowest application product temperature provision. Specifically, Coca-Cola agreed with DOE that the lowest application temperature should be used only when the average next-to-vend temperature of 36 °F ± 1 °F could not be achieved; in cases where 36 °F could not be achieved, the ''lowest application temperature'' should be the average temperature for which a ±1 °F tolerance is maintained for steady state operation. However, Coca-Cola added that the lowest application product temperature should not be based on the thermostat set point, but instead should be based on the lowest temperature the case is designed to operate at as specified by the manufacturer. Coca-Cola further commented that lowest application product temperature should only be applicable to cases that cannot operate as cold as 36 °F ± 1 °F; it should not be applicable to machines designed to vend frozen products such as ice or ice cream. (Coca-Cola, No. 0010 at p. 5) ASHRAE SPC 32.1 also supported DOE's proposal to adopt a lowest application product temperature provision for covered beverage vending machines that cannot be tested at the specified average next-to-vend temperature of 36 °F ± 1 °F, but recommends that the scope be limited to beverage vending machines only, and not machines designed exclusively to vend snacks or other perishable products. (ASHRAE SPC 32.1, No. 0011 at p. 3)

CA IOUs also expressed their support of the alternative lowest application product temperature provision for beverage vending machines that cannot be tested at 36 °F, but suggested that the test procedure include a requirement for the manufacturer to indicate the temperature at which the beverage vending machine was tested. (CA IOUs, No. 0005 at p. 2)

SVA disagreed with DOE's proposal to test units at the lowest application temperature, but noted that if allowed, the product should be identified within a different classification, and the temperature must be clearly labeled on the machine and identified in the DOE listing. (SVA, No. 0008 at p. 2) CMS also suggested that a new class of equipment be introduced for models that cannot meet the 36 °F requirement to help people differentiate energy efficient models from those that are not tested at the 36 °F requirement. (CMS, Public Meeting Transcript, No. 0004 at pp. 77–80) NEEA commented that beverage vending machines that do not go down to 36 °F may pass the DOE test but be ''energy hogs.'' (NEEA, Public Meeting Transcript, No. 0004 at p. 72–75) Coca-Cola commented that refrigerated vending machines which had their lowest applicable product temperature substantially higher than 36 °F were likely not beverage vending machines and that they should therefore not be included in this test procedure, but instead receive some alternative treatment. (Coca-Cola, No. 0010 at p. 5)

Regarding how to determine the lowest application product temperature for applicable equipment, AMS recommended that the lowest application product temperature be determined by actual measurement when the machine is operating at its lowest temperature. (AMS, No. 0007 at p. 4) ASHRAE SPC 32.1 stated that the lowest thermostat setting would be a reasonable approach for most equipment, but emphasized that the reported lowest application product temperature should be the integrated average temperature measurement, not the thermostat set point. (ASHRAE SPC 32.1, No. 0011 at p. 3) NEEA suggested that a proportional method of scaling the allowable energy consumption based on the change in temperature could be used for equipment that cannot reach the 36 °F requirement. (NEEA, Public Meeting Transcript, No. 0004 at pp. 82–83) SVA commented that determining energy use can be more complicated than just proportional scaling. (SVA, No. 0004–1 at p. 84)

Coca-Cola commented that testing a beverage vending machine by the proposed clarifications of Appendix A would render different test results from the current test method due to changes in temperatures and the treatment of accessories. (Coca-Cola, No. 0010 at p. 1)

DOE considered all comments submitted by interested parties regarding testing at the lowest application product temperature. Commenters generally agreed with DOE's proposal to test equipment that cannot be operated at an integrated average temperature of 36 °F ± 1 °F at the lowest application product temperature, and stated that the manufacturer should be required to record the integrated average temperature at which the machine is rated. Thus, in this final rule, DOE is adopting provisions in section 2.1.3 of Appendices A and B to test beverage vending machines that cannot be operated at an average next-to-vend temperature of 36 °F ± 1 °F to instead be tested at their lowest application product temperature, as proposed in the 2014 BVM test procedure NOPR.

Some commenters also mentioned that machines tested at the lowest application product temperature should be identified in a different classification, and that the temperature should be identified on the label and in the DOE listing. DOE notes that DOE's proposal regarding the lowest application product temperature test provisions included a requirement to report the lowest application product temperature of a BVM basic model to DOE in the BVM basic model's certification report. In this final rule, DOE is also specifying that equipment tested and certified using the lowest application product temperature will be required to meet the standard applicable for its equipment class and refrigerated volume. DOE acknowledges that it will be easier for such equipment to meet the applicable energy conservation standard, as the energy use of beverage vending machines is a function of the temperature differential between the refrigerated temperature and the ambient conditions. Since the lowest application product temperature test provisions require a higher integrated average temperature, the measured DEC would be lower than a similar case tested at 36 °F ± 1 °F. DOE reiterates that the lowest application product temperature test provisions are only applicable to equipment that cannot be operated at 36 °F ± 1 °F and, as such, believes such test provisions will only be applicable to a small number of models. Therefore, DOE does not believe separate standards for such equipment are justified. In response to NEEA's proposal to scale the applicable MDEC based on the temperature differential between the tested lowest application product temperature and the specified rating temperature of 36 °F, DOE agrees with SVA that determining the appropriate energy conservation standard level can be more complicated than just proportional scaling. For example, fixed energy consuming components, such as lighting and display signage, will not scale based on the temperature differential between the refrigerated compartment and the ambient air. However, DOE will monitor the number of models certifying under the lowest application product temperature provisions and, if a significant portion or increase in BVM

models using such provisions is observed, take any necessary corrective action at that time.

DOE agrees with Coca-Cola and ASHRAE SPC 32.1's comment that the lowest application product temperature provisions should be limited to refrigerated beverage vending machines that operate warmer than 36 °F ± 1 °F and not freezers or other categories of equipment that are not intended to vend sealed beverages, since beverage vending machines are limited to commercial refrigerators. DOE notes that this test procedure and the lowest application product temperature provisions are only applicable to equipment that meets DOE's definition of refrigerated bottled or canned beverage vending machine; namely equipment that (1) is a commercial refrigerator, (2) refrigerates sealed beverages and (3) dispenses such sealed beverages on payment. 10 CFR 431.292. In the 2014 commercial refrigeration equipment test procedure final rule, DOE adopted a new definition of commercial refrigerator, defined as a unit of commercial refrigeration equipment in which all refrigerated compartments in the unit are capable of operating at or above 32 °F ± 2 °F. 79 FR 22278, 22307–22308 (April 21, 2014). DOE has determined that this definition is also applicable to beverage vending machines. As such, to clarify that DOE's BVM test procedure and energy conservation standards only apply to refrigerated equipment and not freezers that operate below 32 °F, in this final rule, DOE is amending the definition of refrigerated bottled or canned beverage vending machine to explicitly reference the definition of commercial refrigerator located at 10 CFR 431.62. DOE notes that amending the definition of a refrigerated bottled or canned beverage vending machine is necessary since the term ''commercial refrigerator'' is referenced in the existing definition, but the definition did not explicitly establish that the term ''commercial refrigerator'' refers to that defined under subpart C to part 431 of title 10 of the CFR, which pertains to commercial refrigeration equipment. DOE believes this effectively responds to Coca-Cola and ASHRAE SPC 32.1's comments as, in DOE's view, it is extremely unlikely that a beverage vending machine would be unable to operate at 36 °F ± 1 °F and still be able to operate at or above 32 °F ± 2 °F. A beverage vending machine that operates only between 32 and 34 °F, however unlikely, would meet DOE's definition of refrigerated bottled or canned beverage vending machine. In such a case, the beverage vending machine could be rated under the lowest application product temperature provision, as adopted, and the lowest application product temperature provision would be 34 °F.

DOE acknowledges ASHRAE SPC 32.1's affirmation of DOE's proposal that the lowest application product temperature should be determined for equipment with thermostats by the lowest thermostat setting. In response to Coca-Cola's comment that the lowest application product temperature should not be based on the thermostat set point, but instead should be based on the lowest temperature the case is designed to operate at as specified by the manufacturer, DOE notes that such a requirement may be difficult to enforce and could create a loophole whereby equipment could advertise temperatures above 38 °F, but be able to operate as cold as 36 °F in the field. Therefore, in this final rule, DOE is electing to maintain the specification that, for equipment with a thermostat, the reported lowest application product temperature is the actual measured integrated average temperature when the thermostat is set at its lowest setting and not the reading on the thermostat, as suggested by ASHRAE and AMS. As DOE did not receive any comments on the specification of the lowest application product temperature for equipment without thermostats, DOE is not including any additional specificity in determining the lowest application product temperature for such equipment at this time. However, DOE notes that documentation supporting the determination of the LAPT should be included as part of the test data records maintained by the manufacturer in accordance with 10 CFR 429.71 underlying certification.

Regarding Coca-Cola's comment that testing using the lowest application product temperature may have an impact on the measured DEC, DOE acknowledges that changes in the integrated average temperature of the interior refrigerated volume will alter the measured DEC of BVM models. However, as stated earlier, DOE notes that such a provision is only applicable to equipment that cannot operate at 36 °F ± 1 °F and DOE believes this represents very few models. Also, under the BVM test procedure adopted in the 2006 BVM test procedure final rule, such equipment would be required to apply for a waiver, since it currently cannot be tested. To date, DOE has not received any waiver requests regarding BVM models that cannot operate at the appropriate rating temperature.

With respect to the comment from AMS that some models may be produced such that the lowest temperature setting is greater than the test temperature specified by the DOE test procedure and special software is required to set the system at 36 °F, DOE notes that all beverage vending machines must be tested and certified as shipped and designed for use in the field. Therefore the use of specific controls designed solely for use when testing the equipment that are not available to a purchaser or operator of the equipment would not be allowed in the DOE test procedure. If the machine, as distributed in commerce, is unable to meet the temperature requirements of the DOE test procedure, then the machine would be tested using its lowest application product temperature as discussed in section III.A.10 of this final rule.

11. Treatment of Certain Accessories During Testing

In reviewing the DOE test procedure for beverage vending machines, DOE recognized that the existing test procedure does not clearly specify the appropriate operation of some components and accessories when conducting the test procedure. DOE understands that there is room for various interpretations of the requirements for equipment configuration where the DOE test procedure is currently ambiguous or silent. In the 2014 BVM test procedure NOPR, DOE proposed to clarify the proper configuration and operation of several specific components and accessories in the DOE test procedure to remove this ambiguity and improve the repeatability of the DOE test procedure. 79 FR 46908, 46919–46922 (Aug. 11, 2014).

In the 2014 BVM test procedure NOPR, DOE proposed to clarify that, in general, any accessory or component that is integral to the intended operation of the beverage vending machine must be operational during the test. In this context, DOE interpreted ''integral'' to mean necessary for operation of the BVM model in a manner that meets the DOE definition of beverage vending machine—*i.e.,* necessary for the BVM model to cool bottled or canned beverages and/or dispense bottled or canned beverages on payment. In addition, DOE proposed to clarify that any manually controllable energy-consuming accessories that are integral to the performance of the BVM refrigeration system must be in place during testing if offered for sale with that basic model and must be tested at the most energy-consuming setting. DOE

also proposed that accessories that are controlled by automatic controls and are not configurable by the BVM operator must be tested in the automatic state. *Id.* In the 2014 BVM test procedure NOPR, DOE proposed to clarify these requirements by adding language in Appendices A and B regarding the appropriate treatment of components and accessories during testing. 79 FR at 46935, 46937.

In addition to these general requirements, DOE believed it would be clearer and more precise to specify, to the extent possible, the appropriate treatment of several common components and accessories that might typically be found on beverage vending machines. Therefore, in the 2014 BVM test procedure NOPR, DOE also proposed to include provisions regarding the treatment of 11 specific components, including (1) payment mechanisms; (2) interior lighting; (3) external customer display signs, lights, or digital screens; (4) anti-sweat and other electric resistance heaters; (5) condensate pan heaters; (6) illuminated temperature displays; (7) condensate filters; (8) security covers; (9) coated coils; (10) general purpose outlets; and (11) crankcase heaters and electric resistance heaters for cold weather. 79 FR at 46919–46922, 46935–46938.

In the 2014 BVM test procedure NOPR, DOE also emphasized that the proposed clarifications served only to unambiguously clarify the intent of the current DOE test procedure and, as such, would be required for equipment testing as of 180 days after publication of this final rule.

In response to DOE's proposed treatment of accessories in general, DOE received multiple comments regarding the treatment of accessories not discussed explicitly in section III.A.11 of the 2014 BVM test procedure NOPR and their configuration during testing. ASHRAE SPC 32.1, Coca-Cola, and California IOUs agreed with DOE that the test procedure should include components required to maintain the primary operation of the machine to represent field performance, including components used for maintaining product temperatures, accepting payment, allowing user selection of product, and vending product during testing. (ASHRAE SPC 32.1, No. 0011 at p. 4; Coca-Cola, No. 0010 at p. 7; CA IOUs, No. 0005 at p.2) ASHRAE SPC 32.1 listed the following as potential accessories that could be included on a beverage vending machine: payment devices (*e.g.,* coin mechanisms, bill validators, credit card readers, and mobile phone payment), ADA accessibility equipment, screens (*e.g.,* product selection touchscreens and pure advertisement screens), computers that interface with screens, Wi-Fi routers, trash compactors, and cold weather heating elements. (ASHRAE SPC 32.1, No. 0011 at pp. 3–4)

AMS, SVA, and Coca-Cola also supported DOE's proposal in Appendix A to de-energize accessories non-essential to the vending process and unnecessary to the machine's basic operation and they agreed that such systems should be on if required for product selection or vending. However, they commented that secondary systems, including secondary payment systems, should not be required during testing. (AMS, No. 0007 at pp. 4–7; SVA, No. 0008 at p. 2; Coca-Cola, No. 0010 at p. 7) Specifically, Coca-Cola noted that new beverage vending machines are being developed that incorporate new capabilities, utilize additional transformative technologies, and are more innovative, and they acknowledged that these additional services will add to the energy consumption of the beverage vending machine in the field. (Coca-Cola, No. 0010 at p. 8) Coca-Cola provided the following list of potential accessories that could be included on a beverage vending machine: reverse vending systems for waste management, message displays and interactive video walls not necessary for product selection, television monitors, routers, and communication systems such as modems and blue-tooth devices, consumer award management systems (that may receive caps or coupons), and additional secondary payment systems (*e.g.,* card readers, key-fob readers). (Coca-Cola, No. 0010 at p. 6) However, Coca-Cola recommended that these features not be considered when establishing a basic rating for the equipment as a beverage vending machine. Coca-Cola further recommended that, if such energy consumption were to be considered, the equipment be subject to different standards that account for the additional functionality the machines provide. (Coca-Cola, No. 0010 at p. 8)

AMS noted that they had encountered beverage vending machines with a wide variety of accessories, including cell phone/laptop battery chargers, Wi-Fi hotspots, reverse vending equipment (trash compactors), and power assist features for handicapped consumers, in addition to the accessories outlined in the 2014 BVM test procedure NOPR. AMS agreed with DOE's proposal that such accessories be de-energized or set to their lowest energy consuming state during testing under Appendix A. However, in Appendix B, AMS recommended that such accessories only be de-energized or set to their lowest energy consuming state if the BVM controls would cause the accessories to automatically enter such states under the conditions of the test. AMS clarified that, if such accessories can be configured to operate at all times, they should be left energized and operating during the test to capture the representative field performance of the unit. (AMS, No. 0007 at pp. 6–7)

California IOUs agreed with AMS that the energy consumption of such features should be captured, and they recommended that the new test procedure have provisions for including new but prevalent accessories like networking capabilities and large displays while testing. (CA IOUs, No. 0005 at p.2)

DOE agrees with the comments received from ASHRAE SPC 32.1, Coca-Cola, California IOUs, SVA, and AMS suggesting that the operation of components necessary to provide the ''primary functionality'' of the beverage vending machine as it would be installed in the field should be operational during testing. DOE interprets ''components necessary for primary functionality'' to mean the components necessary to cool products and vend products on payment. However, as discussed further in section III.A.11.a, in response to comments from SVA, AMS, and Coca-Cola, DOE is also allowing for flexibility regarding the treatment of payment mechanisms to accommodate typical equipment testing practices in the industry.

DOE is adopting clarifying language in Appendices A and B specifying that the rated beverage vending machine must only include sufficient functionality necessary for cooling and vending sealed beverages (except for payment mechanisms) during testing, including functionality necessary for temperature management, product inventory, product merchandising, product selection, and product transport and delivery. Appendices A and B will further specify that any accessories not fundamental to the primary operation of the equipment be de-energized during testing, or placed in the lowest energy consuming state if the component cannot be de-energized without affecting the fundamental functionality of the beverage vending machine. That is, if the accessory or component is required for the BVM model to cool bottled or canned beverages and/or dispense bottled or canned beverages on payment, then the accessory is required to be in place and operational during testing. Accessories such as reverse vending for waste management, wireless

portals, and other systems that do not impact the performance of the machine must be de-energized during testing, or placed in the lowest energy consuming state. DOE notes that this language and approach is consistent with that being considered by ASHRAE SPC 32.1.

DOE believes that testing with only those devices and accessories necessary for primary functionality of the beverage vending machine for its fundamental purpose of cooling and vending refrigerated beverages provides a representative and consistent basis for comparing the energy performance of beverage vending machines. DOE acknowledges the concerns of interested parties that additional accessories may increase the energy consumption of beverage vending machines in the field. However, as noted by Coca-Cola, these functions are secondary and tangential to the functionality of the equipment as a beverage vending machine. DOE also agrees with commenters that, given the number and variety of such potential accessories, it is more consistent and straightforward to test equipment with any such auxiliary features de-energized or placed in the lowest energy consuming state.

In response to AMS's comment that only those devices that are automatically placed in their lowest energy consuming state when installed and energized be allowed to enter such a state during testing, DOE believes that its adopted approach provides the most representative, repeatable, and comparable performance for tested BVM equipment. However, DOE notes that under Appendix A, any components or accessories that are controlled by automatic controls that are permanently operational and cannot be adjusted by the machine operator must be operated in the automatic state, in accordance with ANSI/ASHRAE 23.1–2010. In Appendix B, DOE is adopting more specific treatment for automatic controls, including both those that can be adjusted by the machine operator and those that cannot. DOE's provisions for these ''accessory low power mode'' controls are described further in section III.B.2.

Coca-Cola also commented that testing a beverage vending machine using the proposed clarifications of Appendix A would render different test results from the current test method due to changes in temperatures and treatment of accessories. (Coca-Cola, No. 0010 at p. 1)

In response to Coca-Cola's comment that the amendments in Appendix A will affect the measured energy consumption of refrigerated beverage vending machines, DOE reiterates that the measured energy consumption under the DOE test procedure is not affected; the amendments and clarifications included in Appendix A serve only to clarify the provisions of the existing BVM test procedure and ensure equipment are tested consistently among manufacturers and test labs.

The following sections III.A.11.a through III.A.11.k discuss the proposed treatment of 11 specific features, components, and accessories under the DOE test procedure, as well as any comments received and the specific amendments DOE is adopting in this final rule for those 11 specific components.

a. Payment Mechanisms

In the 2014 BVM test procedure NOPR, DOE stated its belief that payment mechanisms are integral to the vending function of the beverage vending machine and, accordingly, should be in place and functional during testing. Specifically, DOE proposed that when testing a vending machine, the most energy-consuming combination of payment mechanisms should be used. 79 FR 46908, 46919 (Aug. 11, 2014). DOE also noted that all other BVM models equipped with less energy-consumptive combinations of payment mechanisms may be listed as different individual models covered under that basic model or as unique basic models, if manufacturers wish to certify and make representations regarding the energy use of each combination of money processing equipment. *Id.*

In response to DOE's proposal, AMS objected to the inclusion of any money processing accessories as part of Appendix A or Appendix B during testing based on the fact that beverage vending machines usually are not shipped with these accessories and that most, if not all, of the BVM manufacturers currently omit these accessories while testing. (AMS, No. 0007 at pp. 4–5) SVA urged DOE to not consider payment mechanisms during testing because of the large number of variations involved, keeping the baseline more consistent across models and manufacturers. (SVA, No. 0008 at p. 2) AMS and SVA also noted that including payment mechanisms would make the testing process burdensome, as there are a large number of different models and manufacturers of these money processing accessories. (AMS, Public Meeting Transcript, No. 0004 at pp. 120–121; SVA, Public Meeting Transcript, No. 0004 at pp. 121–122 and SVA, No. 0008 at p. 2) Coca-Cola commented that machines are typically sold without payment systems and disagreed with DOE's analysis that the most energy-consuming combination of payment mechanisms be used for the test. Additionally, Coca-Cola noted that manufacturers had standard payment systems for machines, and recommended that the standard payment systems be used for the test. (Coca-Cola, No. 0010 at p. 7) Conversely, NEEA commented that the test procedure should include payment mechanisms, as this reflects field conditions. (NEEA, No. 0009 at p. 2) During the public meeting, SVA and NEEA suggested that payment mechanisms should be included as part of Appendix B only. (SVA, No. 0004 at pp. 121–122; NEEA, No. 0004 at pp. 122–123)

DOE considered all comments received regarding the treatment of payment mechanisms in developing the provisions adopted in this final rule. DOE agrees with the comment from NEEA that payment mechanisms should be included in the test procedure to reflect field conditions. However, DOE understands that due to the wide variety of available payment mechanism combinations, determining and testing with the most energy-consuming combination of payment mechanisms may be burdensome for manufacturers. DOE realizes that, as beverage vending machines are often sold or shipped without payment mechanisms in place, BVM manufacturers may not have control or knowledge of the payment mechanism that may be installed in the field and, as such, selecting the most energy-consuming combination, as originally proposed by DOE, may not be feasible.

Based on the comments submitted by interested parties, DOE considered several options to account for the energy use of payment the mechanisms. Given that payment mechanisms are variable and are not always included in the machine at the time of sale, DOE understands that it is difficult to unambiguously specify a ''representative'' payment mechanism or device combination that would be applicable to all BVM basic models and consistent across all units of each model. With this in mind, DOE believes that conducting physical testing of beverage vending machines with no payment mechanisms installed, as opposed to testing with the payment mechanisms in place, is the most straightforward, repeatable, and unambiguous approach. DOE notes that ASHRAE SPC 32.1 is also currently considering updating ASHRAE 32.1 to specify that testing be performed without payment mechanisms installed.

However, DOE maintains that payment mechanisms are integral to the vending function of the beverage vending machine and, therefore, represent part of the primary functionality of the beverage vending machine, as discussed in III.A.11. Accordingly, DOE believes that it is important for the energy consumption of a payment mechanism to be captured in the DEC of a beverage vending machine. To provide a standardized and consistent method of accounting for payment mechanism energy consumption when a BVM model is being tested without such a device or devices installed, DOE is specifying a default energy consumption value for payment mechanisms that will be added to the tested primary rated energy consumption per day (E_D) shown in section 7.2.3.1 of ANSI/ASHRAE 32.1–2010 to determine the DEC of tested equipment.

To determine the default payment mechanism energy consumption value that would be representative of the typical energy consumption of such devices in the field, DOE conducted a search of available payment mechanisms for beverage vending machines and their respective published power or energy consumption values. Through this search, DOE found 25 different models of payment mechanisms: 11 coin mechanisms, 11 bill validators, and 3 credit card readers. DOE found that coin mechanisms have an average idle mode power consumption of 7.1W, while bill validators have an average idle mode power consumption of 6.8W and credit card readers have an average idle mode power consumption of 12W. DOE referenced the idle mode energy consumption of these devices because no vending occurs during the BVM test procedure.

DOE calculated the average daily energy consumption for each device category based on the average power consumption estimates for each of the three payment mechanism categories. DOE estimates that coin mechanisms consume approximately 0.17 kWh/day, bill validators consume approximately 0.16 kWh/day, and credit card readers consume approximately 0.29 kWh/day. DOE notes that these values are representative of the amount of energy such devices would consume if installed on a beverage vending machine tested in accordance with the DOE test procedure. After considering these representative energy consumption values and the variability in the payment mechanism available to the manufacturer to install in the machine, DOE weighted the average daily energy consumption of the three most comment payment mechanisms. Since credit card readers are often leased from a separate company, the energy consumption of coin mechanisms and bill validators were weighted more heavily than the energy consumption of credit card readers. After weighting the representative energy consumption values, DOE determined that a default daily energy consumption value of 0.20 kWh/day is an appropriate representative value for the energy consumption associated with payment mechanisms. This value is also representative of a worst-case coin mechanism or bill validator because it is higher than the average energy consumption of the coin mechanisms or bill validators. DOE acknowledges that any given BVM basic model may have a payment mechanism or combination of payment mechanisms that uses more or less energy than this default value when installed in the field. However, for the purposes of rating equipment based on testing conducted in accordance with the DOE test procedure, the beverage vending machine shall be tested without any payment mechanism installed (or with any existing payment mechanisms de-energized or set to the lowest energy consuming state, if it cannot be de-energized) and the DEC rating shall be determined as the sum of the measured primary daily energy consumption per day and the default payment mechanism energy consumption value (0.20 kWh/day). Any representations regarding the energy consumption of equipment rated under this approach must be made based on this calculated DEC, regardless of the payment mechanism or combination of payment mechanisms with which any given BVM unit is actually sold.

Regarding the comment from Coca-Cola that manufacturers may wish to test with standard payment systems for the beverage vending machines they produce, DOE wishes to clarify that manufacturers must make representations regarding the energy consumption of beverage vending machines based on the testing and calculations performed under the DOE test procedure. DOE surveyed many BVM manufacturers and payment mechanism manufacturers regarding the existence of any default or ''standard'' payment mechanism device and was not able to identify one that was applicable to all BVM manufacturers and models. As such, DOE is instead adopting an approach whereby beverage vending machines that differ only based on number and type of payment mechanism may be certified under a single basic model listing based on the tested energy consumption of the BVM model with no payment mechanism installed (or the payment mechanism de-energized or set to the lowest energy consuming state, if it cannot be de-energized) plus the 0.20 kWh/day default energy consumption value for payment mechanisms.

In response to SVA and NEEA's suggestion that DOE include the energy consumption of payment mechanisms in Appendix B only, DOE reiterates its belief that money processing is an integral part of the primary functionality of the beverage vending machine, namely the vending function. DOE disagrees that the current test procedure does not include the energy consumption of the payment mechanisms. In fact, the current DOE test procedure for BVMs at 10 CFR 431.294(b) requires testing in accordance with the test procedures specified in section 4, ''Instruments,'' section 5, ''Vending Machine Capacity,'' section 6, ''Test Conditions,'' and sections 7.1 through 7.2.3.2, under ''Test Procedures,'' of ANSI/ASHRAE Standard 32.1–2004, ''Methods of Testing for Rating Vending Machines for Bottled, Canned, and Other Sealed Beverages.'' (Incorporated by reference, see § 431.293). More specifically, ANSI/ASHRAE Standard 32.1–2004 states that the machine shall be ''installed in accordance with the manufacturer's instructions'' and ''operated with normal lighting and control settings, using only those energy management controls that are permanently operational and not capable of being adjusted by a machine operator'' (7.1.1(a) and (d), respectively). DOE has interpreted these provisions of the test procedure as requiring the BVM to be tested with the payment mechanism as it would be installed in the field. As such, DOE is continuing to require testing of beverage vending machines in a manner that accounts for the energy consumption of all features that contribute to the primary functionality of the beverage vending machine, including payment mechanisms, in both Appendix A and Appendix B. Given the comment we received in response to DOE's proposal in the NOPR, DOE believes that it is important to clarify and streamline the applicability of the current test procedure provisions in Appendix A to reduce burden on manufacturers. Consequently, DOE is adopting a streamlined method of calculating and including the energy use with a typical payment system in sections 2.2.3.1 and 2.3 of Appendix A

and sections 2.2.5.1 and 2.3 of Appendix B.

b. Interior Lighting

Beverage vending machines typically include lighting to illuminate the vendible products, in the case of Class A equipment, or illuminate display panels that are part of the physical walls of the beverage vending machine, in the case of Class B equipment. In both cases, these lights are internal to the physical walls of the beverage vending machine and, thus, are deemed integral to the operation of the equipment. Through incorporation of ANSI/ASHRAE Standard 32.1–2004, the DOE test procedure adopted in the 2006 BVM test procedure final rule currently requires beverage vending machines to be tested with ''normal lighting and control settings.'' The revised ANSI/ASHRAE Standard 32.1–2010 includes the same requirement.

In the 2014 BVM test procedure NOPR, DOE recognized that this requirement could be interpreted differently in various circumstances and, as such, proposed to amend the regulatory text to clarify the treatment of internal lighting when conducting the DOE test procedure. Specifically, DOE proposed an amendment to the regulatory text stating that lighting that is contained within, or is part of the physical boundary of, the beverage vending machine established by the top, bottom, and side panels of the equipment be placed in its maximum energy consuming state, as DOE believes that the maximum energy consuming state is consistent with the ''normal'' setting and is the operation most commonly employed in the field. 79 FR at 46921.

In response to DOE's proposal in the 2014 BVM test procedure NOPR, AMS, SVA, Coca-Cola, and ASHRAE SPC 32.1 supported DOE's proposal to specify that internal lighting operation must be operated in the maximum energy-consuming state during testing. (AMS, No. 0007 at p. 6; SVA, No. 0008 at p. 2; Coca-Cola, No. 0010 at p. 6; ASHRAE SPC 32.1, No. 0011 at p. 3) SVA and AMS supported DOE's proposal to include such clarifications in both Appendices A and B, and noted that they both currently test equipment with the interior lighting in the maximum energy consuming state. (AMS, No. 0007 at p. 6; SVA, No. 0008 at p. 2) SVA further noted that software modes that shut off the lighting system when not in use were probably unlawful if used to influence the outcome of the energy consumption test. (SVA, No. 0008 at p. 2) Coca-Cola added that many of their machines employ energy management routines that have an impact on the lighting of the machine. (Coca-Cola, No. 0010 at p. 6) However, ASHRAE SPC 32.1 and Coca-Cola cautioned that machines may have been tested differently in the past, and the new test procedure could significantly change energy consumption values previously reported. (ASHRAE SPC 32.1, No. 0011 at p. 3; Coca-Cola, No. 0010 at p. 6)

DOE appreciates comments from AMS, SVA, Coca-Cola, and ASHRAE SPC 32.1 supporting DOE's proposal. Receiving no negative comments, in this final rule, DOE is clarifying that interior lighting that is contained within, or is part of the physical boundary of the beverage vending machine established by the top, bottom, and side panels of the equipment, shall be placed in its maximum energy consuming state for testing.

In response to the comments submitted by Coca-Cola and ASHRAE SPC 32.1 noting that previous tests may have been conducted using methods not consistent with the provisions DOE is adopting in this final rule, DOE reiterates that because the DOE test procedure was previously silent or ambiguous on the specific treatment of some components, it is possible that some BVM manufacturers misinterpreted DOE's test procedure and, thus, some BVM models were tested inconsistently. DOE acknowledges that some BVM models may require recertification based on these new clarifications. However, DOE continues to maintain that the clarified treatment of interior lighting serves only to unambiguously clarify the intent of the DOE test procedure. Therefore, DOE is adding this clarifying language to section 2.2.3.2 of Appendix A and section 2.2.5.2 of Appendix B for certifying equipment in accordance with existing and any amended energy conservation standards, respectively.

c. External Customer Display Signs, Lights, or Digital Screens

In addition to interior lighting, discussed in section III.A.11.b, DOE recognizes that some beverage vending machines may incorporate additional external customer display signs, lights, and/or digital screens outside of the body of the refrigerated BVM cabinet. In this case, such external customer display signs, lights, and/or digital screens are optional and are not integral to the cabinet, but external customer display signs, lights, may significantly increase the energy use of beverage vending machines that include those features. However, such external customer display signs, lights, or digital screens are not explicitly addressed in the DOE test procedure, as adopted in the 2006 BVM test procedure final rule, or in ANSI/ASHRAE Standard 32.1–2004 and ANSI/ASHRAE Standard 32.1–2010. In the 2014 BVM test procedure NOPR, DOE proposed to clarify that customer display signs, lighting, and digital screens external to the beverage vending machine and not integral to the operation of the primary refrigeration or vending functions (*e.g.,* digital screens that are not necessary for consumers to make a product selection) may be disabled, disconnected, or otherwise de-energized. 79 FR at 46920–46921. However, in the case that the customer display signs, lighting, or digital screens are integral to the functionality of the beverage vending machine, in that it cannot perform the primary refrigeration and vending functions if such equipment is disabled or removed, DOE clarified that the integral customer display signs, lighting, or digital screens should be put in the lowest energy-consuming state that maintains primary functionality of the beverage vending machine. For example, if a digital screen performs the vending or money processing function, that screen would be placed in its lowest energy-consuming state that still allows the money processing feature to function; this would provide equitable treatment with other payment mechanisms that must be energized, as specified in section III.A.11.a. *Id.*

DOE proposed to include this clarification in Appendix A, to be used when certifying equipment under existing standards, based on the fact that such external customer display signs, lights, or digital screens are not mentioned in the existing DOE test procedure, as adopted in the 2006 BVM test procedure final rule, and are peripheral to the primary functionality of a beverage vending machine, as discussed in section III.A.11. DOE also noted that such treatment is consistent with interpretation to ANSI/ASHRAE Standard 32.1–2010, which states that ''the Standard (32.1) addresses the refrigerated/delivery system portion of the machine. Thus, any peripheral devices, not necessary for the basic function of the vending machine are not addressed by Standard 32.1.'' *Id.*

In the 2014 BVM test procedure NOPR, DOE proposed similar treatment for Appendix B, but also proposed to define a new term, ''standby mode'' to more unambiguously specify the state in which external customer display signs, lights, and digital screens would be placed if they cannot be de-energized without affecting the primary functionality of the beverage vending machine under test. DOE proposed to

define standby mode as the mode of operation in which any external, integral customer display signs, lighting, or digital screens are connected to main power, do not produce the intended illumination, display, or interaction functionality, and can be switched into another mode automatically with only a remote user-generated or an internal signal. DOE proposed to clarify that, in Appendix B, that if the external, integral customer display signs, lighting, or digital screens do not have a standby mode, the integral customer display signs, lighting, or digital screens would be placed in the lowest energy-consuming state, and, if a digital screen performs the vending or money processing function, that screen should be placed in its lowest energy-consuming state that still allows the money processing feature to function, similar to Appendix A. *Id.*

In response to DOE's proposed treatment of external customer display signs, lights, or digital screens in the 2014 BVM test procedure NOPR, AMS, SVA, and Coca-Cola supported DOE's proposal to de-energize accessories non-essential to the vending process and unnecessary to the machine's basic operation, and agreed that such systems should be on if required for product selection or vending. The commenters supported such a proposal for both Appendices A and B. (AMS, No. 0007 at pp. 6–7; SVA, No. 0008 at p. 2; Coca-Cola, No. 0010 at p. 7) NEEA commented that capturing the standby energy usage of integral signage might drive manufacturers to move to external signage and discourage integral smart controls to reduce energy usage of integral signage. (NEEA, No. 0009 at p. 2)

DOE appreciates comments from AMS, SVA, and Coca-Cola supporting DOE's proposed treatment of external customer display signs, lighting, and digital screens. DOE acknowledges NEEA's comment regarding the potential for manufacturers to move to external signage to avoid accounting for the standby energy usage of internal signage, but believes that there is a limited capacity for them to do so, since any interior lighting used to illuminate product or equipment side panels will inherently be integral to the unit and, thus, must be operated in the maximum energy consumption state, as specified in earlier in this section. The one example where interior lighting that must be energized under the DOE test procedure might have opportunity to be replaced by an external display screen that does not have to be energized under the DOE test procedure may be on beverage vending machines that currently incorporate illuminated side panels to serve a marketing and advertising function. The illuminated side panels could, theoretically, be replaced by external digital screens. However, DOE notes that, based on DOE's review of existing Class B equipment, the illuminated side panels currently available on the market are typically quite large, covering the entire side of the beverage vending machine, and any replacement illuminated sign or digital screen would likely be equivalently large. DOE believes that such large display screens or individually manufactured external illuminated signage would be significantly more expensive than the current equipment design with interior lighting and, as such, DOE believes the likelihood that manufacturers will migrate to external signage solely to decrease the measured energy consumption of their equipment is very low.

Regarding the proposed definition of ''standby mode'' in Appendix B, AMS supported DOE's proposed definition, but stated that the list of accessories should be expanded from external, integral display signs, lighting, or digital screens to all accessories that might be applied to beverage vending machines. (AMS, No. 0007 at pp. 6–7) NRCan suggested renaming the standby mode to ''external accessory standby mode'' for clarity. (NRCan, Public Meeting Transcript, No. 0004 at p. 116) Coca-Cola suggested an alternative definition. (Coca-Cola, No. 0010 at p. 8) Specifically, Coca-Cola suggested the following definition for standby mode for beverage vending machines: ''Standby mode is the state that the vending machine is in when it does not have to deliver product, is not intended to deliver product, or cannot be used to select and purchase a product. In this mode of operation any powered element can be in a different state than when the machine is in normal operation delivering product to a consumer. Standby mode can be activated automatically by programming or by sensory devices monitoring internal functions or external conditions and activity.'' (Coca-Cola, No. 0010 at p. 8)

DOE appreciates the comment from AMS supporting the definition of the standby mode for external customer display signs, lights, or digital screens. In response to expanding the applicability of the standby mode definition, to DOE's knowledge there are not any other accessories that the definition would impact in a way that is not already accounted for in the test procedure as adopted in this final rule. DOE considered the modifications in the comments from NRCan and Coca-Cola regarding the name and definition of standby mode as it applies to external customer display signs, lights, or digital screens. DOE agrees with NRCan's proposal to rename the definition of standby mode to be more specific to the accessories to which it is applied, and is incorporating such a change in this final rule. In response to Coca-Cola's suggested changes to the definition of standby mode, DOE believes the changes in fact alter the applicability and intent of the definition. Coca-Cola's suggested changes appear to apply to the beverage vending machine as a whole, rather than just the external customer display signs, lights, or digital screens. Consistent with NRCan's suggestion, DOE's standby mode definition is applicable to external customer display signs, lights, or digital screens and, as such, DOE believes that Coca-Cola's proposed edits are not applicable in this case.

Additionally, in light of consideration of the stakeholder comments after publication of the 2014 BVM test procedure NOPR, DOE reviewed many styles of external customer display signs, lights, and digital screens and determined that the previously-proposed clarifications for Appendices A and B are materially the same. Specifically, both appendices clarify that customer display signs, lighting, and digital screens must be:

(1) Disabled, disconnected, or otherwise de-energized, if possible and if doing so does not interfere with the primary functionality of the beverage vending machine, or

(2) placed in its lowest energy consuming state or standby mode (in Appendix B) if the equipment cannot be de-energized, or

(3) placed in the lowest energy consuming state that maintains primary functionality of the beverage vending machine. As Table III.3 illustrates, the only difference between the proposed Appendices A and B methodologies is the incorporation of ''standby mode'' as the preferred operational state if the equipment cannot be de-energized or disconnected.

TABLE III.3—SUMMARY OF PROPOSED OPERATIONAL STATE FOR EXTERNAL DISPLAY SIGNS, LIGHTS, OR DIGITAL SCREENS IN APPENDIX A AND APPENDIX B IN THE 2014 BVM TP NOPR

External customer display sign, lights, or digital screen characteristics	Operational state	
	Appendix A	Appendix B
Can be de-energized and do not participate in primary functionality of the beverage vending machine.	Disabled, disconnected, or otherwise de-energized.	Disabled, disconnected, or otherwise de-energized.
Cannot be de-energized	Place in lowest energy consuming state	Placed in ''standby mode,'' if available, or lowest energy consuming state.
Necessary for primary functionality of beverage vending machine.	Placed in lowest energy consuming state that maintains primary functionality of the beverage vending machine.	Placed in lowest energy consuming state that maintains primary functionality of the beverage vending machine.

This difference between the proposed language for the two appendices would only result in a material difference in the test procedure if there is a difference between ''standby mode'' and the ''lowest energy consuming state'' for external customer display signs, lights, or digital screens that cannot be de-energized. However, for external customer display signs, lights, or digital screens DOE reviewed, the ''standby mode'' defined in Appendix B is the same as the ''lowest energy consuming state'' for equipment that cannot be de-energized and does not participate in the vending function of the beverage vending machine. Therefore, for the sake of clarity and consistency, in this final rule, DOE is aligning the treatment of external customer display signs, lights, and digital screens in Appendices A and B. In these final rule amendments, the definition of external accessory standby mode and the proposed treatment in Appendix B will be applicable to both appendices. Specifically, DOE is establishing provisions in section 2.2.3.3 of Appendix A and section 2.2.5.3 of Appendix B to clarify that all external display signs, lights, and digital screens should be de-energized or, if they cannot be de-energized without impacting the primary functionality of the equipment, placed in the external accessory standby mode (if available) or the lowest energy consuming state (if no external accessory standby mode is available) that maintains such functionality. DOE also is establishing a definition of external accessory standby mode. DOE proposed in the 2014 BVM test procedure NOPR to define ''standby mode'' as the mode of operation in which the external, integral customer display signs, lighting, or digital screens are connected to the main power; do not produce the intended illumination, display, or interaction functionality; and can be switched into another mode automatically with only a remote user-generated or an internal signal. DOE is now incorporating this definition into section 1.2 of both Appendices A and B as the definition for ''external accessory standby mode.'' As discussed previously, DOE believes that keeping the language consistent across the two appendices will ensure continuity and minimize unnecessary confusion.

d. Anti-Sweat and Other Electric Resistance Heaters

Some beverage vending machines may come equipped with anti-sweat electric resistance heaters that serve to evaporate any water that condenses on the surface of the door or walls during operation.

In the 2014 BVM test procedure NOPR, DOE proposed to amend the test procedure to clarify that anti-sweat and other electric resistance heaters should be operational during testing under the DOE test procedure. DOE also proposed to clarify that models with a user-selectable setting must be turned on and set to the maximum usage position, and that models featuring an automatic, non-user-adjustable controller that turns on or off based on environmental conditions must be operating in the automatic state. Additionally, DOE proposed to amend the regulatory text to clarify that, if a unit is not shipped with a controller from the point of manufacture, but is intended to be used with a controller, the manufacturer must make representations of the basic model based upon the rated performance of that basic model as tested when equipped with an appropriate controller. 79 FR at 46921.

DOE did not receive any comments in response to the amendments proposed in the 2014 BVM test procedure NOPR regarding anti-sweat and other electric resistance heaters. Therefore, in this final rule, DOE is incorporating the clarifying provisions into section 2.2.3.4 of Appendix A and 2.2.5.4 of Appendix B regarding the treatment of anti-sweat and other electric resistance heaters as proposed in the 2014 BVM test procedure NOPR.

e. Condensate Pan Heaters and Pumps

Beverage vending machines capture water from the air entering the cabinet during operation by causing the water to condense and then freeze on the evaporator coil of the equipment. During a defrost cycle, this frost is melted, and the meltwater produced must be removed from the unit. In many types of equipment, this meltwater is collected in a pan beneath the unit. Some models of beverage vending machines come equipped with electric resistance heaters that evaporate this water out of the pan and into the ambient air. Other models may come equipped with pumps that pump meltwater to an external drain.

In the 2014 BVM test procedure NOPR, DOE proposed to add clarifying language to the DOE test procedure in Appendices A and B requiring that these electric resistance heaters and condensate pumps be installed and operational during testing pursuant to the DOE test procedure as they would be used in the field during the entire test. DOE proposed to clarify that prior to the start of the24 hour period used to determine temperature stabilization prior to the start of the test period (hereafter referred to as ''stabilization period''), the condensate pan should be dry and that, during the entirety of the period of the test following the start of the stabilization period, any condensate moisture generated should be allowed to accumulate in the pan as it would during normal operation. DOE proposed to require that, if the condensate heater or pump was equipped with controls to initiate the operation of the heater or pump based on water level or ambient conditions, these controls be enabled and the heater or pump be operated in the automatic setting, but that water should not be manually added to or removed from the condensate pan at any time during the entire test. 79 FR at 46921–46922. Because manufacturers may offer condensate pan heaters and pumps that are shipped separately from

the specific beverage vending machine unit with which they would be used in normal operation, DOE also proposed to clarify that any beverage vending machines distributed in commerce with an available condensate pan heater or pump must be tested with the feature in place. *Id.*

DOE did not receive any comments in response to the amendment proposed in the 2014 BVM test procedure NOPR regarding condensate pan heaters and pumps. Therefore, in this final rule, DOE is adopting the clarifications proposed in the 2014 BVM test procedure NOPR with no modifications as sections 2.2.3.5 and 2.2.5.5 of Appendix A and Appendix B, respectively.

f. Illuminated Temperature Displays

Manufacturers may equip some beverage vending machine models with illuminated displays that provide visual information to the equipment operator regarding, for example, the temperature of the refrigerated volume of the unit. DOE understands this feature to be integral to the design of the given model and, as such, in the 2014 BVM test procedure NOPR, proposed to amend the test procedure to clarify that any illuminated temperature displays should be enabled during testing as they would be during normal field operation. 79 FR at 46922.

DOE did not receive any comments in response to the amendment proposed in the 2014 BVM test procedure NOPR regarding illuminated temperature displays. Therefore, in this final rule, DOE is adopting clarifying language in section 2.2.3.6 of Appendix A and section 2.2.5.6 of Appendix B to specify that illuminated temperature displays must be enabled during the test as they would be during normal field operation, consistent with what was proposed in the 2014 BVM test procedure NOPR.

g. Condenser Filters

Manufacturers may offer models equipped with nonpermanent filters over a model's condenser coil to prevent particulates from blocking the condenser coil and reducing airflow. In the 2014 BVM test procedure NOPR, DOE proposed adding clarifying language requiring that these filters be removed during testing pursuant to the DOE test procedure, as such accessories are optional and are not required for operation of the beverage vending machine. 79 FR at 46922.

In response to DOE's proposed treatment of condenser filters in the 2014 BVM test procedure NOPR, CMS commented that if a beverage vending machine is equipped with a condenser filter, it should be tested with one installed, as it can increase the energy consumption of the unit. (CMS, Public Meeting Transcript, No. 0004 at p. 100) DOE did not receive any additional comments on this topic.

DOE acknowledges CMS's comment regarding condenser filters, but while condenser filters may impact long-term energy consumption of beverage vending machines in the field, these optional condenser filters are not expected to significantly impact energy use over the relatively short duration of the DOE test procedure. DOE further notes that many options of condenser filter styles or manufacturers may be available, complicating and adding burden to the DOE test procedure. As condenser filters are more important for the long-term reliability of the equipment in the field than the tested energy consumption, DOE does not believe the additional burden associated with requiring the testing and certification of a number of different BVM models based on small variations in condenser filter manufacturers or styles is justified. Therefore, in this final rule, DOE is adopting the clarifying language proposed in the 2014 BVM test procedure NOPR and requiring that any optional condenser filters be removed during testing into sections 2.2.3.7 of Appendix A and 2.2.5.7 of Appendix B.

h. Security Covers

Manufacturers may offer for sale, with a basic model, optional straps or other devices to secure the beverage vending machine and prevent theft or tampering. Because such security devices are not anticipated to affect the measured energy consumption of refrigerated beverage vending machines and will likely significantly complicate the loading and testing of BVM models, in the 2014 BVM test procedure NOPR, DOE proposed to clarify that these security devices should be removed during testing under the DOE test procedure. 79 FR at 46922.

DOE did not receive any comments in response to the amendments proposed in the 2014 BVM test procedure NOPR regarding security covers. Therefore, in this final rule, DOE is adopting the proposed clarifying language in Appendices A and B with no modification into sections 2.2.3.8 and 2.2.5.8 of Appendix A and B, respectively.

i. Coated Coils

Coated coils, generally specified for use in units that will be subjected to environments in which acids or oxidizers are present, are treated with an additional coating (such as a layer of epoxy or polymer) as a barrier to protect the bare metal of the coil from deterioration and corrosion. DOE believes the existing DOE test procedure accurately accounts for the performance of all types of coils, including those with coatings, and that no additional clarifications are needed in the test procedure.

DOE did not receive any comments in response to the discussion in the 2014 BVM test procedure NOPR regarding coated coils. Therefore, in this final rule, DOE is not adding any clarifying language to the test procedure regarding the treatment of coated coils.

j. General Purpose Outlets

Some beverage vending machines may be offered for sale with integrated general purpose electrical outlets, which may be used to power additional equipment. In the 2014 BVM test procedure NOPR, DOE proposed adding clarifying language to Appendices A and BB specifying that no external load should be connected to the general purpose outlets contained on a unit during testing. 79 FR at 46922.

DOE received one comment during the NOPR public meeting regarding the treatment of general purpose outlets on beverage vending machines. NEEA suggested fully energizing the electrical outlet to the full amount that the circuit is able to handle instead of de-energizing them to the lowest energy consumption since they are regulated by National Electric Code. (NEEA, Public Meeting Transcript, No. 0004 at p. 96) In response to the comment from NEEA, DOE notes that energizing the general purpose outlet to the maximum energy consumption may give an estimation of the maximum energy consumption of the beverage vending machine, but fully energizing the general purpose outlet is not necessarily representative of the energy consumption of any such beverage vending machine in the field. Due to the lack of information regarding the extent to which general purpose outlets on beverage vending machines are used in the field and their representative incremental energy consumption on beverage vending machines equipped with such devices, DOE is unable to determine a representative test procedure or load profile for general purpose outlets. Therefore, DOE is clarifying in sections 2.2.3.9 of Appendix A and 2.2.5.9 of Appendix B that no external load should be connected to the general purpose outlets contained on a unit in this final rule, as proposed in the 2014 BVM test procedure NOPR.

k. Crankcase Heaters and Electric Resistance Heaters for Cold Weather

Some BVM models feature crankcase heaters or electric resistance heaters designed to keep the compressor warm in order to maintain the refrigerant at optimal conditions or to prevent freezing of beverages contained in the unit when the unit is operating at extremely low ambient temperatures. In the 2014 BVM test procedure NOPR, DOE proposed to clarify that, if present, crankcase heaters and other electric resistance heaters for cold weather should be operational during the test. DOE also proposed that, if a control system, such as a thermostat or electronic controller, is used to modulate the operation of the heater, it should be used as intended per the manufacturer's instructions. 79 FR at 46922.

DOE did not receive any comments in response to the proposed clarification that crankcase heaters and electric resistance heaters for cold weather, if present, should be operational during the test and, if controlled, should be controlled in accordance with the manufacturer's instructions. Therefore, in this final rule, DOE is adopting the clarifying provisions as sections 2.2.3.10 and 2.2.5.10 of Appendix A and B, respectively, as proposed in the 2014 BVM test procedure NOPR.

B. Appendix B: Summary of the Test Procedure Revisions to Account for Low Power Modes

In this final rule, DOE is also updating the DOE test procedure for beverage vending machines, to include in a new Appendix B to 10 CFR part 431, subpart Q, which is to be used to demonstrate compliance with any new or amended standards established as a result of the associated ongoing energy conservation standards rulemaking. (Docket No. EERE–2013–BT–STD–0022) This new Appendix B includes all of the amendments in Appendix A and, in addition, provisions for testing low power modes.

Many beverage vending machines are equipped with low power modes designed to be used during periods when demand for refrigerated beverages is low and there is opportunity to reduce equipment energy use without greatly affecting consumer utility. The features of these modes may include (but are not limited to) dimming or switching off lights, and raising the temperature set point (to which the unit cools the product) to a value higher than the temperature set point associated with the unit's vending mode.

BVM low power modes are typically activated during periods when customer traffic is known or anticipated to be minimal or nonexistent (such as at night or when a facility is closed), though they may also be activated based on short-term historical vend patterns or after a specified length of inactivity. Some low power modes may operate on fixed schedules, while others may operate based on sensor input such as that from a motion sensor or customer interface on the machine. Individual machines may have multiple low power modes, such as a schedule-based low power mode allowing the refrigeration system to shut off during periods when customers are not available and an activity-based low power mode during vending periods that dims the lights when customer activity is not detected after a certain length of time.

ANSI/ASHRAE Standard 32.1–2004, the test method incorporated by reference in the 2006 BVM test procedure final rule, and ANSI/ASHRAE Standard 32.1–2010, the test method DOE is incorporating by reference in this final rule, both require that the vending machine be ''operated with normal lighting and control settings, using only those energy management controls that are permanently operational and not capable of being adjusted by a machine operator.'' (ANSI/ASHRAE Standard 32.1–2004 7.1.1(d)) These test methods do not capture the widely available user-adjustable low power modes of operation in a representative manner, and manufacturers that offer this functionality are not able to reflect the increased efficiency of their units under either of these test methods. Additionally, these test methods do not specify how to test equipment that has permanently operational controls (meaning those that cannot be disabled).)

In the 2014 BVM test procedure NOPR, DOE proposed amendments to the BVM test procedure to provide clear and consistent provisions for testing beverage vending machines equipped with low power modes as well as to indicate what settings would be required to be used for the testing of machines with energy management controls that are permanently operational (meaning those that cannot be disabled), but can be adjusted by the operator. 79 FR 46908, 46923–46927 (Aug. 11, 2014). DOE received comments on those proposals in the 2014 NOPR public meeting and during the written comment period following publication of the 2014 BVM test procedure NOPR in the **Federal Register**. *Id.*

This section summarizes DOE's specific proposals regarding the treatment of low power modes in the BVM test procedure, any comments received regarding those proposals, DOE's response to comments received, and the revisions to the test procedure related to low power modes that are included in sections 2.2.3, 2.2.4, 2.3.1, and 2.3.2 of Appendix B. Specifically, sections III.B.1, III.B.2, and III.B.3 discuss definitions related to the low power mode test procedure, DOE's adopted test method for accounting for low power modes of operation, and the refrigeration low power mode verification test, respectively.

1. Definitions Related to the Low Power Mode Test Procedure

In the 2014 BVM test procedure NOPR, DOE proposed to allow manufacturers of equipment with a low power mode to enable features associated with that mode during a fixed period of time during the BVM test procedure. DOE defined ''low power mode'' as a state in which a BVM's lighting, refrigeration, and/or other energy-using systems are automatically adjusted (without user intervention) such that they consume less energy than they consume in an active vending environment when the beverage vending machine is capable of dispensing sealed beverages at the intended vending temperature (typically 36 °F ± 1 °F). 79 FR at 46924.

In the 2014 BVM test procedure NOPR, DOE also noted that it might be beneficial to differentiate between low power modes that affect the refrigeration system and allow the cabinet temperature to increase during a specified period and those that affect other energy-consuming accessories, such as lighting, display signage, or vending equipment. As such, DOE proposed to separately define ''refrigeration low power mode'' and ''accessory low power mode.'' DOE proposed to define refrigeration system low power mode as a state in which a beverage vending machine's refrigeration system is in low power mode and the average next-to-vend temperature is automatically (without user intervention) increased to 40 °F or higher for at least 1 hour. DOE proposed to define ''accessory low power mode'' as a state in which a beverage vending machine's lighting and/or other non-refrigeration energy using systems are in low power mode, which may include, but is not limited to, dimming or turning off lights or display signage, but which does not include adjustment of the refrigeration system. *Id.*

NEEA and SVA supported DOE's proposed definition of low power mode. (NEEA, Public Meeting Transcript, No. 0004 at pp. 147–148; SVA, No. 0008 at p. 3) Regarding DOE's proposed definition of ''refrigeration low power mode,'' SVA noted that refrigeration low power modes can vary, and therefore need to be broadly included in DOE's definition, specifically objecting to the clause ''without user intervention,'' if such was intended to include the initial programming of software parameters that allow the refrigeration low power mode to be enabled. SVA offered that various methods can be used to achieve the same outcome of reduced energy consumption resulting from variations in refrigeration system operation (SVA, No. 0008 at p. 3) Coca-Cola commented that the refrigeration low power mode should not be micromanaged and that refrigeration low power modes could include cycling the evaporator fan or temporarily defeating the defrost cycles. (Coca-Cola, No. 0010 at p. 9)

In response to DOE's request for comment on the proposed definition of ''standby,'' (see section III.A.11.c), Coca-Cola commented that DOE should consider an alternative definition that DOE believes is applicable to DOE's proposed definition of low power mode. (Coca-Cola, No. 0010 at p. 8) Specifically, Coca-Cola suggested the following definition for standby mode for beverage vending machines: ''Standby mode is the state that the vending machine is in when it does not have to deliver product, is not intended to deliver product, or cannot be used to select and purchase a product. In this mode of operation any powered element can be in a different state than when the machine is in normal operation delivering product to a consumer. Standby mode can be activated automatically by programming or by sensory devices monitoring internal functions or external conditions and activity.'' (Coca-Cola, No. 0010 at p. 8) While DOE's standby mode definition is only applicable to external customer display signs, lights, and digital screens, DOE believes Coca-Cola's comments are also pertinent to how DOE defines low power mode for beverage vending machines. As such, DOE also considered these comments with respect to the ''low power mode'' definition proposed in the 2014 BVM test procedure NOPR.

DOE appreciates the interested parties' support regarding the inclusion of definitions of ''low power mode,'' ''accessory low power mode,'' and ''refrigeration low power mode'' in the test procedure. In response to Coca-Cola and SVA's comments regarding the definition of ''refrigeration low power mode,'' DOE acknowledges that theoretically, there are many mechanisms and control approaches to adjusting the refrigeration system to achieve energy savings during extended periods of inactivity. However, DOE must balance the desire for flexibility in the ''refrigeration low power mode'' definition with the need to have any such ''refrigeration low power mode'' be verifiable. As such, DOE has designed the ''refrigeration low power mode'' definition to, as much as possible, be focused on what a ''refrigeration low power mode'' is intended to achieve, namely, energy savings resulting from the elevation of the refrigerated cabinet temperature when the beverage vending machine is not in an active vending environment. Therefore, the ''refrigeration low power mode'' definition is intended to be broadly applicable to any type of control that achieves the desired effect. However, DOE must be able to quantifiably confirm the presence of any refrigeration low power mode to prevent manufacturers from being able to claim the energy savings associated with the existence of a refrigeration low power mode when the beverage vending machine does not, in fact, include such a feature. Thus, DOE defined the refrigeration low power mode to reference a quantifiable temperature threshold and time interval, to ensure that the existence of a refrigeration low power mode could be quantifiably determined through a test. See section III.B.3 for a more in-depth discussion of DOE's specific refrigeration low power mode verification test method. As mentioned above, DOE acknowledges that there may be some types of refrigeration low power mode controls that are not effectively captured by DOE's proposed refrigeration low power mode verification test and, in such a case, the manufacturer of such equipment should submit a petition for a test procedure waiver in accordance with the provisions in 10 CFR 431.401.[12]

In response to Coca-Cola's comment regarding cycling the evaporator fan or temporarily defeating the defrost cycles as a type of refrigeration low power mode, DOE notes that such controls are only low power modes to the extent that they are activated when the beverage vending machine is not intended to be actively vending, which is consistent with DOE's definition of low power mode. If a beverage vending machine contains controls on the evaporator fan or other systems that do not meet the definition of low power mode and are not adjustable by the machine operator, such controls can be employed for the duration of the test procedure, provided their operation maintains the primary functionality of the beverage vending machine and is not inconsistent with the specifications of section III.A.11. If such controls do meet the definition of a low power mode, they would be treated as an accessory low power mode, and could be enabled and tested during the low power mode period. Although evaporator and condenser fan motor controls and defrost controls do affect the refrigeration system, they are not treated as refrigeration system low power modes unless they adjust cabinet temperature. To clarify this, DOE is modifying the definition of refrigeration low power mode to more specifically explain that a refrigeration low power mode is any state in which a beverage vending machine's refrigeration system is in low power mode by raising the cabinet temperature. Additionally, DOE is modifying the definition of accessory low power mode to clarify that any control system that meets the definition of a low power mode and is not a refrigeration low power mode qualifies as an accessory low power mode.

In response to Coca-Cola's comments regarding the definition of ''standby mode,'' which DOE determined were potentially also applicable to DOE's definition of ''low power mode,'' DOE believes that Coca-Cola's suggestions are consistent with DOE's definition of ''low power mode'' for beverage vending machines. Specifically, DOE believes that Coca-Cola's suggested language—''any powered element can be in a different state than when the machine is in normal operation delivering product to a consumer''—is consistent with DOE's definition, which specifies that, in low power mode, a beverage vending machine's lighting, refrigeration, and/or other energy-using systems are automatically adjusted (without user intervention) such that they consume less energy than they consume in an active vending environment. Coca-Cola's more specific language regarding how such modes may be activated provides useful examples of control methods, all of which are recognized under DOE's ''low power mode'' definition. However, DOE believes that the proposed definition is more flexible and more broadly applicable, since it does not prescribe specific control methods or specific features that must

[12] DOE issued a final rule amending its regulations governing petitions for waiver and interim waiver from DOE test procedures for consumer products and commercial and industrial equipment. 79 FR 26591 (May 9, 2014). This final rule became effective on June 9, 2014.

be disabled. As Coca-Cola's suggestions are not substantively different than DOE's proposed definition for ''low power mode,'' DOE is adopting the proposed definition without modification.

DOE also notes that ''low power mode'' as defined in this final rule is different from EPCA's definition of ''standby mode.'' Regarding the applicability of ''standby mode'' to beverage vending machines in general, DOE reviewed the operating modes available for beverage vending machines and determined that this equipment does not have operating modes that meet the definition of standby mode or off mode, as established at 42 U.S.C. 6295(gg)(3). Specifically, beverage vending machines are typically providing at least one main function—refrigeration. (42 U.S.C. 6295(gg)(1)(A)) DOE recognizes that in a unique equipment design, the low power mode includes disabling the refrigeration system, while for other equipment the low power mode controls only elevate the thermostat set point. Because low power modes still include some amount of refrigeration for the vast majority of equipment, DOE believes that such a mode does not constitute a ''standby mode,'' as defined by EPCA, for beverage vending machines.

2. Low Power Mode Test Method

In the 2014 BVM test procedure NOPR, DOE proposed to establish a physical test that consists of a 6-hour low power mode test period that allows accessory low power modes to be enabled, and a separate calculation approach to account for refrigeration low power modes. DOE proposed a calculation-based approach to account for refrigeration low power modes because DOE believed it was the best method to provide consistent and equitable treatment among BMV models, and to ensure the accuracy and repeatability of the test method, without making the test method unduly burdensome to conduct. 79 FR at 46924–46926.

Under DOE's proposed method, equipment with a low power mode would stabilize and operate under normal test procedure conditions, with all equipment and accessories energized as they would be when the equipment is capable of actively refrigerating and vending sealed beverages (as specified in section III.A.11), for the first 18 hours of the test period. During this ''active vending'' test period, DOE proposed that any low power modes be disabled and, unless specified otherwise by another portion of the test procedure, that all low power mode control features that cannot be disabled but can be adjusted would be required to be adjusted such that the DEC is maximized, to best represent the likely performance of the equipment in the field while in active vending mode. Similarly, DOE proposed adopting a modification to ANSI/ASHRAE Standard 32.1, requiring that any party performing the test procedure provide, if necessary, any physical stimuli or other input to the machine that may be needed to prevent automatic activation of low power modes during the vending state test period. *Id.*

Then, for equipment with an accessory low power mode, DOE proposed that the accessory low power mode may be enabled for the final 6 hours of the test, or from hour 18 to hour 24 of the 24-hour test. 79 FR at 46926. For equipment with multiple accessory low power modes or multiple energy use states, DOE clarified that equipment should be configured with the lowest energy-consuming lighting and control settings during the accessory low power mode test period. 79 FR at 46927. Equipment without an accessory low power mode would continue to operate normally and in accordance with specifications in the DOE test procedure. DOE proposed 6 -hours as a representative length of time for the low power mode test period, based on the fact that it is intended to represent off hours between periods of vending when the facility may be closed or have low occupancy. While DOE recognizes that there is a wide range of types of low power mode controls and time periods for which these controls are enabled, DOE believes a timeframe of 6 hours is a reasonable representation of average field use. 79 FR at 46926.

To account for the energy savings associated with the presence of any refrigeration low power modes, DOE proposed using a calculation-based energy credit equal to 3 percent of the measured DEC of any unit equipped with a refrigeration low power mode. *Id.* DOE developed the 3 percent value based upon test data evaluating the low power mode energy savings for a variety of different BVM models available on the market. DOE developed the credit to represent the approximate energy savings that would have been achieved through a 6-hour time period during which the refrigeration low power mode of the tested unit was enabled, including any time and energy consumption necessary to return the case to appropriate vending temperature within the 6-hour period. The method DOE used to develop this value is described in detail in the BVM test procedure NOPR. 79 FR at 46925–46926.

In response to DOE's proposed low power mode test provisions, DOE received a number of comments from interested parties. AMS supported DOE's proposed low power mode test method, but noted that characteristics of the low power mode were account driven and depended on what customers wanted. (AMS, No. 0007 at pp. 7–8) Coca-Cola agreed with AMS that the low power mode is dependent on many factors and is primarily account-driven and they noted that a test-procedure should not define or limit how energy savings are achieved. (Coca-Cola, No. 0010 at p. 9) ASHRAE SPC 32.1 and SVA supported DOE's view regarding the responsibility of the testing entity to provide the necessary stimuli to prevent automatic activation of low power modes during the vending state test procedure. (ASHRAE SPC 32.1, No. 0011 at p. 4; SVA, No. 0008 at p. 3) However, SVA stated that the inclusion of low power modes in the test procedure would be overly burdensome to manufacturers and would make it difficult to compare results. SVA added that these features are present on most, if not all, beverage vending machines and SVA did not support giving manufacturers an option to reduce the publicized DEC value without actually changing anything of substance. (SVA, No. 0008 at p. 3)

Regarding DOE's proposed calculation-based method to account for refrigeration low power modes, NEEA and SVA supported DOE's proposal to provide a percentage credit to machines with a refrigeration low power mode. (NEEA, No. 0009 at p.2; SVA, No. 0008 at p. 3) Conversely, ASHRAE SPC 32.1, Coca-Cola, California IOUs, and AMS commented that a physical test would be the most accurate method to account for low power mode operation and expressed concern about the 3 percent savings credit for refrigeration data low power mode. (ASHRAE SPC 32.1, No. 0011 at p. 4; Coca-Cola, No. 0010 at p. 10; CA IOUs, No. 0005 at p. 2; AMS, No. 0007 at pp. 7–8) ASHRAE SPC 32.1 stated that the committee is currently working to specify a physical refrigeration low power mode test protocol that would be applicable to all BVM operating schemes. (ASHRAE SPC 32.1, No. 0011 at p. 4) Coca-Cola submitted that it was acceptable to separate low power mode for refrigeration systems from low power mode for other machine functions, since the former is tied to food safety. (Coca-Cola, No. 0010 at p. 9)

Regarding the length of the low power mode test period, Coca-Cola supported

DOE's proposal of a 6-hour low power mode test period. (Coca-Cola, No. 0010 at p. 9) ASHRAE SPC 32.1 noted that the committee was considering alternative time periods for the low power mode test period, and was in the process of researching available field data to determine what would be most appropriate and representative. (ASHRAE SPC 32.1, No. 0011 at p. 4)

DOE appreciates comments from interested parties expressing support for DOE's low power mode test method. DOE agrees with interested parties that there are a wide variety of low power mode controls and approaches. DOE has attempted to define ''low power mode,'' ''accessory low power mode,'' ''refrigeration low power mode,'' and the associated test methods to be technology-neutral, to the extent possible. Specifically, DOE designed the definitions of ''low power mode,'' ''accessory low power mode,'' and ''refrigeration low power mode'' to focus on the intended outcome of the low power mode, namely energy savings during periods of inactivity, rather than the specific mechanism by which such energy savings are accomplished, as discussed in section III.B.1. DOE also notes that employing a physical accessory low power mode test allows any control that meets DOE's definition of accessory low power mode to be enabled during the 6-hour low power mode test period, and the energy savings from any such accessory low power mode to be objectively determined. Because DOE did not employ a physical test, when defining ''refrigeration low power mode,'' DOE had to be more cognizant of the specific characteristics that constituted a refrigeration low power mode to ensure that the 3 percent credit would be applicable and to ensure that the presence of a low power mode was verifiable, as discussed further in section III.B.3.

In response to SVA's comment regarding the additional burden associated with accounting for the impact of low power modes in the DOE test procedure, DOE believes that including a method to quantify the energy impact of low power modes is important to ensure that the test is representative of the energy consumption of the equipment, since, as SVA notes, low power modes are a common feature on many beverage vending machines. In addition, DOE considered repeatability and the burden of testing when developing the low power mode test method, and believes the proposed test method represents very little additional burden while providing a fair and accurate comparison of BVM performance. Specifically, DOE is adopting a calculation-based approach to account for the impact of any refrigeration low power mode because it is the least burdensome and most repeatable approach.

However, as noted in the 2014 BVM test procedure NOPR, non-refrigeration based accessory low power modes are more straightforward to evaluate based on a physical test. Therefore, as a physical test will more accurately capture the energy impact of any accessory low power modes, DOE believes that a physical test is warranted in this case. Physical testing of accessory low power modes will also allow for differentiation and performance comparisons among different BVM models equipped with different accessory low power modes, whereas a calculation-based approach may not. DOE notes that the accessory low power mode test will not add to the length of the test, and only requires the interaction of test personnel to program the low power mode controls, which DOE believes will not significantly impact the burden associated with conducting the DOE test procedure. DOE specifically quantifies the burden associated with the low power mode test provisions, as well as all the test procedure amendments adopted in this final rule, in section IV.B.

Regarding the repeatability of the accessory low power mode test method, DOE acknowledges comments from interested parties that accessory low power modes may employ a variety of different control strategies and control a variety of different components. While DOE believes that it is important to preserve flexibility to accommodate various types of accessory low power mode controls in the DOE test procedure, DOE understands that this could impact the repeatability of the test if it is not clear which control settings should be employed for testing. Therefore, as proposed in the 2014 BVM test procedure NOPR, DOE is adopting provisions in this final rule that beverage vending machines with multiple accessory low power modes must be placed in the accessory low power mode that results in the maximum energy savings.

DOE appreciates the comments from ASHRAE SPC 32.1, Coca-Cola, California IOUs, and AMS regarding a desire for a physical test for the refrigeration low power mode. DOE agrees with commenters that a physical test would be more accurate for a specific tested BVM unit and would allow for better differentiation of the performance of different types of refrigeration low power mode controls. However, as noted in the 2014 BVM test procedure NOPR, DOE understands that refrigeration low power modes are extremely variable in terms of their control strategies and operation and, in addition, may require specific instructions from the manufacturer to precisely modify or adjust the control systems to accommodate the specific provisions of the DOE test procedure. 79 FR at 46924–46925. DOE believes that this would reduce the consistency and repeatability of such a physical test method and would make the method impractical to implement. Therefore, due to the difficulty of accounting for the wide variety of refrigeration low power modes in a consistent, fair, and reasonable manner, DOE is electing to adopt a calculation-based refrigeration low power mode credit, as proposed in the 2014 BVM test procedure NOPR. The refrigeration low power mode credit was calculated based on the physical testing of several BVM units, with and without the refrigeration low power mode employed, and including the energy consumption of the refrigeration system and all lights and accessories available on the tested units. Based on these test data, DOE determined the average reduction in measured DEC resulting from use of the refrigeration low power mode only. DOE notes that, with regard to the calculation-based provisions for determining the DEC when testing is conducted without a payment mechanism, the refrigeration low power mode credit would be applied to the calculated DEC, determined as the sum of the tested primary energy consumption and the default payment mechanism energy consumption value. Whether using the testing-based or calculation-based provisions for determining the DEC (with or without a payment mechanism installed, respectively), the refrigeration low power mode credit is applied to the total energy consumption of the machine, including all accessories and refrigeration system components.

DOE also appreciates the comments of ASHRAE SPC 32.1 regarding their work on developing a physical testing-based refrigeration low power mode test method that would be universally applicable to all systems. However, DOE notes that ASHRAE SPC 32.1 did not provide any additional information regarding the specific test provisions they are considering. DOE also notes that DOE has been following the work of ASHRAE SPC 32.1 and is not aware of any discussions proposing or finalizing a refrigeration low power mode test method at this time. While

the work of ASHRAE SPC 32.1 is ongoing, to DOE's knowledge, a repeatable and consistent physical refrigeration low power mode test is not available at this time and, as such, DOE is adopting the refrigeration low power mode credit proposed in the 2014 BVM test procedure NOPR.

With regard to the comments from interested parties regarding the 3-percent credit for beverage vending machines with refrigeration low power mode capability, DOE acknowledges the concerns of some commenters that 3 percent may not accurately describe the specific energy savings from a unique instance of a refrigeration low power mode. However, DOE's estimate of 3 percent energy savings due to the operation of low power modes is based on the data available and known to DOE, and DOE notes that interested parties did not submit additional data to inform this estimate. DOE understands that the control strategies employed by various refrigeration low power modes could result in variation in the achieved energy savings, even assuming they are evaluated according to a consistent test method. However, DOE reiterates that the proposed 3-percent credit is determined based on low power mode test results of BVM models with different low power modes [13] and, as such, DOE believes 3-percent is representative of the common types of refrigeration low power modes DOE has observed in the market place. Therefore, DOE is maintaining the 3-percent energy savings credit proposed in the 2014 BVM test procedure NOPR for beverage vending machines with a refrigeration low power mode.

With regard to the length of the low power mode test period, DOE appreciates Coca-Cola's support of the 6-hour low power mode test duration. DOE also appreciates ASHRAE SPC 32.1's comment that they were considering alternative time periods for the low power mode test period and were in the process of researching available field data to determine what would be most appropriate and representative. However, DOE notes that ASHRAE SPC 32.1 did not submit any additional data regarding BVM low power mode usage profiles or durations. Lacking any additional data or more specific recommendations, DOE is maintaining the low power mode test duration at 6 hours as proposed in the 2014 BVM test procedure NOPR.

[13] DOE described the method for determining the 3 percent credit in detail in the 2014 BVM test procedure NOPR. 79 FR 46908, 46925–46926 (Aug. 11, 2014).

DOE believes the accessory and refrigeration low power mode test provisions are applicable to most forms of low power modes available in the marketplace. However, DOE is aware of some forms of ''learning-based'' energy management controls that cannot be accurately or consistently captured by the DOE test procedure for beverage vending machines. Such energy management controls save energy by, over time, using historic sales and traffic data and embedded algorithms to profile and predict typical times of high and low traffic and sales based on the sales history of the machine. However, it is extremely difficult to develop a repeatable procedure to evaluate the energy savings from such controls over a 24-hour test in a testing laboratory. As such, DOE acknowledges that such energy management controls would not be effectively captured over the course of the DOE test procedure and, as such, should be disabled during the test, if possible. If such ''learning-based'' controls also have a ''schedule-based'' or programmable mode, the energy management controls can be operated in the programmed mode in accordance with the accessory low power mode provisions. If the controls do not have a programmable mode and cannot be disabled during the test, or the energy management control provisions are otherwise inapplicable, the manufacturer of that equipment should submit a petition for request a waiver in accordance with the provisions in 10 CFR 431.401.[14]

3. Refrigeration Low Power Mode Verification Test Protocol

DOE recognizes that a calculated energy credit will not account for differences in performance or efficacy among different types of refrigeration low power modes and will not objectively verify the performance or existence of a refrigerated low power mode. Therefore, a procedure to verify the existence of a refrigeration low power mode, as defined, is required to ensure BVM manufacturers do not apply the 3-percent refrigeration low power mode credit to basic models that have a refrigeration low power mode that will not result in energy savings in the field.

In the 2014 BVM test procedure NOPR, DOE proposed a refrigeration low power mode verification test method, which included initiating the refrigeration low power mode after completion of the 24-hour BVM test period and recording the average temperature of the standard test packages in the next-to-vend beverage positions for the next 2 hours. Under DOE's proposal, over the course of this 2-hour period, the instantaneous average next-to-vend beverage temperatures (*i.e.,* the spatial average of all next-to-vend beverages) would be required to increase above 40 °F and remain above 40 °F for at least 1 hour. DOE also proposed that the beverage vending machine would be required to be capable of automatically returning itself to its normal operating conditions, including the specified integrated average temperature, at the conclusion of the refrigeration low power mode. To limit unnecessary burden, DOE also proposed that this validation test would not be required to determine the DEC of BVM models, but would be employed by DOE for enforcement purposes to verify the existence of a refrigeration low power mode.

In response to DOE's proposed refrigeration low power mode, SVA commented that 1 hour might not be a sufficient time span to raise the temperature of all the next-to-vend packages above 40 °F. SVA reasoned that this depended on multiple factors, including insulation effectiveness. (SVA, No. 0008 at p. 3) Coca-Cola drew DOE's attention to the FDA Food Code, which recommends that in a refrigerated vending machine, the air temperature may not exceed 5 °C for more than 30 minutes immediately after the machine is filled, serviced, or re-stocked. Because of this, Coca-Cola suggested that it would be impractical to have a test where a product is maintained over 40 °F for 1 hour, and that should such a test be conducted, it should be for information only. (Coca-Cola, No. 0010 at p. 10)

DOE appreciates the comments submitted by SVA that the duration of the refrigeration low power mode verification test may not be long enough to reach 40 °F and agrees that the time it takes the refrigerated cabinet to reach such a temperature will be dependent on a number of things, including the insulation effectiveness. DOE based is original proposed duration of 2 hours on available test data from a range of BVM models employing low power mode. Based on the BVM models for which DOE had data, all BVM units had reached a temperature of at least 40 °F within 2 hours. However, DOE does not wish to disincentivize BVM manufacturers from increasing the energy efficiency of equipment by increasing the insulation level on the refrigerated compartment, if doing so

[14] DOE issued a final rule amending its regulations governing petitions for waiver and interim waiver from DOE test procedures for consumer products and commercial and industrial equipment. 79 FR 26591 (May 9, 2014). This final rule became effective on June 9, 2014.

would prevent the case from being able to meet the refrigeration low power mode verification test. Therefore, DOE is changing the refrigeration low power mode verification test duration to 6 hours. That is, in this final rule, DOE is adopting the following provisions for the refrigeration low power mode test. In order for a manufacturer to apply the refrigeration low power mode credit to a particular BVM unit, the BVM unit must either:

A. Satisfy the following three requirements:

(1) The instantaneous average next-to-vend beverage temperature must reach at least 4 °F above the integrated average temperature or lowest application product temperature, as applicable, within 6 hours;

(2) The instantaneous average next-to-vend beverage temperature must be maintained at least 4 °F above the integrated average temperature or lowest application product temperature, as applicable, for at least 1 hour; and

(3) After the instantaneous average next-to-vend beverage temperature is maintained at or above 4 °F above the integrated average temperature or lowest application product temperature, as applicable, for at least 1 hour, the refrigerated beverage vending machine must return to the specified integrated average temperature or lowest application product temperature, as applicable, automatically without direct physical intervention; or

B. Not activate the compressor for the entire 6 hour period, in which case the instantaneous average beverage temperature does not have to reach 4 °F above the integrated average temperature or lowest application product temperature, as applicable, but, the equipment must still automatically return to the integrated average temperature or lowest application product temperature, as applicable, after the 6 hour period without direct physical intervention.

DOE notes that the temperature threshold of at least 4 °F above the integrated average temperature, or 40 °F for most equipment, was selected based on the U.S. Environmental Protection Agency's ENERGY STAR® [15] Product Specification for Refrigeration Beverage Vending Machines, Version 3.1,[16] which requires that qualified beverage vending machines include either a lighting low power state, refrigeration low power state, or whole machine low power state. ENERGY STAR further defines refrigeration low power state as a state in which the average beverage temperature is allowed to rise to 40 °F or higher for an extended period of time. Given its use in other industry standards, DOE believes it is consistent to reference a similar temperature threshold when defining refrigeration low power mode in the DOE test procedure.

In response to Coca-Cola's comment regarding refrigerated beverage vending machines designed to vend perishable products, DOE notes that if a beverage vending machine is not equipped with a refrigeration low power mode because it is designed to vend perishable products, then it will not be eligible for the refrigeration low power mode credit. As such, this optional test procedure to verify the existence of a refrigeration low power mode would not be applicable to such refrigerated beverage vending machines. The provisions for testing refrigerated beverage vending machines equipped with a refrigeration low power mode do not require BVM models to be sold with such a feature or preclude BVM models from being sold without a refrigeration low power mode.

Additionally, DOE wishes to mention that, as previously discussed in the context of operating temperatures, manufacturers should test and rate their basic models for the purposes of certification using only those controls with which units of the given basic model is are distributed in commerce and intended to be used in the field. Moreover, the use of any control schemes designed solely for the purposes of conducting the DOE test that are not available on the beverage vending machine as it is distributed in commerce cannot be used during the test. If a manufacturer produces a design which it believes should be qualified for the refrigeration low power mode credit but which cannot meet the verification requirements as outlined above, the manufacturer should apply submit a petition for a test procedure waiver for that basic model in accordance with the provisions in 10 CFR 431.401, as noted above in section III.B.2.

C. Other Amendments and Clarifications

DOE is also amending 10 CFR 429.52(b) to clarify the reporting requirements at 10 CFR 429.52(b). Similarly, DOE is amending the introductory language found in 10 CFR 431.296 to clarify the applicability of the DEC measured in accordance with the test procedure to the energy conservation standards listed in that section.

In this section, DOE discusses DOE's proposed amendments regarding the certification and reporting requirements for beverage vending machines, comments DOE received on these issues, DOE's response to any comments received, and the final amendments being adopted as part of this final rule. In section III.C.1, DOE also discusses comments received that are not related to any of the specific test procedure amendments.

1. Clarifications to the Scope of the BVM Regulations

In written comments received in response to the 2014 BVM test procedure NOPR, AMS stated that vending machines that do not dispense beverages should be completely excluded from the scope of this rulemaking. (AMS, No. 0007 at p. 4)

In response to AMS's comment, DOE notes that all equipment meeting the definition of refrigerated bottled or canned beverage vending machine established by EPCA are subject to DOE's regulations, including the DOE test procedure and applicable energy conservation standards. Refrigerated bottled or canned beverage vending machine is defined as ''a commercial refrigerator that cools bottled or canned beverages and dispenses the bottled or canned beverages on payment.'' 10 CFR 431.292 To explicitly include any beverage vending machines that may vend cooled beverages that are in unusual containers, DOE also defines ''bottled or canned beverage'' as ''a beverage in a sealed container.'' Therefore, as noted by AMS, vending machines that do not cool or dispense beverages in sealed containers do not meet the definition of a refrigerated bottled or canned beverage vending machine and, as such, are not subject to DOE's regulations for refrigerated bottled or canned beverage vending machines.

2. Clarifications to Certification and Reporting Requirements

DOE notes that 10 CFR 429.52(b)(2) contains requirements for certification reports for covered beverage vending

[15] ENERGY STAR is a joint program of the U.S. Environmental Protection Agency and DOE that establishes a voluntary rating, certification, and labeling program for highly energy efficient consumer products and commercial equipment. Information on the program is available at *www.energystar.gov/index.cfm?c=home.index.*

[16] U.S. Environmental Protection Agency. *ENERGY STAR Program Requirements for Refrigerated Beverage Vending Machines—Eligibility Criteria: Version 3.1.* Revised December 2013. *https://www.energystar.gov/sites/default/files/specs//private/Vending%20Machines%20Program%20Requirements%20Version%203%201.pdf.*

machines. Specifically, DOE requires reporting of ''maximum average daily energy consumption.'' However, the outcome of the DOE test procedure is the measured ''daily energy consumption'' for a given model of beverage vending machine. To be consistent, DOE proposed in the 2014 BVM test procedure NOPR to update the reporting requirements at 10 CFR 429.52(b)(2) to require certification reports to include ''daily energy consumption'' rather than ''maximum average daily energy consumption.'' 79 FR at 46927.

The ''daily energy consumption'' of a given BVM basic model measured using the DOE test procedure and reported in accordance with 10 CFR 429.52(b)(2) should be compared to the ''maximum daily energy consumption'' for the basic model's respective equipment class in the standard table in 10 CFR 431.296 to determine whether the basic model complies with the relevant standard. To clarify the relationship between these terms, DOE also proposed to update the language at 10 CFR 431.296 to specify that the ''daily energy consumption'' (rather than the ''maximum daily energy consumption'') of each basic model of refrigerated bottled or canned beverage vending machine must not exceed the ''maximum daily energy consumption'' specified in the energy conservation standard table. *Id.*

DOE did not receive any comments on the proposed amendments to 10 CFR 429.52(b) with regards to reporting requirements for beverage vending machines, or the introductory language found in 10 CFR 431.296 to clarify the applicability of the DEC measured in accordance with the test procedure to the energy conservation standards listed in that section. Therefore, DOE is adopting the proposed clarifications discussed in the 2014 BVM test procedure NOPR with no modifications.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the OMB.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IFRA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

DOE reviewed the proposed rule, which would amend the test procedure for beverage vending machines, under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. In the 2014 BVM test procedure NOPR, DOE certified that the proposed rule, if adopted, would not result in a significant impact on a substantial number of small entities. DOE did not receive comments on the economic impacts of the test procedure. Therefore, DOE continues to certify that the test procedure amendments set forth in this final rule will not have a significant impact on a substantial number of small entities. The factual basis for this certification is set forth below.

For the BVM manufacturing industry, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purpose of the statute. DOE used the SBA's size standards to determine whether any small entities would be required to comply with the rule. The size standards are codified at 13 CFR part 121. The size standards are listed by the North American Industry Classification System (NAICS) code and industry description, and are available at *www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.* In the 2007 version of the NAICS codes, BVM manufacturers were classified under NAICS 333311, ''Automatic Vending Machine Manufacturing.'' The SBA set a threshold of 500 employees or less for an entity to be considered as a small business for this category. The 2011 Certification, Compliance, & Enforcement final rule (herein referred to as 2011 CC&E final rule) indicates that the NAICS code associated with beverage vending machines was 333311 and the small business threshold was 500 employees as of the date of that final rule 76 FR 12422, 12448 (March 7, 2011). In 2012, NAICS published an updated set of codes that contained some significant changes in the classification of various manufacturing industries from those established in 2007 and referenced in the CC&E final rule, including consolidating manufacturers that were previously classified under 333311 to NAICS code 333318. 77 FR 49991, 50000 (Aug. 20, 2012). As prescribed by the 2012 NAICS code updates, in this final rule (as well as in the 2014 BVM test procedure NOPR) DOE has referenced the 2012 NAICS code 333318, ''Other Commercial and Service Industry Machinery Manufacturing,'' as applicable to BVM manufacturers. The SBA sets a threshold of 1,000 employees or less for an entity to be considered as a small business for this category.

DOE conducted a market survey of manufacturers of equipment covered by this rulemaking using all available public information. DOE's research involved the review of individual company Web sites and marketing research tools (*e.g.,* Dun and Bradstreet reports, Manta) to create a list of companies that manufacture or sell beverage vending machines covered by this rulemaking. Using these sources, DOE identified eight manufacturers of beverage vending machines.

DOE then reviewed the data to determine whether the entities met the SBA's definition of a small business manufacturer of beverage vending machines and screened out companies that do not offer equipment covered by this rulemaking, do not meet the definition of a ''small business,'' or are foreign owned and operated. Based on this review, DOE has identified four companies that would be considered small manufacturers; this represents 50 percent of the national BVM manufacturers.

Table IV.1 groups the small businesses according to their number of employees. The smallest company has 2 employees and the largest company has 375 employees. According to DOE's analysis, total annual revenues associated with these small manufacturers were estimated at $108.5 million ($27.1 million average annual revenue per small manufacturer).

TABLE IV.1—SMALL BUSINESS SIZE BY NUMBER OF EMPLOYEES

Number of employees	Number of small businesses	Percentage of small businesses	Cumulative percentage
1–50	1	25.0	25.0
51–100	1	25.0	50.0
101–1000	2	50.0	100.0
Total	4	.....	.....

* The total annual revenue for all small business is calculated as the average annual revenue per small business in each employee size bin multiplied by the number of small businesses in that bin. Note, the value in the total value may not correspond directly to the average data due to rounding.

This final rule updates and incorporates several additional amendments to clarify ambiguities in the industry test procedure incorporated by reference into the DOE test procedure for beverage vending machines. In addition, DOE is incorporating revisions to the DOE test procedure that:

(1) Eliminate testing at the 90 °F ambient test condition,

(2) clarify the test procedure for combination vending machines,

(3) clarify the requirements for loading BVM models under the DOE test procedure,

(4) clarify the specifications of the test package,

(5) clarify the next-to-vend beverage temperature test condition,

(6) specify placement of thermocouples during the DOE test procedure,

(7) establish testing provisions at the lowest application product temperature,

(8) clarify the treatment of certain accessories when conducting the DOE test procedure, and

(9) add a method to account for energy impacts of low power modes.

Manufacturers are currently required to test Class A and Class B beverage vending machines using the DOE test procedure established in the 2006 BVM test procedure final rule (71 FR 71340; Dec. 8, 2006) to show compliance with existing energy conservation standards established in the 2009 BVM energy conservation standard final rule (74 FR 44914; Aug. 31, 2009). That test procedure incorporates by reference ANSI/ASHRAE Standard 32.1–2004 and ANSI/AHAM HRF–1–2004, and consists of one 24-hour test at standard rating conditions to determine the DEC of covered beverage vending machines during a representative cycle of use. 71 FR 71340, 71355 (Dec. 8, 2006). DOE estimates the cost of conducting the DOE current test procedure to be $5,000 for each BVM unit for the 24-hour test.

Six of the amendments in this test procedure final rule will not change the testing burden for refrigerated beverage vending machines. These amendments serve only to establish new definitions and provide clarification to DOE's existing test procedure requirements. As discussed in section III.A.1 of this final rule, updating the reference to an industry test procedure and other minor clarifications of the referenced industry test procedure will not change the test procedure burden because it will not change the technical requirements of the test procedure. Other amendments that do not change the testing burden for refrigerated beverage vending machines include the amendments regarding the test procedure for combination vending machines, loading the vending machines when conducting the test procedure, specifying the characteristics of the test package, clarifying the next-to-vend temperature test condition, and specifying the placement of thermocouples during testing.

The remaining amendments in this test procedure rule may affect the test procedure burden and the expected incremental increases or decreases in cost for conducting the test procedure are discussed in the following paragraphs.

DOE estimated the cost of labor using an average hourly salary of $42.65 for an engineer.[17] Including fringe benefits, which are estimated to be 30 percent of total compensation, the total hourly cost to an employer is estimated to be $55.45.[18]

Eliminating testing at the 90 °F ambient test condition will substantially lessen the testing burden on manufacturers, as it decreases the testing requirements from two tests to one test per BVM unit. DOE estimates this decrease in burden to be 10 hours of labor and 60 hours of facility use, which reduces the testing cost for each BVM unit by roughly $2,500, or half the cost of conducting the existing test procedure.

Establishing testing provisions at the lowest application product temperature affects only a very small percentage of equipment on the market, estimated to be less than 2 percent of shipments. Manufacturers who make equipment affected by this provision should experience a decrease in burden because they will no longer have to seek waivers for equipment that cannot maintain the 36 °F ±1°F average next-to-vend temperature for the duration of the test. For these manufacturers, DOE estimates this will save 4 hours of labor to develop an alternate test procedure and submit the waiver application for each beverage vending machine basic model, or $221.80 for each beverage vending machine basic model.

Clarifying the treatment of various components and accessories in the DOE test procedure should not alter the technical requirements of the DOE test procedure, because these additional specifications are meant to clarify existing requirements. However, DOE understands that the treatment of some of these accessories and components may have been inconsistent due to the lack of clarity or misinterpretation of the DOE test procedure. Therefore, DOE is accounting for the incremental burden associated with properly configuring BVM models for testing in accordance with these clarified component specifications. The specific clarifications pertain to money processing devices, interior lighting, external displays and screens, anti-sweat heaters, condensate pan heaters and pumps, illuminated temperature displays, condenser filters, security covers, coated coils, general purpose outlets, and crankcase heaters and electric resistance heaters for cold weather. The adjustments to these accessories will require additional attention by the engineers conducting the test. DOE estimates the additional cost to be $110.90 for each model tested based on 1 hour of an engineer's time

[17] U.S. Department of Labor, Bureau of Labor Statistics. 2014. *National Occupational Employment and Wage Estimates.* Washington, DC. Available at *www.bls.gov/oes/current/oes_nat.htm#17–0000.*

[18] U.S. Department of Labor, Bureau of Labor Statistics. 2014. *Employer Costs for Employee Compensation—Management, Professional, and Related Employees.* Washington, DC. Available at: *http://www.bls.gov/news.release/pdf/ecec.pdf.*

to make all the applicable adjustments to the components and accessories prior to testing and 1 hour of an engineer's time to attend to the components and accessories of the model during testing.

Amendments in this final rule that expand the testing methodology to incorporate lighting and control settings to account for low power modes will require additional attention by test personnel. Regarding the accessory low power test, DOE estimates it will require 1 hour to make any necessary adjustments to begin low power mode operation at that time. During the active vending mode test procedure, DOE estimates that it will take a maximum of 10 additional hours of an engineer's time to periodically monitor the operation of the tested unit and interact with the unit, if necessary to ensure that the unit does not re-enter a low power mode state. DOE does not believe that multiplying the DEC by 0.97 to account for refrigeration low power mode will increase the burden associated with conducting the DOE test procedure. However, DOE is also proposing an optional refrigeration low power mode verification test that manufacturers may elect to perform to ensure their equipment meets the requirements of a refrigeration low power mode, which would increase the test burden. DOE estimates that this test would require an additional 4 hours of test time, 2 hours to allow the refrigeration low power mode to initiate and maintain the adjusted refrigeration state, and an assumed 2 hours to return to 36 °F ± 1 °F to verify that the BVM model can automatically return to vending conditions. DOE estimates the incremental costs associated with conducting the low power mode test as $609.95 for each model tested, based on the assumption that it would take an engineer an additional 11 hours to attend to the tested model. Including the optional refrigeration low power mode verification test method, the incremental cost of the low power mode test procedure amendments is $831.75.

All of the amendments and clarifications in this final rule, taken together, will result in an overall reduction in burden for small manufacturers conducting the DOE test procedure, primarily due to the removal of the requirement to test at the 90 °F ambient condition. On average, the cost of testing covered beverage vending machines would be reduced by approximately $1,650 per basic model, or by 34 percent per small manufacturer, not including the optional tests that are not required for certification of BVM models. Table IV.2 summarizes the amendments in this final rule that impact manufacturer burden. However, note that different test procedure provisions are applicable to different BVM models and configurations and, as such, the sum of these provisions does not represent the ''total incremental change in burden'' for each tested BVM model under the test procedure amendments adopted in this final rule.

TABLE IV.2—SUMMARY OF AMENDMENTS THAT IMPACT MANUFACTURER BURDEN

Provision	Change in burden (per model tested)	Explanation
Eliminate 90 °F ambient test condition	−$2,500	Reduces half the cost of the 2006 BVM test procedure.
Lowest application product temperature testing (for certain models).	−221.80	4 hours of engineer's time.
Treatment of accessories	110.90	2 hours of engineer's time.
Low power mode test	609.95	11 hours of engineer's time.
	831.75 (with optional refrigeration low power mode test).	15 hours of engineer's time.

Based on the criteria outlined above, DOE certifies that the test procedure amendments would not have a ''significant economic impact on a substantial number of small entities.'' DOE has transmitted the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the SBA for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of beverage vending machines must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedure for beverage vending machines, including any amendments adopted for the test procedure. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including beverage vending machines. (76 FR 12422 (March 7, 2011). DOE recently revised its estimated certification and record keeping requirements to an average of 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. 80 FR 5099 (Jan. 30, 2015). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This updated certification requirement has been approved by OMB under OMB control number 1910–1400. *Id.*

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE amends its test procedure for beverage vending machines. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this rule amends an existing rule without affecting the amount, quality or distribution of energy usage, and, therefore, will not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR at 13735. DOE examined this final rule and determined that it will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR at 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 18, 1988), that this regulation will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR at 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use

of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

This rule incorporates testing methods contained in ANSI/ASHRAE Standard 32.1–2010, ''Methods of Testing for Rating Vending Machines for Sealed Beverages.'' DOE has evaluated this standard and is unable to conclude whether it fully complies with the requirements of section 32(b) of the Federal Energy Administration Act (*i.e.,* whether they were developed in a manner that fully provides for public participation, comment, and review).

DOE has consulted with both the Attorney General and the Chairman of the FTC about the impact on competition of using the methods contained in this standard and has received no comments objecting to their use.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

N. Description of Standards Incorporated by Reference

In this final rule, DOE is incorporating by reference a method of test published by ASHRAE and ANSI, titled ''Methods of Testing for Rating Vending Machines for Sealed Beverages,'' ANSI/ASHRAE Standard 32.1–2010. ANSI/ASHRAE Standard 32.1–2010 is an industry-accepted standard used to specify methods of testing for rating the capacity and efficiency of self-contained, mechanically refrigerated vending machines for sealed beverages. The DOE test procedure codified by this final rule references ANSI/ASHRAE Standard 32.1–2010. Copies of ASHRAE standards may be purchased from the American Society of Heating, Refrigerating and Air-Conditioning Engineers; 1791 Tullie Circle, NE. Atlanta, GA 30329, 404–636–8400, or *www.ashrae.org.*

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects

10 CFR Part 429

Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation, Incorporation by reference, Reporting and recordkeeping requirements.

Issued in Washington, DC, on July 15, 2015.

Kathleen B. Hogan,

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

For the reasons stated in the preamble, DOE amends parts 429 and 431 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.52 is amended by revising paragraph (b)(2) to read as follows:

§ 429.52 Refrigerated bottled or canned beverage vending machines.

* * * * *

(b) * * *

(2) Pursuant to § 429.12(b)(13), a certification report must include the following additional public, equipment-specific information:

(i) When using appendix A of subpart Q of part 431of this chapter, the daily energy consumption in kilowatt hours per day (kWh/day), the refrigerated volume (V) in cubic feet (ft^3), whether testing was conducted with payment mechanism in place and operational, and, if applicable, the lowest application product temperature in degrees Fahrenheit (°F), if applicable.

(ii) When using appendix B of subpart Q of part 431of this chapter, the daily energy consumption in kilowatt hours per day (kWh/day), the refrigerated volume (V) in cubic feet (ft^3), whether testing was conducted with payment mechanism in place and operational, whether testing was conducted using an accessory low power mode, whether rating was based on the presence of a refrigeration low power mode, and, if applicable, the lowest application product temperature in degrees Fahrenheit (°F).

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 3. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 4. Section 431.291 is revised to read as follows:

§ 431.291 Scope.

This subpart specifies test procedures and energy conservation standards for certain commercial refrigerated bottled or canned beverage vending machines, pursuant to part A of Title III of the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6291–6309. The regulatory provisions of §§ 430.33 and 430.34 and subparts D and E of part 430 of this chapter are applicable to refrigerated bottled or canned beverage vending machines.

■ 5. Section 431.292 is amended by revising the definitions of ''Refrigerated bottled or canned beverage vending machine'' and ''V'' to read as follows:

§ 431.292 Definitions concerning refrigerated bottled or canned beverage vending machines.

* * * * *

Refrigerated bottled or canned beverage vending machine means a commercial refrigerator (as defined at § 431.62) that cools bottled or canned beverages and dispenses the bottled or canned beverages on payment.

* * * * *

V means the refrigerated volume (ft^3) of the refrigerated bottled or canned beverage vending machine, as measured by Appendix C of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293).

■ 6. Section 431.293 is amended by revising paragraph (b) to read as follows:

§ 431.293 Materials incorporated by reference.

* * * * *

(b) *ASHRAE.* American Society of Heating, Refrigerating and Air-Conditioning Engineers, 1791 Tullie Circle, NE. Atlanta, GA 30329, 404–636–8400, or *www.ashrae.org.*

(1) ANSI/ASHRAE Standard 32.1–2010, (''ANSI/ASHRAE 32.1''), ''Methods of Testing for Rating Vending Machines for Sealed Beverages,'' approved July 23, 2010, IBR approved for § 431.292 and appendices A and B to subpart Q of this part.

(2) [Reserved]

■ 7. Section 431.294 is amended by revising paragraph (b) to read as follows:

§ 431.294 Uniform test method for the measurement of energy consumption of refrigerated bottled or canned beverage vending machines.

* * * * *

(b) *Testing and Calculations.* Determine the daily energy consumption of each covered refrigerated bottled or canned beverage vending machine by conducting the appropriate test procedure set forth in appendix A or B to this subpart.

§ 431.296 [Amended]

■ 8. Section 431.296 is amended by removing the word ''maximum'' after ''shall have a'' in the introductory text.

■ 9. Subpart Q of part 431 is amended by adding appendices A and B to read as follows:

Appendix A to Subpart Q of Part 431—Uniform Test Method for the Measurement of Energy Consumption of Refrigerated Bottled or Canned Beverage Vending Machines

Note: Prior to January 27, 2016, manufacturers must make any representations with respect to the energy use or efficiency of refrigerated bottled or canned beverage vending machines in accordance with the results of testing pursuant to this Appendix A or the procedures in 10 CFR 431.294 as it appeared in the edition of 10 CFR parts 200 to 499 revised as of January 1, 2015. Any representations made with respect to the energy use or efficiency of such refrigerated beverage vending machines must be in accordance with whichever version is selected. On or after January 27, 2016, manufacturers must make any representations with respect to energy use or efficiency in accordance with the results of testing pursuant to this Appendix A to demonstrate compliance with the energy conservation standards at 10 CFR 431.296, for which compliance was required as of August 31, 2012.

1. *General.* Section 3, ''Definitions''; section 4, ''Instruments''; section 5, ''Vendible Capacity''; section 6, ''Test Conditions''; section 7.1, ''Test Procedures—General Requirements''; and section 7.2, ''Energy Consumption Test'' of ANSI/ASHRAE 32.1 (incorporated by reference; see § 431.293) apply to this appendix except as noted throughout this appendix. In cases where there is a conflict, the language of the test procedure in this appendix takes precedence over ANSI/ASHRAE 32.1.

1.1. *Instruments.* In addition to the instrument accuracy requirements in section 4, ''Instruments,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293), humidity shall be measured with a calibrated instrument accurate to ±2 percent RH at the specified ambient relative humidity condition specified in section 2.1.2 of this appendix.

1.2. *Definitions.* In addition to the definitions specified in section 3, ''Definitions,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293), the following definition is also applicable to this appendix.

External accessory standby mode means the mode of operation in which any external, integral customer display signs, lighting, or digital screens:

(1) Are connected to mains power;

(2) Do not produce the intended illumination, display, or interaction functionality; and

(3) Can be switched into another mode automatically with only a remote user-generated or an internal signal.

Instantaneous average next-to-vend beverage temperature means the spatial average of all standard test packages in the next-to-vend beverages positions at a given time.

Integrated average temperature means the average temperature of all standard test package measurements in the next-to-vend beverage positions taken over the duration of the test, expressed in degrees Fahrenheit (°F).

Lowest application product temperature means the lowest integrated average temperature a given basic model is capable of maintaining so as to comply with the temperature stabilization requirements specified in section 7.2.2.2 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293).

2. *Test Procedure.*

2.1. *Test Conditions.* The test conditions specified in section 6, ''Test Conditions,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) apply to this appendix except that in section 6.1, ''Voltage and Frequency,'' of ANSI/ASHRAE 32.1, the voltage and frequency tolerances specified in section 6.1.a of ANSI/ASHRAE 32.1 also apply equivalently to section 6.1.b of ANSI/ASHRAE 32.1 for equipment with dual nameplate voltages.

2.1.1. *Average Beverage Temperature.* The integrated average temperature measured during the test must be within ±1 °F of the value specified in Table A.1 of this appendix or the lowest application product temperature for models tested in accordance with paragraph 2.1.3 of this appendix. The measurement of integrated average temperature must begin after temperature stabilization has been achieved and continue for the following 24 consecutive hours. All references to ''Table 1'' in ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) shall instead be interpreted as references to Table A.1 of this appendix and all references to ''average beverage temperature'' in ANSI/ASHRAE 32.1 shall instead be interpreted as references to the integrated average temperature as defined in section 1.2 of this appendix of this subpart, except as noted in section 2.1.1.1 of this appendix.

2.1.1.1. *Temperature Stabilization.* Temperature stabilization shall be determined in accordance with section 7.2.2.2 of ANSI/ASHRAE 32.1 (incorporated by reference § 431.293), except that the reference to ''average beverage temperature'' shall instead refer to the ''instantaneous average next-to-vend beverage temperature,'' as defined in section 1.2 of this appendix, and the reference to ''Table 1'' shall instead refer to Table A.1 of this appendix. That is, temperature stabilization is considered to be achieved 24 hours after the instantaneous average next-to-vend beverage temperature reaches the specified value (see Table A.1) and energy consumption for two successive 6 hour periods are within 2 percent of each other.

2.1.2. *Ambient Test Conditions.* The refrigerated bottled or canned beverage vending machine must be tested at the test conditions and tolerances specified in the following Table A.1 of this appendix. The specified ambient temperature and humidity conditions shall be maintained within the ranges specified for each recorded measurement. All references to ''Table 1'' in ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) shall instead be interpreted as references to Table A.1 of this appendix. In contrast to the requirements of section 6.1 and Table 1 of ANSI/ASHRAE 32.1, conduct testing only one time at the conditions referenced in Table A.1 of this appendix. Testing at alternate ambient conditions is not required or permitted.

TABLE A.1—AMBIENT TEMPERATURE AND RELATIVE HUMIDITY SPECIFIED VALUE AND TOLERANCE

Test and pretest condition	Value	Tolerance	Acceptable range (based on value and tolerance)
Instantaneous Average Next-to-Vend Temperature.	36 °F	±1 °F	35–37 °F.
Integrated Average Temperature	36 °F	±1 °F	N/A (value is averaged throughout test).

TABLE A.1—AMBIENT TEMPERATURE AND RELATIVE HUMIDITY SPECIFIED VALUE AND TOLERANCE—Continued

Test and pretest condition	Value	Tolerance	Acceptable range (based on value and tolerance)
Ambient Temperature	75 °F	±2 °F	73–77 °F.
Relative Humidity	45 percent RH	±5 percent RH	40–50 percent RH.

2.1.3. *Lowest Application Product Temperature.* If a refrigerated bottled or canned beverage vending machine is not capable of maintaining an integrated average temperature of 36 °F (±1 °F) during the 24 hour test period, the unit must be tested at the lowest application product temperature, as defined in section 1.2 of this appendix. For refrigerated bottled or canned beverage vending machines equipped with a thermostat, the lowest application product temperature is the integrated average temperature achieved at the lowest thermostat setting.

2.2. *Equipment Installation and Test Set Up.* Except as provided in this appendix, the test procedure for energy consumption of refrigerated bottled or canned beverage vending machines shall be conducted in accordance with the methods specified in sections 7.1 through 7.2.2.3 under ''Test Procedures'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293).

2.2.1. *Equipment Loading.* Configure refrigerated bottled or canned beverage vending machines to hold the maximum number of standard products in the refrigerated compartment(s) and place standard test packages as specified in section 2.2.1.1 or 2.2.1.2 of this appendix.

2.2.1.1. *Placement of Standard Test Packages for Equipment with Products Arranged Horizontally.* For refrigerated bottled or canned beverage vending machines with products arranged horizontally (*e.g.,* on shelves or in product spirals), place standard test packages in the refrigerated compartment(s) in the following locations, as shown in Figure A.1:

(a) For odd-number shelves, when counting starting from the bottom shelf, standard test packages shall be placed at:

(1) The left-most next-to-vend product location,

(2) The right-most next-to-vend product location, and

(3) For equipment with greater than or equal to five next-to-vend product locations on each shelf, either:

(A) The next-to-vend product location in the center of the shelf (*i.e.,* equidistant from the left-most and right-most next-to-vend product locations) if there are an odd number of next-to-vend products on the shelf or

(B) The next-to-vend product location immediately to the right and the left of the center position if there are an even number of next-to-vend products on the shelf.

(b) For even-numbered shelves, when counting from the bottom shelf, standard test packages shall be places at either:

(1) For equipment with less than or equal to six next-to-vend product locations on each shelf, the next-to-vend product location(s):

(A) One location towards the center from the left-most next-to-vend product location; and

(B) One location towards to the center from the right-most next-to-vend product location, or

(2) For equipment with greater than six next-to-vend product locations on each shelf, the next-to-vend product locations

(A) Two locations towards the center from the left-most next-to-vend product location; and

(B) Two locations towards to the center from the right-most next-to-vend product location.

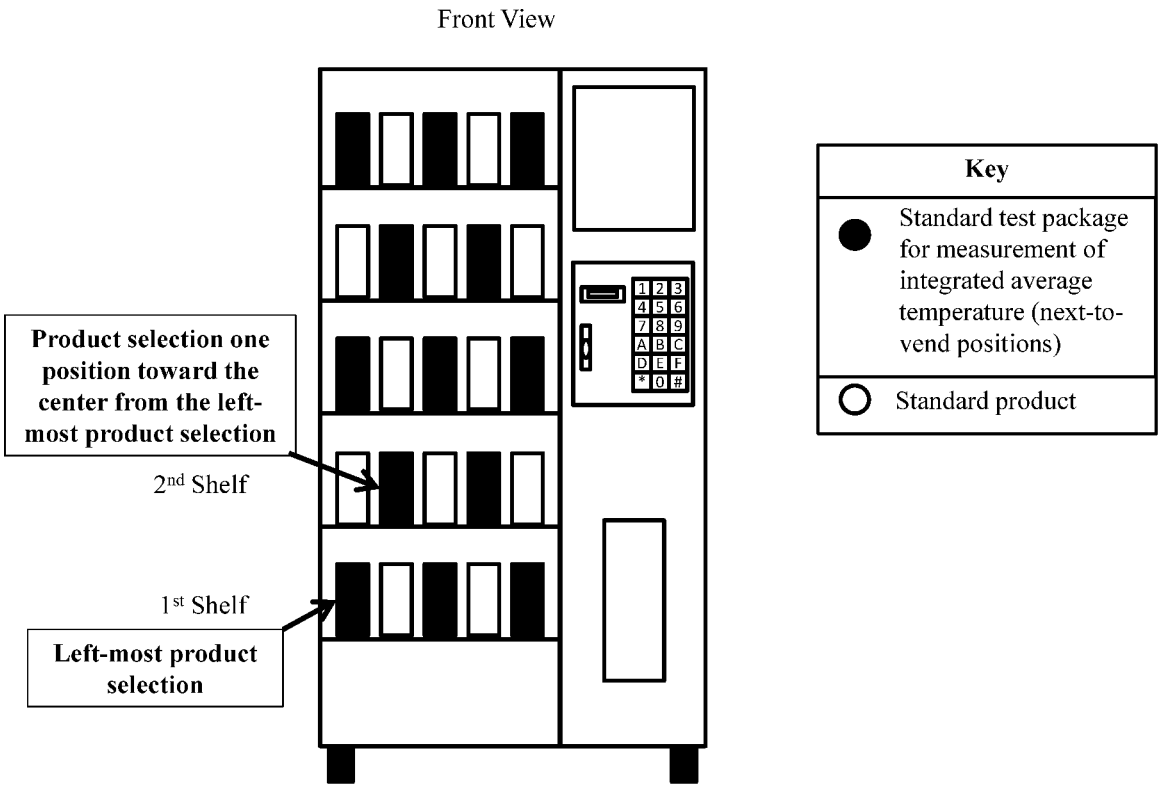

Figure A.1. Location of Standard Test Packages for Refrigerated Bottled or Canned Beverage Vending Machines with Products Arranged Horizontally and Five Next-to-Vend Product Locations on Each Shelf.

2.2.1.2. *Placement of Standard Test Packages for Equipment with Products Arranged Vertically.* For refrigerated bottled or canned beverage vending machines with products arranged vertically (*e.g.,* in stacks), place standard test packages in the refrigerated compartment(s) in each next-to-vend product location.

2.2.1.3. *Loading of Combination Vending Machines.* For combination vending machines, the non-refrigerated compartment(s) must not be loaded with any standard products, test packages, or other vendible merchandise.

2.2.1.4. *Standard Products.* The standard product shall be standard 12-ounce aluminum beverage cans filled with a liquid with a density of 1.0 grams per milliliter (g/mL) ± 0.1 g/mL at 36 °F. For product storage racks that are not capable of vending 12-ounce cans, but are capable of vending 20-ounce bottles, the standard product shall be 20-ounce plastic bottles filled with a liquid with a density of 1.0 g/mL ± 0.1 g/mL at 36 °F. For product storage racks that are not capable of vending 12-ounce cans or 20-ounce bottles, the standard product shall be the packaging and contents specified by the manufacturer in product literature as the standard product (*i.e.,* the specific merchandise the refrigerated bottled or canned beverage vending machine is designed to vend).

2.2.1.5. *Standard Test Packages.* A standard test package is a standard product, as specified in 2.2.1.4 of this appendix, altered to include a temperature-measuring instrument at its center of mass.

2.2.2. *Sensor Placement.* The integrated average temperature of next-to-vend beverages shall be measured in standard test packages in the next-to-vend product locations specified in section 2.2.1.1 of this appendix. Do not run the thermocouple wire and other measurement apparatus through the dispensing door; the thermocouple wire and other measurement apparatus must be configured and sealed so as to minimize air flow between the interior refrigerated volume and the ambient room air. If a manufacturer chooses to employ a method other than routing thermocouple and sensor wires through the door gasket and ensuring the gasket is compressed around the wire to ensure a good seal, then it must maintain a record of the method used in the data underlying that basic model's certification pursuant to 10 CFR 429.71.

2.2.3. *Accessories.* (a) All standard components that would be used during normal operation of the model in the field and are necessary to provide sufficient functionality for cooling and vending products in field installations (*i.e.,* product inventory, temperature management, product merchandising (including, *e.g.,* lighting or signage), product selection, and product transport and delivery) shall be in place during testing and shall be set to the maximum energy-consuming setting if manually adjustable, except that the specific components and accessories listed in the subsequent sections shall be operated as stated. Components not necessary for the inventory, temperature management, product merchandising (*e.g.,* lighting or signage), product selection, and or product transport and delivery shall be de-energized. If systems not required for the primary functionality of the machine as stated in this section cannot be de-energized without preventing the operation of the machine, then they shall be placed in the lowest energy consuming state.

(b) Instead of testing pursuant to section 7.2.2.4 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293), provide, if necessary, any physical stimuli or other input to the machine needed to prevent automatic activation of energy management systems that can be adjusted by the machine operator during the test period. Automatic energy management systems that cannot be adjusted by the machine operator may be enabled, as specified by section 7.2.1 of ANSI/ASHRAE 32.1.

2.2.3.1. *Payment Mechanisms.* Refrigerated bottled or canned beverage vending machines shall be tested with no payment mechanism in place, the payment mechanism in place but de-energized, or the payment mechanism in place but set to the lowest energy consuming state, if it cannot be de-energized. A default payment mechanism energy consumption value of 0.20 kWh/day shall be added to the primary rated energy consumption per day, as required in section 2.3 of this appendix.

2.2.3.2. *Internal Lighting.* All lighting that is contained within or is part of the internal physical boundary of the refrigerated bottled or canned beverage vending machine, as established by the top, bottom, and side panels of the equipment, shall be placed in its maximum energy consuming state.

2.2.3.3. *External Customer Display Signs, Lights, and Digital Screens.* All external customer display signs, lights, and digital screens that are independent from the refrigeration or vending performance of the refrigerated bottled or canned beverage vending machine must be disconnected, disabled, or otherwise de-energized for the duration of testing. Customer display signs, lighting, and digital screens that are integrated into the beverage vending machine cabinet or controls such that they cannot be de-energized without disabling the refrigeration or vending functions of the refrigerated bottled or canned beverage vending machine or modifying the circuitry must be placed in external accessory standby mode, if available, or their lowest energy-consuming state. Digital displays that also serve a vending or money processing function must be placed in the lowest energy-consuming state that still allows the money processing feature to function.

2.2.3.4. *Anti-sweat and Other Electric Resistance Heaters.* Anti-sweat and other electric resistance heaters must be operational during the entirety of the test procedure. Units with a user-selectable setting must have the heaters energized and set to the most energy-consumptive position. Units featuring an automatic, non-user-adjustable controller that turns on or off based on environmental conditions must be operating in the automatic state. Units that are not shipped with a controller from the point of manufacture, but are intended to be used with a controller, must be equipped with an appropriate controller when tested.

2.2.3.5. *Condensate Pan Heaters and Pumps.* All electric resistance condensate heaters and condensate pumps must be installed and operational during the test. Prior to the start of the test, including the 24 hour period used to determine temperature stabilization, as described in ANSI/ASHRAE 32.1 section 7.2.2.2 (incorporated by reference, see § 431.293), the condensate pan must be dry. For the duration of the test, including the 24 hour time period necessary for temperature stabilization, allow any condensate moisture generated to accumulate in the pan. Do not manually add or remove water from the condensate pan at any time during the test.

2.2.3.6. *Illuminated Temperature Displays.* All illuminated temperature displays must be energized and operated during the test the same way they would be energized and operated during normal field operation, as recommended in manufacturer product literature, including manuals.

2.2.3.7. *Condenser Filters.* Remove any nonpermanent filters provided to prevent particulates from blocking a model's condenser coil.

2.2.3.8. *Security Covers.* Remove any devices used to secure the model from theft or tampering.

2.2.3.9. *General Purpose Outlets.* During the test, do not connect any external load to any general purpose outlets available on a unit.

2.2.3.10. *Crankcase Heaters and Other Electric Resistance Heaters for Cold Weather.* Crankcase heaters and other electric resistance heaters for cold weather must be operational during the test. If a control system, such as a thermostat or electronic controller, is used to modulate the operation of the heater, it must be activated during the test and operated in accordance with the manufacturer's instructions.

2.2.4. *Sampling and Recording of Data.* Record the data listed in section 7.2.2.3 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) at least every 1 minute. For the purpose of this subsection, ''average beverage temperature,'' listed in section 7.2.2.3 of ANSI/ASHRAE 32.1, means ''instantaneous average next-to-vend beverage temperature.''

2.3. *Determination of Daily Energy Consumption.* Determine the daily energy consumption of each tested refrigerated bottled or canned beverage vending machine as the sum of:

(a) The default payment mechanism energy consumption value from section 2.2.3.1 of this appendix and

(b) The primary rated energy consumption per day (E_D), in kWh, and determined in accordance with the calculation procedure in section 7.2.3.1, ''Calculation of Daily Energy Consumption,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293).

2.3.1. *Calculations and Rounding.* In all cases, the primary rated energy consumption per day (E_D) must be calculated with raw measured values and rounded to units of 0.01 kWh/day.

3. *Determination of Refrigerated Volume, Vendible Capacity, and Surface Area.*

3.1. *Refrigerated Volume.* Determine the ''refrigerated volume'' of refrigerated bottled or canned beverage vending machines in accordance with appendix C, ''Measurement of Volume,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293). For combination vending machines, the ''refrigerated volume'' does not include any non-refrigerated compartments.

3.2. *Vendible Capacity.* Determine the ''vendible capacity'' of refrigerated bottled or canned beverage vending machines in accordance with the first paragraph of section 5, ''Vending Machine Capacity,'' of ANSI/ASHRAE 32.1, (incorporated by reference, see § 431.293). For combination vending machines, the ''vendible capacity'' includes only the capacity of any portion of the refrigerated bottled or canned beverage vending machine that is refrigerated and does not include the capacity of the non-refrigerated compartment(s).

Appendix B to Subpart Q of Part 431—Uniform Test Method for the Measurement of Energy Consumption of Refrigerated Bottled or Canned Beverage Vending Machines

Note: After January 27, 2016, manufacturers must make any representations with respect to energy use or efficiency in accordance with the results of testing pursuant to appendix A of this subpart to demonstrate compliance with the energy conservation standards at 10 CFR 431.296, for which compliance was required as of August 31, 2012. Alternatively, manufacturers may make representations based on testing in accordance with this appendix prior to the compliance date of any amended energy conservation standards, provided that such representations demonstrate compliance with such amended energy conservation standards. Any representations made on or after the compliance date of any amended energy conservation standards, must be made in accordance with the results of testing pursuant to this appendix. Any representations made with respect to the energy use or efficiency of such refrigerated beverage vending machines must be in accordance with whichever version is selected.

1. *General.* Section 3, ''Definitions''; section 4, ''Instruments''; section 5, ''Vendible Capacity''; section 6, ''Test Conditions''; section 7.1, ''Test Procedures—General Requirements''; and section 7.2, ''Energy Consumption Test'' of ANSI/ASHRAE 32.1 (incorporated by reference; see § 431.293) apply to this appendix except as noted throughout this appendix. In cases where there is a conflict, the language of the test procedure in this appendix takes precedence over ANSI/ASHRAE 32.1.

1.1. *Instruments.* In addition to the instrument accuracy requirements in section 3, ''Instruments,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293), humidity shall be measured with a calibrated instrument accurate to ±2 percent RH at the specified ambient relative humidity condition specified in section 2.1.3 of this appendix.

1.2. *Definitions.* In addition to the definitions specified in section 3, ''Definitions,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) the following definitions are also applicable to this appendix.

Accessory low power mode means a state in which a beverage vending machine's lighting and/or other energy-using systems are in low power mode, but that is not a refrigeration low power mode. Functions that may constitute an accessory low power mode may include, for example, dimming or turning off lights, but does not include adjustment of the refrigeration system to elevate the temperature of the refrigerated compartment(s).

External accessory standby mode means the mode of operation in which any external, integral customer display signs, lighting, or digital screens are connected to mains power; do not produce the intended illumination, display, or interaction functionality; and can be switched into another mode automatically with only a remote user-generated or an internal signal.

Instantaneous average next-to-vend beverage temperature means the spatial average of all standard test packages in the next-to-vend beverages positions at a given time.

Integrated average temperature means the average temperature of all standard test package measurements in the next-to-vend

beverage positions taken over the duration of the test, expressed in degrees Fahrenheit (°F).

Low power mode means a state in which a beverage vending machine's lighting, refrigeration, and/or other energy-using systems are automatically adjusted (without user intervention) such that they consume less energy than they consume in an active vending environment.

Lowest application product temperature means the lowest integrated average temperature a given basic model is capable of maintaining so as to comply with the temperature stabilization requirements specified in section 7.2.2.2 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293).

Refrigeration low power mode means a state in which a beverage vending machine's refrigeration system is in low power mode because of elevation of the temperature of the refrigerated compartment(s). To qualify as low power mode, the unit must satisfy the requirements described in section 2.3.2.1 of this appendix.

2. *Test Procedure.*

2.1. *Test Conditions.* The test conditions specified in section 6, ''Test Conditions'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) apply to this appendix except that in section 6.1, ''Voltage and Frequency,'' of ANSI/ASHRAE 32.1, the voltage and frequency tolerances specified in section 6.1.a of ANSI/ASHRAE 32.1 also apply equivalently to section 6.1.b of ANSI/ASHRAE 32.1 for equipment with dual nameplate voltages.

2.1.1. *Average Beverage Temperature.* The integrated average temperature measured during the test must be within ±1 °F of the value specified in Table B.1 of this appendix or the lowest application product temperature for models tested in accordance with paragraph 2.1.3 of this appendix. The measurement of integrated average temperature must begin after temperature stabilization has been achieve and continue for the following 24 consecutive hours. All references to ''Table 1'' in ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) shall instead be interpreted as references to Table B.1 of this appendix and all references to ''average beverage temperature'' in ANSI/ASHRAE 32.1 shall instead be interpreted as references to the integrated average temperature as defined in section 1.2 of this appendix, except as noted in section 2.1.1.1 of this appendix.

2.1.1.1. *Temperature Stabilization.* Temperature stabilization shall be determined in accordance with section 7.2.2.2 of ANSI/ASHRAE 32.1 (incorporated by reference § 431.293), except that the reference to ''average beverage temperature'' shall instead refer to the ''instantaneous average next-to-vend beverage temperature,'' as defined in section 1.2 of this appendix, and the reference to ''Table 1'' shall instead refer to Table A.1 of this appendix. That is, temperature stabilization is considered to be achieved 24 hours after the instantaneous average next-to-vend beverage temperature reaches the specified value (see Table A.1) and energy consumption for two successive 6 hour periods are within 2 percent of each other.

2.1.2. *Ambient Test Conditions.* The refrigerated bottled or canned beverage vending machine must be tested at the test conditions and tolerances specified in the following Table B.1 of this appendix. The specified ambient temperature and humidity conditions shall be maintained within the ranges specified for each recorded measurement. All references to ''Table 1'' in ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) shall instead be interpreted as references to Table B.1 of this appendix. In contrast to the requirements of section 6.1 and Table 1 of ANSI/ASHRAE 32.1, conduct testing only one time at the conditions referenced in Table B.1 of this appendix. Testing at alternate ambient conditions is not required or permitted.

TABLE B.1—AMBIENT TEMPERATURE AND RELATIVE HUMIDITY SPECIFIED VALUE AND TOLERANCE

Test and pretest condition	Value	Tolerance	Acceptable range (based on value and tolerance)
Instantaneous Average Next-to-Vend Temperature.	36 °F	±1 °F	35–37 °F.
Integrated Average Temperature	36 °F	±1 °F	N/A (value is averaged throughout test).
Ambient Temperature	75 °F	±2 °F	73–77 °F.
Relative Humidity	45 percent RH	±5 percent RH	40–50 percent RH.

2.1.3. *Lowest Application Product Temperature.* If a refrigerated bottled or canned beverage vending machine is not capable of maintaining an integrated average temperature of 36 °F (±1 °F) during the 24 hour test period, the unit must be tested at the lowest application product temperature, as defined in section 1.2 of this appendix. For refrigerated bottled or canned beverage vending machines equipped with a thermostat, the lowest application product temperature is the integrated average temperature achieved at the lowest thermostat setting.

2.2. *Equipment Installation and Test Set Up.* Except as provided in this section 2.2 of appendix, the test procedure for energy consumption of refrigerated bottled or canned beverage vending machines shall be conducted in accordance with the methods specified in sections 7.1 through 7.2.2.3 under ''Test Procedures'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293).

2.2.1. *Equipment Loading.* Configure refrigerated bottled or canned beverage vending machines to hold the maximum number of standard products, and place standard test packages in the refrigerated compartment(s) as specified in section 2.2.1.1 or 2.2.1.2 of this appendix.

2.2.1.1. *Placement of Standard Test Packages for Equipment with Products Arranged Horizontally.* For refrigerated bottled or canned beverage vending machines with products arranged horizontally (*e.g.,* on shelves or in product spirals), place standard test packages in the refrigerated compartment(s) in the following locations, as shown in Figure B.1:

(a) For odd-number shelves, when counting starting from the bottom shelf, standard test packages shall be placed at:

(1) The left-most next-to-vend product location;

(2) The right-most next-to-vend product location; and

(3) For equipment with greater than or equal to five product locations on each shelf, either:

(i) The next-to-vend product location in the center of the shelf (*i.e.,* equidistant from the left-most and right-most next-to-vend product locations) if there are an odd number of next-to-vend products on the shelf or,

(ii) The next-to-vend product location immediately to the right and the left of the center position if there are an even number of next-to-vend products on the shelf.

(b) For even-numbered shelves, when counting from the bottom shelf, standard test packages shall be places at either:

(1) For equipment with less than or equal to six next-to-vend product locations on each shelf, the next-to-vend product location(s);

(i) One position towards the center from the left-most next-to-vend product location; and

(ii) One location towards to the center from the right-most next-to-vend product location; or

(2) For equipment with greater than six next-to-vend product locations on each shelf, the next-to-vend product locations:

(i) Two selections towards the center from the left-most next-to-vend product location; and

(ii) Two locations towards to the center from the right-most next-to-vend product location.

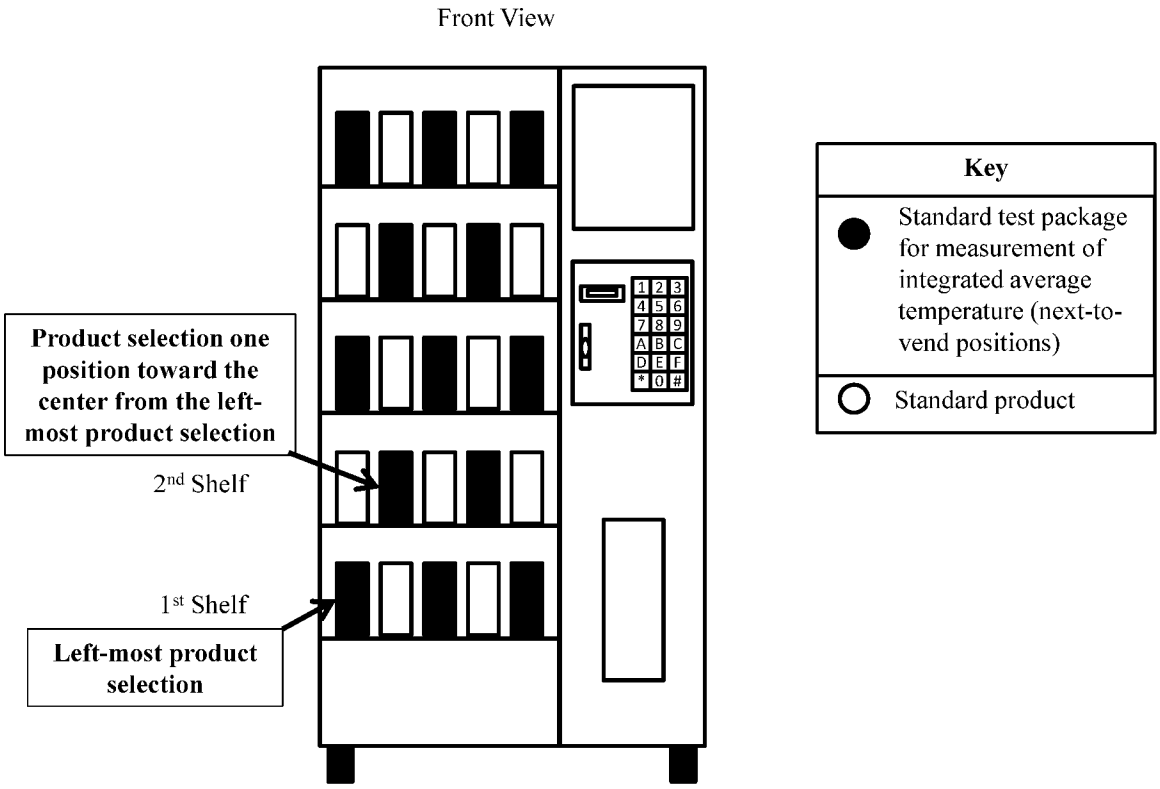

Figure B.1. Location of Standard Test Packages for Refrigerated Bottled or Canned Beverage Vending Machines with Products Arranged Horizontally and Five Next-to-Vend Product Locations on Each Shelf.

2.2.1.2. *Placement of Standard Test Packages for Equipment with Products Arranged Vertically.* For refrigerated bottled or canned beverage vending machines with products arranged vertically (*e.g.,* in stacks), place standard test packages in the refrigerated compartment(s) in each next-to-vend product location.

2.2.1.3. *Loading of Combination Vending Machines.* For combination vending machines, the non-refrigerated compartment(s) must not be loaded with any standard products, test packages, or other vendible merchandise.

2.2.1.4. *Standard Products.* The standard product shall be standard 12-ounce aluminum beverage cans filled with a liquid with a density of 1.0 grams per milliliter (g/mL) ±0.1 g/mL at 36 °F. For product storage racks that are not capable of vending 12-ounce cans, but are capable of vending 20-ounce bottles, the standard product shall be 20-ounce plastic bottles filled with a liquid with a density of 1.0 g/mL ±0.1 g/mL at 36°F. For product storage racks that are not capable of vending 12-ounce cans or 20-ounce bottles, the standard product shall be the packaging and contents specified by the manufacturer in product literature as the standard product (*i.e.,* the specific merchandise the refrigerated bottled or canned beverage vending machine is designed to vend).

2.2.1.5. *Standard Test Packages.* A standard test package is a standard product, as specified in 2.2.1.4 of this appendix, altered to include a temperature-measuring instrument at its center of mass.

2.2.2. *Sensor Placement.* The integrated average temperature of next-to-vend beverages shall be measured in standard test packages in the next-to-vend product locations specified in section 2.2.1.1 of this appendix. Do not run the thermocouple wire and other measurement apparatus through the dispensing door; the thermocouple wire and other measurement apparatus must be configured and sealed so as to minimize air flow between the interior refrigerated volume and the ambient room air. If a manufacturer chooses to employ a method other than routing thermocouple and sensor wires through the door gasket and ensuring the gasket is compressed around the wire to ensure a good seal, then it must maintain a record of the method used in the data underlying that basic model's certification pursuant to 10 CFR 429.71.

2.2.3. *Vending Mode Test Period.* The vending mode test period begins after temperature stabilization has been achieved, as described in ANSI/ASHRAE 32.1 section 7.2.2.2 (incorporated by reference, see § 431.293) and continues for 18 hours for equipment with an accessory low power mode or for 24 hours for equipment without an accessory low power mode. For the vending mode test period, equipment that has energy-saving features that cannot be disabled shall have those features set to the most energy-consuming settings, except for as specified in section 2.2.4 of this appendix. In addition, all energy management systems shall be disabled. Instead of testing pursuant to sections 7.1.1(d) and 7.2.2.4 of ANSI/ASHRAE 32.1, provide, if necessary, any physical stimuli or other input to the machine needed to prevent automatic activation of low power modes during the vending mode test period.

2.2.4. *Accessory Low Power Mode Test Period.* For equipment with an accessory low power mode, the accessory low power mode may be engaged for 6 hours, beginning 18 hours after the temperature stabilization requirements established in section 7.2.2.2 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293) have been achieved, and continuing until the end of the 24-hour test period. During the accessory low power mode test, operate the refrigerated bottled or canned beverage vending machine with the lowest energy-consuming lighting and control settings that constitute an accessory low power mode. The specification and tolerances for integrated average temperature in Table B.1 of this appendix still apply, and any refrigeration low power mode must not be engaged. Instead of testing pursuant to sections 7.1.1(d) and 7.2.2.4 of ANSI/ASHRAE 32.1, provide, if necessary, any physical stimuli or other input to the machine needed to prevent automatic activation of refrigeration low power modes during the accessory low power mode test period.

2.2.5. *Accessories.* Unless specified otherwise in this appendix, all standard

components that would be used during normal operation of the basic model in the field and are necessary to provide sufficient functionality for cooling and vending products in field installations (*i.e.,* product inventory, temperature management, product merchandising(including, *e.g.,* lighting or signage), product selection, and product transport and delivery) shall be in place during testing and shall be set to the maximum energy-consuming setting if manually adjustable. Components not necessary for the inventory, temperature management, product merchandising (*e.g.,* lighting or signage), product selection, or product transport and delivery shall be de-energized. If systems not required for the primary functionality of the machine as stated in this section cannot be de-energized without preventing the operation of the machine, then they shall be placed in the lowest energy consuming state Components with controls that are permanently operational and cannot be adjusted by the machine operator shall be operated in their normal setting and consistent with the requirements of 2.2.3 and 2.2.4 of this appendix. The specific components and accessories listed in the subsequent sections shall be operated as stated during the test, except when controlled as part of a low power mode during the low power mode test period.

2.2.5.1 *Payment Mechanisms.* Refrigerated bottled or canned beverage vending machines shall be tested with no payment mechanism in place, the payment mechanism in-place but de-energized, or the payment mechanism in place but set to the lowest energy consuming state, if it cannot be de-energized. A default payment mechanism energy consumption value of 0.20 kWh/day shall be added to the primary rated energy consumption per day, as noted in section 2.3 of this appendix.

2.2.5.2. *Internal Lighting.* All lighting that is contained within or is part of the internal physical boundary of the refrigerated bottled or canned beverage vending machine, as established by the top, bottom, and side panels of the equipment, shall be placed in its maximum energy consuming state.

2.2.5.3. *External Customer Display Signs, Lights, and Digital Screens.* All external customer display signs, lights, and digital screens that are independent from the refrigeration or vending performance of the refrigerated bottled or canned beverage vending machine must be disconnected, disabled, or otherwise de-energized for the duration of testing. Customer display signs, lighting, and digital screens that are integrated into the beverage vending machine cabinet or controls such that they cannot be de-energized without disabling the refrigeration or vending functions of the refrigerated bottled or canned beverage vending machine or modifying the circuitry must be placed in external accessory standby mode, if available, or their lowest energy-consuming state. Digital displays that also serve a vending or money processing function must be placed in the lowest energy-consuming state that still allows the money processing feature to function.

2.2.5.4. *Anti-sweat or Other Electric Resistance Heaters.* Anti-sweat or other electric resistance heaters must be operational during the entirety of the test procedure. Units with a user-selectable setting must have the heaters energized and set to the most energy-consumptive position. Units featuring an automatic, non-user-adjustable controller that turns on or off based on environmental conditions must be operating in the automatic state. Units that are not shipped with a controller from the point of manufacture, but are intended to be used with a controller, must be equipped with an appropriate controller when tested.

2.2.5.5. *Condensate Pan Heaters and Pumps.* All electric resistance condensate heaters and condensate pumps must be installed and operational during the test. Prior to the start of the test, including the 24 hour period used to determine temperature stabilization prior to the start of the test period, as described in ANSI/ASHRAE 32.1 section 7.2.2.2 (incorporated by reference, see § 431.293), the condensate pan must be dry. For the duration of the test, including the 24 hour time period necessary for temperature stabilization, allow any condensate moisture generated to accumulate in the pan. Do not manually add or remove water from the condensate pan at any time during the test. Any automatic controls that initiate the operation of the condensate pan heater or pump based on water level or ambient conditions must be enabled and operated in the automatic setting.

2.2.5.6. *Illuminated Temperature Displays.* All illuminated temperature displays must be energized and operated during the test the same way they would be energized and operated during normal field operation, as recommended in manufacturer product literature, including manuals.

2.2.5.7. *Condenser Filters.* Remove any nonpermanent filters provided to prevent particulates from blocking a model's condenser coil.

2.2.5.8. *Security Covers.* Remove any devices used to secure the model from theft or tampering.

2.2.5.9. *General Purpose Outlets.* During the test, do not connect any external load to any general purpose outlets available on a unit.

2.2.5.10. *Crankcase Heaters and Other Electric Resistance Heaters for Cold Weather.* Crankcase heaters and other electric resistance heaters for cold weather must be operational during the test. If a control system, such as a thermostat or electronic controller, is used to modulate the operation of the heater, it must be activated during the test and operated in accordance with the manufacturer's instructions.

2.2.6. *Sampling and Recording of Data.* Record the data listed in section 7.2.2.3 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293), at least every 1 minute. For the purpose of this section, ''average beverage temperature,'' listed in section 7.2.2.3 of ANSI/ASHRAE 32.1, means ''instantaneous average next-to-vend beverage temperature.''

2.3. *Determination of Daily Energy Consumption.* In section 7.2.3.1 of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293), the primary rated energy consumption per day (*ED*) shall be the energy measured during the vending mode test period and accessory low power mode test period, as specified in sections 2.2.3 and 2.2.4 of this appendix, as applicable.

2.3.1. *Energy Consumption of Payment Mechanisms.* Calculate the sum of:

(a) The default payment mechanism energy consumption value from section 2.2.5.1 and

(b) The primary rated energy consumption per day (E_D), in kWh, and determined in accordance with the calculation procedure in section 7.2.3.1, ''Calculation of Daily Energy Consumption,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293).

2.3.2. *Refrigeration Low Power Mode.* For refrigerated bottled or canned beverage vending machines with a refrigeration low power mode, multiply the value determined in section 2.3.1 of this appendix by 0.97 to determine the daily energy consumption of the unit tested. For refrigerated bottled or canned beverage vending machines without a refrigeration low power mode, the value determined in section 2.3.1 is the daily energy consumption of the unit tested.

2.3.2.1. *Refrigeration Low Power Mode Validation Test Method.* This test method is not required for the certification of refrigerated bottled or canned beverage vending machines. To verify the existence of a refrigeration low power mode, initiate the refrigeration low power mode in accordance with manufacturer instructions contained in product literature and manuals, after completion of the 6-hour low power mode test period. Continue recording all the data specified in section 2.2.6 of this appendix until existence of a refrigeration low power mode has been confirmed or denied. The refrigerated bottled or canned beverage vending machine shall be deemed to have a refrigeration low power mode if either:

(a) The following three requirements have been satisfied:

(1) The instantaneous average next-to-vend beverage temperature must reach at least 4 °F above the integrated average temperature or lowest application product temperature, as applicable, within 6 hours.

(2) The instantaneous average next-to-vend beverage temperature must be maintained at least 4 °F above the integrated average temperature or lowest application product temperature, as applicable, for at least 1 hour.

(3) After the instantaneous average next-to-vend beverage temperature is maintained at or above 4 °F above the integrated average temperature or lowest application product temperature, as applicable, for at least 1 hour, the refrigerated beverage vending machine must return to the specified integrated average temperature or lowest application product temperature, as applicable, automatically without direct physical intervention.

(b) Or, the compressor does not cycle on for the entire 6 hour period, in which case the instantaneous average beverage temperature does not have to reach 4 °F above the integrated average temperature or lowest application product temperature, as applicable, but, the equipment must still automatically return to the integrated average temperature or lowest application product temperature, as applicable, after the 6 hour period without direct physical intervention.

2.3.3. *Calculations and Rounding.* In all cases, the primary rated energy consumption per day (E_D) must be calculated with raw measured values and the final result rounded to units of 0.01 kWh/day.

3. *Determination of Refrigeration Volume, Vendible Capacity, and Surface Area.*

3.1. *Refrigerated Volume.* Determine the ''refrigerated volume'' of refrigerated bottled or canned beverage vending machines in accordance with Appendix C, ''Measurement of Volume,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293). For combination vending machines, the ''refrigerated volume'' does not include any non-refrigerated compartment(s).

3.2. *Vendible Capacity.* Determine the ''vendible capacity'' of refrigerated bottled or canned beverage vending machines in accordance with the first paragraph of section 5, ''Vending Machine Capacity,'' of ANSI/ASHRAE 32.1 (incorporated by reference, see § 431.293). For combination vending machines, the ''vendible capacity'' includes only the capacity of any portion of the refrigerated bottled or canned beverage vending machine that is refrigerated and does not include the capacity of the non-refrigerated compartment(s).

3.3. *Determination of Surface Area.* Note: This section is not required for the certification of refrigerated bottled or canned beverage vending machines. Determine the surface area of each beverage vending machine as the length multiplied by the height of outermost surface of the beverage vending machine cabinet, measured from edge to edge excluding any legs or other protrusions that extend beyond the dimensions of the primary cabinet. Determine the transparent and non-transparent areas on each side of a beverage vending machine as the total surface area of material that is transparent or is not transparent, respectively.

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Part IV

Department of Energy

10 CFR Parts 429 and 430
Energy Conservation Program: Test Procedures for Dehumidifiers; Final Rule

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket No. EERE–2014–BT–TP–0010]

RIN 1904–AC80

Energy Conservation Program: Test Procedures for Dehumidifiers

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

ACTION: Final rule.

SUMMARY: On May 21, 2014, the U.S. Department of Energy (DOE) published a notice of proposed rulemaking (NOPR) to amend the test procedures for dehumidifiers. On February 4, 2015, DOE published a supplemental notice of proposed rulemaking (SNOPR) to amend the proposed test procedure for dehumidifiers. Those proposed rulemakings serve as the basis for this action. DOE is issuing a final rule to revise its test procedure for dehumidifiers established under the Energy Policy and Conservation Act and establish a new test procedure for dehumidifiers in a new appendix. The amendments to the test procedure provide technical clarifications and repeatability improvements, and do not significantly modify the current test setup, conduct, or results. The new test procedure includes: Separate provisions for testing whole-home dehumidifiers (both refrigerant-only and refrigerant-desiccant types) with a ducted test setup; new dry-bulb temperature test conditions for both portable and whole-home dehumidifiers; an updated definition for off-cycle mode; and additional clarifications and adjustments.

DATES: The effective date of this rule is August 31, 2015. The incorporation by reference of certain publications listed in this rule was approved by the Director of the Federal Register as of August 31, 2015.

ADDRESSES: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at *www.regulations.gov*. All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2014-BT-TP-0010*. This Web page will contain a link to the docket for this rule on the *www.regulations.gov* site. The *www.regulations.gov* Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT:
Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *bryan.berringer@ee.doe.gov.*

Mr. Peter Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9496. Email: *Peter.Cochran@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: This final rule incorporates by reference into part 430 the following industry standards:

(1) American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 41.1–2013, *Standard Method for Temperature Measurement,* ASHRAE approved January 29, 2013, ANSI approved January 30, 2013.

Copies of ANSI/ASHRAE 41.1–2013 can be obtained from the American National Standards Institute at 25 W. 43rd Street, 4th Floor, New York, NY 10036, or by going to *http://webstore.ansi.org/RecordDetail.aspx?sku=ANSI%2FASHRAE+Standard+41.1-2013.*

(2) ANSI/ASHRAE 51–07/ANSI/Air Movement and Control Association International, Inc. (AMCA) 210–07, *Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating,* AMCA approved July 28, 2006, ANSI approved August 17, 2007, ASHRAE approved March 17, 2008.

Copies of ANSI/AMCA 210–07 can be obtained from the Air Movement and Control Association International, Inc. at 30 West University Drive, Arlington Heights, IL 60004, or by going to *http://www.amca.org/store/item.aspx?ItemId=81.*

See section IV.N for additional information on these industry standards.

Table of Contents

I. Authority and Background

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, *et seq.;* ''EPCA'' or ''the Act'') sets forth a variety of provisions designed to

improve energy efficiency.[1] Part B of title III establishes the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' [2] These consumer products include dehumidifiers, the subject of this rule. (42 U.S.C. 6295(cc))

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) making representations about the efficiency of those products. Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA.

A. General Test Procedure Rulemaking Process

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA provides that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency of any covered product as determined under the existing test procedure. (42 U.S.C. 6293(e)(1))

B. Current Dehumidifier Test Procedure

The DOE test procedure for dehumidifiers is found at 10 CFR part 430, subpart B, appendix X. EPCA specifies that the dehumidifier test criteria used under the ENERGY STAR program in effect as of August 8, 2005,[3] must serve as the basis for the DOE test procedure for dehumidifiers, unless revised by DOE. (42 U.S.C. 6293(b)(13)) The ENERGY STAR test criteria, effective on August 8, 2005, required that ANSI/Association of Home Appliance Manufacturers (AHAM) Standard DH–1, ''Dehumidifiers,'' be used to measure capacity while the Canadian Standards Association (CAN/CSA) standard CAN/CSA–C749–1994 (R2005), ''Performance of Dehumidifiers,'' be used to calculate the energy factor (EF). The version of AHAM Standard DH–1 in use at the time the ENERGY STAR test criteria were adopted was AHAM Standard DH–1–1992. DOE adopted these test criteria, along with related definitions and tolerances, as its test procedure for dehumidifiers at 10 CFR part 430, subpart B, appendix X in 2006. 71 FR 71340, 71347, 71366–68 (Dec. 8, 2006).

On October 31, 2012, DOE published a final rule to establish a new test procedure for dehumidifiers that references ANSI/AHAM Standard DH–1–2008, ''Dehumidifiers,'' (ANSI/AHAM DH–1–2008) for both energy use and capacity measurements. 77 FR 65941. The final rule also adopted standby and off mode provisions that satisfy the requirement in EPCA for DOE to include measures of standby mode and off mode energy consumption in its test procedures for residential products, if technically feasible. (42 U.S.C. 6295(gg)(2)(A)) This new DOE test procedure, codified at that time at 10 CFR part 430, subpart B, appendix X1 (appendix X1), established a new metric, integrated energy factor (IEF), which incorporates measures of active, standby, and off mode energy use.

DOE subsequently removed the existing test procedures at appendix X and redesignated the test procedures at appendix X1 as appendix X. 79 FR 7366 (Feb. 7, 2014). Any representations of energy use, including standby mode or off mode energy consumption or efficiency of portable dehumidifiers must currently be made in accordance with the results of testing pursuant to the redesignated appendix X.

C. Current Dehumidifier Test Procedure Rulemaking

1. The May 2014 NOPR

On May 21, 2014, DOE published a NOPR (hereinafter referred to as the May 2014 NOPR) in which it proposed to revise its existing test procedure for dehumidifiers in redesignated appendix X by adding clarifications for equipment setup during testing and correcting the calculations of active mode energy use and IEF. The NOPR also proposed to establish a new appendix, appendix X1, that would require certain active mode testing at a lower ambient dry-bulb temperature, account for fan-only mode energy consumption in the IEF metric, and include testing methodology and measures of performance for whole-home dehumidifiers. DOE also proposed to amend 10 CFR parts 429 and 430 to add clarifying definitions of covered products, amend the certification requirements, add verification instructions for capacity measurement, and make certain editorial corrections. 79 FR 29271 (May 21, 2014). DOE held a public meeting on June 13, 2014, to request comment on the May 2014 NOPR, and accepted written comments, data, and information related to the proposal until August 4, 2014.

2. The February 2015 SNOPR

On February 4, 2015, DOE published an SNOPR (hereinafter referred to as the February 2015 SNOPR) proposing additions and clarifications to the dehumidifier test procedure previously proposed in the May 2014 NOPR. These proposals updated the whole-home dehumidifier test setup and conduct, introduced a method to determine whole-home dehumidifier case volume for product class differentiation, revised the off-cycle mode definition to incorporate the originally proposed fan-only mode, updated the combined low power mode energy use equations, provided a clarification to the relative humidity and capacity equations in ANSI/AHAM DH–1–2008, ''Dehumidifiers'' (ANSI/AHAM DH–1–2008) incorporated by reference, and included other additional technical corrections and clarifications. Other than the specific amendments newly proposed in the SNOPR, DOE continued to propose the test procedure amendments originally included in the May 2014 NOPR. 80 FR 5994 (Feb. 4, 2015).

II. Summary of the Final Rule

In this final rule, DOE establishes amendments to various sections in 10 CFR part 429 that are associated with certification, compliance, and enforcement for dehumidifiers. These amendments update 10 CFR 429.36 with requirements for determining capacity for a basic model and the certification reporting requirements. This final rule also updates 10 CFR 429.134 to include

[1] All references to EPCA refer to the statute as amended through the Energy Efficiency Improvement Act of 2015, Public Law 114–11 (Apr. 30, 2015).

[2] For editorial reasons, part B was redesignated as part A upon incorporation into the U.S. Code.

[3] ''Energy Star Program Requirements for Dehumidifiers,'' Version 1.0, U.S. Environmental Protection Agency (Available at: *www.energystar.gov/products/specs/system/files/DehumProgReqV1.0.pdf*).

information about verification of capacity for enforcement purposes.

This final rule also establishes amendments to various sections in 10 CFR part 430. These amendments include: (1) Revising the dehumidifier definitions and adding new definitions for various dehumidifier configurations (portable, refrigerant-desiccant, and whole-home) in 10 CFR 430.2; (2) incorporating by reference new materials necessary for testing whole-home and refrigerant-desiccant dehumidifiers in 10 CFR 430.3; (3) and identifying in 10 CFR 430.23 the sections in the test procedure appendices used to determine capacity and IEF.

This final rule also establishes specific clarifications and amendments to the dehumidifier test procedure codified in appendix X. These include: (1) New definitions for dehumidification mode and product capacity; (2) revisions to the test apparatus and general instructions section to provide guidance for the minimum number of psychrometers required when testing multiple units simultaneously; clarify psychrometer placement in relation to the unit with special instruction for those units with multiple air intake grilles; provide condensate collection setup with additional details for those units without gravity fed drains or pumps; specify required control settings for the dehumidification setting and fan speed; and include rounding requirements when calculating results; (3) revisions to the test measurement section to harmonize with the newly proposed dehumidification mode; and (4) updated equations and various editorial clarifications in the calculation of results section. The modifications to the test setup and test conduct in appendix X are intended to improve reproducibility and should not significantly impact test results.

Finally, this final rule establishes a new test procedure for dehumidifiers at appendix X1 to 10 CFR part 430. The test procedure at appendix X1: (1) Incorporates provisions for representative test setup and test conduct for whole-home dehumidifiers; (2) reduces the test room ambient dry-bulb temperature for portable dehumidifiers to 65 degrees Fahrenheit (°F), and for whole-home dehumidifiers, to 73 °F; (3) modifies the definition for off-cycle mode to incorporate fan operation when the compressor has cycled off; (4) introduces a test procedure for off-cycle mode; (5) incorporates instructions for determining whole-home dehumidifier case volume; and (6) introduces various adjustments to further improve repeatability and reproducibility while minimizing test burden.

III. Discussion

A. Covered Products and Definitions

1. Dehumidifier Definition

EPCA defines a dehumidifier as a self-contained, electrically operated, and mechanically encased assembly consisting of —

(1) a refrigerated surface (evaporator) that condenses moisture from the atmosphere;

(2) a refrigerating system, including an electric motor;

(3) an air-circulating fan; and

(4) means for collecting or disposing of the condensate. 42 U.S.C. 6291(34).

In the May 2014 NOPR, DOE proposed to amend the dehumidifier definition codified at 10 CFR 430.2 to specifically exclude portable air conditioners and room air conditioners, two other products that may provide dehumidification functions. DOE explained that the primary function of an air conditioner is to provide cooling by removing both sensible and latent heat, while a dehumidifier is intended to remove only latent heat. 79 FR 29271, 29291 (May 21, 2014). DOE also proposed to correct the definition of dehumidifier currently codified at 10 CFR 430.2 to remove the term ''refrigerated'' between the terms ''mechanically'' and ''encased'' for consistency with the EPCA definition. *Id.*

In response to the May 2014 NOPR, Aprilaire noted that EPCA's definition of dehumidifier is too broad, and encompasses a wide range of products that also have a dehumidification mode, such as portable, room, and central air conditioners, as well as refrigerators for which dehumidification is not the intended use. Thus, Aprilaire stated that DOE should provide a clearer definition of what constitutes a dehumidifier. (Aprilaire, No. 5 at p. 2 [4]) Aprilaire further contended that DOE's proposal would subject one method of whole-home humidity control to a test procedure for dehumidifiers, while air conditioners, also a method of whole-home dehumidification control, are subject to a different test procedure. (Aprilaire, Public Meeting Transcript, No. 10 at pp. 18–20 [5])

DOE notes that it proposed a dehumidifier definition specifically excluding portable air conditioners and room air conditioners because the primary function of an air conditioner is to provide cooling by removing both sensible and latent heat, while a dehumidifier removes moisture (*i.e.,* only latent heat). Moreover, Congress has already established energy conservation standards for consumer refrigerators, room air conditioners, and central air conditioners separately under EPCA (42 U.S.C. 6295(b), (c), and (d)), and DOE is currently considering new standards for portable air conditioners in a separate rulemaking.

In the February 2015 SNOPR, DOE further proposed that packaged terminal air conditioners be excluded in the dehumidifier definition for similar reasons of clarification. 80 FR 5994, 6005 (Feb. 4, 2015). AHAM did not oppose the definition for dehumidifier proposed in the February 2015 SNOPR. (AHAM, No. 16 at p. 7)

Therma-Stor expressed concern that excluding classes of equipment based upon generic descriptions may exclude or eliminate certain new designs that may be more efficient for some applications than existing designs. Therma-Stor noted that traditional dehumidifier designs convert latent heat into sensible heat within a single process air stream. However, recent designs such as split-dehumidifiers and refrigerant-desiccant dehumidifiers may transfer sensible and/or latent heat between air streams within the conditioned space and outside the conditioned space. Therma-Stor is concerned that these non-traditional designs may be excluded or categorized in an equipment class inconsistent with their intent and performance, and recommended that the definition of ''dehumidifier'' include equipment whose primary function is to remove latent heat at the specified test condition. This would allow new and innovative products that transfer some sensible heat to be included as long as their primary function at the test condition is to remove latent heat. (Therma-Stor, No. 15 at pp. 3–4)

[4] A notation in the form ''Aprilaire, Public Meeting Transcript, No. 10 at pp. 18–20'' identifies an oral comment that DOE received during the June 13, 2014, NOPR public meeting, was recorded in the public meeting transcript in the docket for this test procedure rulemaking (Docket No. EERE–2014–BT–TP–0010), and is available for review at *www.regulations.gov.* This particular notation refers to a comment (1) made by Aprilaire, Inc. during the public meeting; (2) recorded in document number 10, which is the public meeting transcript that is filed in the docket of this test procedure rulemaking; and (3) which appears on pages 18–20 of document number 10.

[5] A notation in the form ''Aprilaire, No. 5 at p. 2'' identifies a written comment: (1) Made by Aprilaire, Inc.; (2) recorded in document number 5 that is filed in the docket of this test procedure rulemaking (Docket No. EERE–2014– BT–TP–0010) and available for review at *www.regulations.gov;* and (3) which appears on page 2 of document number 5.

The definition for dehumidifier promulgated in EPCA (42 U.S.C. 6291(34)) does not establish coverage as a dehumidifier for products without a refrigeration-based system or for products that would not otherwise comply with that statutory definition, such as split dehumidifiers. This dehumidifier rulemaking focuses solely on products that provide the primary function of removing moisture from the conditioned space (*i.e.,* latent heat removal). Therefore, DOE proposed to clarify the EPCA definition by excluding products that may provide condensate removal or latent heat removal as a secondary function. DOE notes that the definition does not exclude products that provide sensible heat removal in addition to the primary function of latent heat removal, including products that transfer sensible and/or latent heat between air streams within the conditioned space and outside the conditioned space such as refrigerant-desiccant whole-home dehumidifiers.

Therefore, in this final rule, DOE establishes the following definition for dehumidifier:

A product, other than a portable air conditioner, room air conditioner, or packaged terminal air conditioner, that is a self-contained, electrically operated, and mechanically encased assembly consisting of—

(1) A refrigerated surface (evaporator) that condenses moisture from the atmosphere;

(2) A refrigerating system, including an electric motor;

(3) An air-circulating fan; and

(4) A means for collecting or disposing of the condensate.

2. Product Capacity Definition

In the May 2014 NOPR, DOE proposed adjusting the definition for product capacity by further specifying that product capacity is the measure of moisture removed from the surrounding atmosphere measured in pints collected per 24 hours of operation under the specified ambient conditions. The added specificity of the ambient conditions was necessary due to the varying test conditions among different dehumidifier configurations. 79 FR 29271, 29281 (May 21, 2014).

Therma-Stor commented that DOE should modify the definition to add ''of condensate'' regarding the number of pints of moisture removed from the atmosphere and collected in 24 hour period. Therma-Stor suggested that this definition is necessary to clarify that the condensate should be in liquid form. (Therma-Stor, No. 6 at p. 2)

DOE recognizes that the majority of dehumidifiers covered by this test procedure collect the moisture in liquid form; however, refrigerant-desiccant dehumidifiers remove moisture from the conditioned space and discharge some of that moisture in vapor form outside the conditioned space instead of collecting or draining it as condensate. Because the primary function of a dehumidifier is to remove moisture from the air within a conditioned space rather than to collect condensate, and to ensure that the definition of product capacity properly represents all configurations of dehumidifiers, DOE elected in this final rule to maintain the definition for product capacity proposed in the May 2014 NOPR.

3. Configuration Definitions

In the May 2014 NOPR, DOE proposed to amend 10 CFR 430.2 to include definitions of portable, whole-home, and refrigerant-desiccant dehumidifiers. 79 FR 29271, 29275 (May 21, 2014).

AHAM agreed with the definition for a portable dehumidifier. (AHAM, No. 7 at p. 3) Aprilaire suggested that the whole-home dehumidifier definition should differentiate these units from portable dehumidifiers by intended use instead of installation. (Aprilaire, No. 5 at p. 2) Therma-Stor stated that the proposed definitions for whole-home and portable dehumidifiers should be revised to accurately define specific attributes of each product type, allowing dealers and consumers to make comparisons without confusion. (Therma-Stor, No. 6 at p. 1) Due to the many similarities between certain portable and whole-home dehumidifiers and the inability to determine their intended use through examination of the product, DOE determined that design features associated with installation, namely the attachment of ducts, are the most reliable method for differentiation.

Therefore, DOE is establishing in 10 CFR 430.2 definitions for portable and whole-home dehumidifiers, which are identical to those proposed in the May 2014 NOPR. According to the definitions, a portable dehumidifier is a dehumidifier without ducting, although it may include optional ducts attachments, and a whole-home dehumidifier is a unit that is installed with ducting to deliver air to one or more locations in the dehumidified space.

4. Convertible Products

As discussed in the May 2014 NOPR, DOE determined that some dehumidifiers on the market have optional ducting kits that allow the product to be used as either a portable or ducted (*i.e.,* whole-home) dehumidifier. DOE proposed that these products would be tested under both the portable and whole-home test procedures and would be required to meet any applicable standards for each configuration. 79 FR 29271, 29300 (May 21, 2014)

Appliance Standards Awareness Project (ASAP), Alliance to Save Energy (ASE), American Council for an Energy-Efficient Economy (ACEEE), Consumers Union (CU), National Consumer Law Center (NCLC), and Natural Resources Defense Council (NRDC) (hereinafter the ''Joint Commenters'') and Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SCG), San Diego Gas and Electric Company (SDG&E), and Southern California Edison (SCE) (hereinafter the ''California Investor-Owned Utilities (IOUs)''), each agreed with the convertible product definition and DOE's proposal that if these products meet the definitions of both portable and whole-home dehumidifiers, they be tested under both configurations. These commenters indicated that it is important to capture performance of convertible products in both configurations to ensure good performance regardless of how the customer chooses to operate the unit. According to the commenters, testing in both configurations would also provide information to consumers about capacity and efficiency in each, as performance can vary significantly depending upon the presence of ducting and overall configuration. (Joint Commenters, No. 8 at p. 2; California IOUs, No. 9 at p. 1)

Aprilaire stated that the proposed definition for convertible products places a burden on whole-home dehumidifier manufacturers that have no control over distributors that could convert products from whole-home to portable configuration and vice versa. Aprilaire also stated that it is unclear if the manufacturer would have to test for conditions that could arise from the installation or modification of the product by a third party. (Aprilaire, No. 5 at p. 2)

As discussed in the May 2014 NOPR, convertible products are those dehumidifiers manufactured with optional ducting kits. 79 FR 29271, 29275 (May 21, 2014). Therefore, any product sold by a manufacturer that meets both the portable and whole-home dehumidifier definition would be considered convertible. However, if the manufacturer does not provide a ducting kit and the distributor or installer devises a ducting kit or modifies the unit, the dehumidifier

would not be considered a convertible product.

Therma-Stor objected to the proposal for convertible products, and stated that the definitions for whole-home dehumidifier and portable dehumidifier should be revised to be mutually exclusive so that products would meet only one of these definitions. (Therma-Stor, No. 6 at p. 1) DOE notes that the test procedure and standards for products are intended to represent the typical usage in the field. If a product is designed to be installed and used in either of two configurations that would result in different performance, the test procedure should consider both of these configurations individually and ensure the product is compliant with any applicable energy conservation standards. Without further input on specific changes that would make the definitions mutually exclusive, DOE is maintaining the proposal from the May 2014 NOPR and establishing in appendix X1 that units that meet the definitions for both portable and whole-home dehumidifiers as produced by the manufacturer, exclusive of any third-party modifications, must be tested in both configurations and comply with any applicable energy conservations standards for each configuration.

5. Coverage of Whole-Home Dehumidifiers

The Joint Commenters supported the clarification in the May 2014 NOPR that whole-home dehumidifiers, including refrigerant-desiccant units, are covered products. Although whole-home dehumidifiers currently represent a small portion of the total dehumidifier market, the Joint Commenters believe that the market share of these products will grow as homes are being built more airtight, resulting in a need for mechanical ventilation, a shift in the mix of sensible and latent loads, and more moisture to be removed. (Joint Commenters, No. 8 at p. 2)

Aprilaire commented that whole-home dehumidifiers are a separate product category, and that instead of extending the portable dehumidifier test procedure to whole-home dehumidifiers, which are much more complex and have multiple ways of solving the solution, DOE should propose a separate standard for whole-home dehumidifiers. Aprilaire also suggested that DOE fund research currently ongoing at AHAM to better understand humidity control models. (Aprilaire, Public Meeting Transcript, No. 10 at pp. 20–22) Aprilaire further commented that portable and whole-home dehumidifiers are different classes of products in their construction, intended application, and function, and that combining these two classes of products under a single rule and test procedure is not practical. Therefore, Aprilaire indicated that it does not support the inclusion of whole-home dehumidifiers in this rulemaking. It recommended that DOE instead work with industry to better understand residential latent load requirements and methods of controlling it, and develop a test method that properly measures and compares different classes of products. (Aprilaire, No. 5 at pp. 1–2, 4) Aprilaire additionally stated that its testing indicates whole-home dehumidifiers may use less energy than portable dehumidifiers and that further investigation may show how much is related to larger air flows, control logic, control accuracy, fan cycling for sampling, and the ability to control the space's humidity. Aprilaire believes that implementing a test for whole-home dehumidifiers could limit innovation and prevent the development of products that perform adequately while reducing overall energy use. (Aprilaire, No. 5 at pp. 4–5)

DOE recognizes the differences between portable and whole-home dehumidifiers, but because these products both meet the definition for dehumidifier as established under EPCA and because they provide similar primary functions, DOE is addressing both products in the current test procedure rulemaking. DOE is establishing in this final rule test methodology specific to whole-home dehumidifiers that will measure energy use of these products under representative installation and operating conditions. DOE discusses its evaluation of test burden on manufacturers in section IV.B of this preamble. DOE is also addressing energy conservations standards for portable and whole-home dehumidifiers in the concurrent dehumidifier standards rulemaking. In the energy conservation standards NOPR published on June 3, 2015, DOE proposed separating dehumidifiers into portable and whole-home dehumidifier product classes for the purposes of setting standards. 80 FR 31645, 31647

6. Alternative Dehumidification Technologies

Because the EPCA definition for a dehumidifier specifies a refrigeration system, products that use solely a desiccant or technology other than vapor-compression refrigeration to remove a latent load would not be covered by statute. However, as discussed in the May 2014 NOPR, DOE is aware of a dehumidifier configuration that incorporates desiccant technology along with a refrigeration system, referred to as a ''refrigerant-desiccant'' dehumidifier. In the May 2014 NOPR, DOE defined a refrigerant-desiccant dehumidifiers as a whole-home dehumidifier that removes moisture from the process air via a desiccant material in addition to a refrigeration system. 79 FR 29271, 29275 (May 21, 2014)

Aprilaire noted that the dehumidifier configurations defined in the May 2014 NOPR do not include other methods of latent heat removal, such as desiccants. Aprilaire also stated that the current whole-home dehumidifier definition limits moisture removal to only ''refrigeration means.'' (Aprilaire, No. 5 at p. 4)

Therma-Stor commented that because the EPCA definition for dehumidifier does not include mention of a desiccant and specifies that there is a ''means for collecting or disposing of the condensate,'' the definition would not apply to a desiccant dehumidifier which removes water in vapor form. Therefore, Therma-Stor also believes that desiccant product types are outside the scope of the EPCA definition and should not be covered as a separate product type. However, it stated that dehumidifiers with desiccant (or other) components in addition to components included in the EPCA definition should be characterized as refrigerant dehumidifiers for testing and rating, rather than as a separate product type, or should be exempted from coverage. Therma-Stor added that DOE only considered one possible configuration that incorporates a desiccant component into a refrigerant dehumidifier and that other configurations exist in the market. The duct configurations, external static pressures (ESP), and volumetric flow rates may be different than for other whole-home dehumidifiers. Therma-Stor contends, therefore, that refrigerant-desiccant dehumidifiers are outside the scope of the EPCA definition. (Therma-Stor, No. 6 at pp. 2, 5)

DOE agrees that desiccant-only products do not meet the EPCA definition and are therefore not considered a covered product under this rulemaking. DOE further determines that the EPCA definition of dehumidifier, while specifying that the product contain a refrigerated surface that condenses moisture, does not require that this refrigeration system and cooled surface be the sole source of condensate removal. DOE therefore agrees that refrigerant-desiccant dehumidifiers should be covered and tested in a manner that would produce similarly representative results as their

refrigerant-only counterparts, though DOE concludes that a unique test setup and determination of moisture removal is necessary to account for the multiple air streams. DOE also notes that it is only aware of one configuration for residential dehumidifiers, refrigerant-desiccant, that employs additional technologies to complement the refrigeration system latent heat removal.

Therefore, DOE is establishing in this final rule the definition of ''refrigerant-desiccant dehumidifier'' as proposed in the May 2014 NOPR.

7. Process Air Definition

In the May 2014 NOPR, DOE proposed to define process air as the air supplied to the dehumidifier from the dehumidified space and discharged to the dehumidified space after moisture has been removed. 79 FR 29271, 29275 (May 21, 2014).

AHAM agrees with this definition of process air. (AHAM, No. 7 at p. 3) Aprilaire commented that the process air may not always come from the dehumidified space, and that a portion of the air may be ventilation air. (Aprilaire, No. 5 at p. 4) DOE recognizes that some portion of the process air may comprise outside ventilation air for some units in certain installations. However, without further data on typical percentages of ventilation air in the process air stream, DOE maintains its approach to consider the process air to be supplied to the dehumidifier solely from the dehumidified space.

B. Dehumidification Mode

In the May 2014 NOPR, DOE proposed a definition of ''dehumidification mode'' to specify an active mode in which the dehumidifier has activated its main moisture removal function according to the humidistat or humidity sensor signal, and has activated either the refrigeration system or the fan or blower. DOE then proposed an updated version of this definition in the February 2015 SNOPR to include control settings as means for activating the main moisture removal function. 80 FR 5994, 6005 (Feb. 4, 2015)

AHAM agreed with the definition for dehumidification mode proposed in the February 2015 SNOPR. (AHAM, No. 16 at p. 7)

Aprilaire commented that the proposed dehumidification mode definition should only apply to operation related to actively removing moisture from the air, corresponding to when the dehumidifier has its air-movement device and latent-heat removal system operating. Aprilaire suggested that a whole-home dehumidifier may turn on its fan or blower to sample the air, and some products also simultaneously activate the heating, ventilation, and air conditioning (HVAC) system's fan to ensure proper measurements and mixing. Aprilaire was unsure if the proposed definition refers to the dehumidifier's fan or the HVAC fan. According to Aprilaire, some whole-home dehumidifiers use the HVAC fan while it has been energized for other reasons, such as cooling, air cleaning, or ventilation, and this could penalize a whole-home dehumidifier when such operation actually may reduce overall energy use. (Aprilaire, No. 5 at pp. 2–3) In this rulemaking, dehumidification mode refers to active moisture removal achieved via operation of the covered product, including energization of internal air-handling and latent-heat removal systems. Thus, the fan or blower included in the dehumidification mode definition only refers to the fan or blower that is within the unit's case and not the separate HVAC fan. HVAC fans are subject to separate standards under 10 CFR 430.32(y).

Therma-Stor suggested that the dehumidification mode definition should include all combinations of operating and non-operating components engaged when the dehumidifier controller has activated a moisture removal operation. According to Therma-Stor, there are a number of different operational modes that may occur (based on the air and/or internal dehumidifier conditions) once a dehumidifier has been placed into moisture removal mode, and all should be considered when testing to determine capacity and efficiency ratings. (Therma-Stor, No. 6 at p. 2) DOE acknowledges that some units may employ varying approaches in dehumidification mode to optimize operation with variable speed compressors or blowers. The DOE test procedure uses a fixed dehumidification mode test condition in which the ''main moisture removal function'' is activated throughout testing to ensure repeatable and comparable results among units. A particular unit may activate different combinations of operating components throughout the test period, but as long as the main moisture removal function remains activated, the energy use of each of these components is captured in the dehumidification mode test.

1. Ambient Temperature—Portable Dehumidifiers

In the May 2014 NOPR, DOE proposed to require dehumidification mode testing in appendix X1 at nominal indoor ambient conditions of 65 °F dry-bulb temperature and 56.6 °F wet-bulb temperature, which corresponds to 60-percent relative humidity, for both portable and whole-home dehumidifiers. 79 FR 29271, 29279 (May 21, 2014). This proposal reduced the test conditions from those in ANSI/AHAM DH–1–2008, 80 °F dry-bulb temperature and 69.6 °F wet-bulb temperature, corresponding to 60-percent relative humidity.

The Joint Commenters, AHAM, NRDC, and ASAP agreed with the 65 °F dry-bulb temperature test condition proposed in the May 2014 NOPR. AHAM stated that its member test results at these conditions were consistent with DOE's findings. The Joint Commenters confirmed that the current 80 °F test condition is likely significantly higher than typical ambient conditions during dehumidifier use, and believe that the lower 65 °F test condition will provide better information to consumers regarding capacity and efficiency and will ensure savings in the field. (NRDC, Public Meeting Transcript, No. 10 at p. 45; ASAP, Public Meeting Transcript, No. 10 at p. 46; AHAM, No. 7 at p. 5; Joint Commenters, No. 8 at p. 3)

GE expressed concern that testing at 65 °F dry-bulb temperature with 60-percent relative humidity would reduce the amount of water in the air available to be removed by the dehumidifier than at 80 °F dry-bulb. GE indicated that at 80 °F, the dehumidifier system runs more consistently with no frost developing on the evaporator, and therefore the higher test condition is much easier to perform. (GE, Public Meeting Transcript, No. 10 at p. 43)

Aprilaire suggested that 65 °F dry-bulb temperature and 60-percent relative humidity may be an appropriate condition for testing, but that 65 °F would be cool for basement conditions and that room temperature tends to increase because heat is rejected to the room from the operating dehumidifier. Therefore, Aprilaire suggested a higher ambient test temperature of 68 °F, which is also the heating set point for a previous ENERGY STAR thermostat heat setting. (Aprilaire, No. 5 at p. 3) Therma-Stor also indicated that operating a refrigerant dehumidifier below grade or in a basement will increase the temperature of the space, because it converts the latent heat of the moisture and electrical energy consumed into sensible heat. Therefore, Therma-Stor believes that basements with dehumidifiers operating are a few degrees warmer than those without a dehumidifier. (Therma-Stor, No. 6 at p. 3)

DOE recognizes that there may be temperature variation among specific basement locations; however, based on DOE's analysis presented in the May 2014 NOPR, DOE expects that the average ground temperature during the dehumidification season to be close to 65 °F. In addition, although dehumidifiers add sensible heat to the room due to the conversion of the latent heat and the efficiencies of the electrical components, any temperature increase in the room will be a function of parameters including dehumidifier capacity in relation to basement size, slab and wall insulation, and air infiltration rates. Because of the uncertainty of such effects, DOE is not raising the test ambient temperature requirement above that determined from ground temperature analysis. Further, the 65 °F test condition for portable dehumidifiers is also representative of units installed in above-grade living spaces, based on climate data analysis. Therefore, without further field temperature data to support a higher test temperature, DOE adopts the 65 °F dry-bulb ambient temperature condition for testing portable dehumidifiers in dehumidification mode. DOE recognizes that dehumidifiers will extract less condensate at this dry-bulb temperature than at the current 80 °F, which will result in a lower measured capacity, but believes that the 65 °F condition is most representative of consumer usage of the product. If dehumidifiers defrost under 65 °F ambient temperatures, it is appropriate for the test procedure to capture this operation; however, DOE notes that most current products did not require defrosts under these test conditions, and manufacturers would likely design their models to avoid defrosts during testing.

In the May 2014 NOPR, DOE proposed and requested comment on an alternate approach of conducting dehumidification mode testing at both 65 °F and 80 °F ambient temperatures, with IEF and capacity calculated from the combined results of the two tests. DOE also proposed weighting factors for combining these two approaches (*i.e.,* 79 percent for the 65 °F test condition and 21 percent for the 80 °F test condition) and requested feedback on alternate appropriate weighting factors. 79 FR 29271, 29279 (May 21, 2014).

The California IOUs commented that a test condition of 80 °F alone does not accurately measure dehumidifier efficiency in typical operating conditions. The California IOUs believe that moisture control is important both in basements where the average temperature is close to 65 °F, which is currently the industry standard low-temperature test point in ANSI/AHAM DH–1–2008, and in warmer conditions representative of the 80 °F test condition. Therefore, they believe that measurements at both 65 °F and 80 °F should be required, and that the standards should be determined by a weighted average of performance at each temperature to account for variation in actual field conditions across the country. The California IOUs also supported DOE's proposed weighting percentages. (California IOUs, No. 9 at p. 2)

The Joint Commenters encouraged DOE to require testing at a dry-bulb temperature lower than 65 °F, such as 55 °F, in addition to testing at 65 °F to capture performance under frost conditions that are likely encountered in the field. The Joint Commenters noted that Consumer Reports includes a ''cool room performance'' test which measures capacity and efficiency at 50 °F. Because testing at 55 °F in addition to 65 °F would likely capture defrost cycles, the Joint Commenters stated that this would encourage adoption of improved defrost methods and controls. If, as noted in the preliminary TSD, manufacturers are already testing their units at very low ambient temperatures, the Joint Commenters suggested that requiring testing at lower than 65 °F as well as at 65 °F may not represent a significant additional testing burden. (Joint Commenters, No. 8 at pp. 3–4) The California IOUs suggested that DOE also measure dehumidifier efficiency under conditions that lead to defrost mode operation. These commenters stated that defrost operation is necessary to remove frost that builds up on the evaporator coils at lower temperatures, reducing effectiveness of the dehumidifier and wasting energy. The California IOUs suggested that because different defrost methods may lead to a wide range in performance, defrost mode should be tested by adding an additional test point at a low ambient temperature where defrost is likely to occur. The California IOUs suggested that manufacturers should be required to report the results of the two temperature tests independently so that consumers can distinguish which units will function the most efficiently in a particular environment and application. (California IOUs, No. 9 at pp. 2–3)

AHAM and NRDC opposed the alternative proposal to test portable dehumidifiers at 80 °F and 65 °F due to the additional testing burden. AHAM added that the 65 °F test condition is sufficient, especially given DOE's extensive data and analysis supporting the proposal for 65 °F. (NRDC, Public Meeting Transcript, No. 10 at p. 45; AHAM, No. 7 at p. 6)

DOE recognizes the potential value of testing dehumidifiers at additional temperatures higher or lower than 65 °F to obtain a measure of performance under a broader range of real-world conditions, which could capture effects such as icing or the benefits of variable-speed operation. However, DOE's information does not suggest that the alternative temperatures recommended by commenters are representative of a significant number of operating hours in regions of typical dehumidifier usage. For example, as depicted in Figure III.1, a review of the climate data from 2012 indicates that, in regions comprising the majority of dehumidifier usage (based on U.S. Department of Energy: Energy Information Administration's, *Residential Energy Consumption Survey* (RECS) 2009 data), only 3 percent of time during the dehumidification season (between April and October) occurs when ambient conditions are greater than 80 °F and 60-percent relative humidity. Although more hours are attributed to periods when average ambient temperatures are lower than 55 °F and relative humidity is 60 percent or higher, DOE believes that during many of these hours, the conditioned space above-grade would be heated, thereby reducing the relative humidity. Similarly, few hours during the dehumidification season have soil temperatures below 55 °F and thus this lower temperature would not be a representative testing condition for dehumidifiers installed in basements.

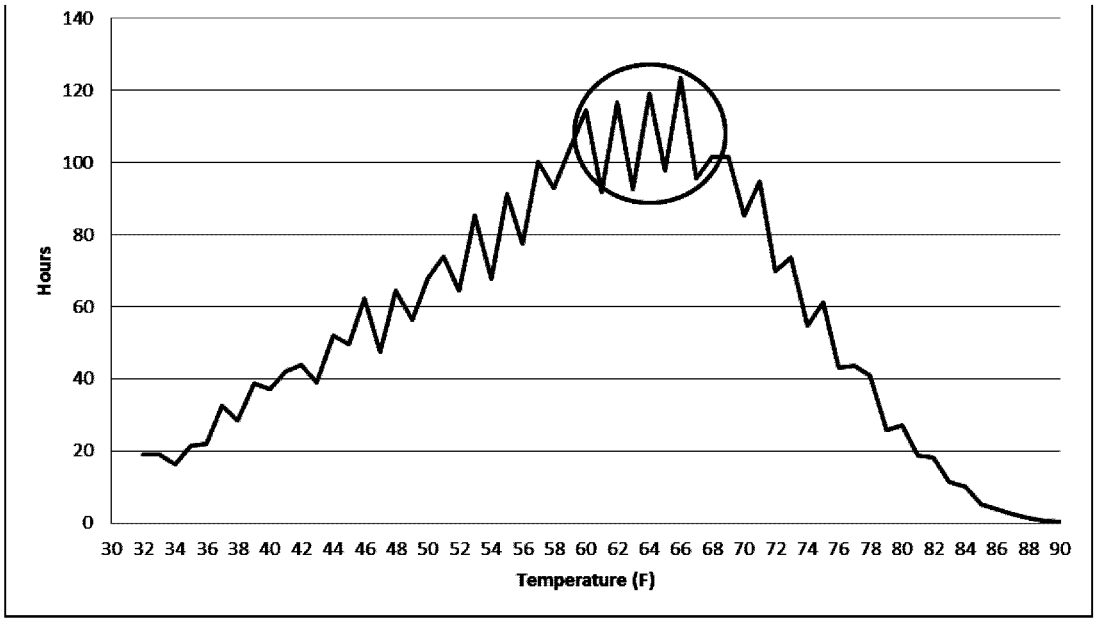

Figure III.1 Weighted-Average Dehumidification Season Hours at Specific Ambient Temperatures and a Relative Humidity of 60-Percent or Higher

Therefore, while DOE agrees that 80 °F or 55 °F are useful test conditions for determining performance under extremes of expected operation, DOE concludes that the minimal usage of dehumidifiers under these conditions would not warrant the burden of conducting additional dehumidification mode testing. Therefore, based on the analysis presented in the May 2014 NOPR, DOE concludes that the 65 °F dry-bulb temperature is representative of the majority of conditions during periods of dehumidifier use and is not adopting a requirement to measure and average dehumidifier performance over multiple ambient test temperatures.

Aprilaire suggested that DOE require two rating conditions but not combine them into the same metric. They believe this would allow manufacturers to design for specific uses (*e.g.,* basement, living space, *etc.*) instead of combining them using a weighting factor. (Aprilaire, Public Meeting Transcript, No. 10 at p. 42) As discussed above, the minimal usage of dehumidifiers at extreme conditions of expected operation does not warrant additional test burden. Therefore, DOE is maintaining the proposed 65 °F dry-bulb test condition for portable dehumidifiers.

2. Part-Load Testing

In response to the May 2014 NOPR proposals, Aprilaire questioned how products with modulating or variable-speed capabilities that are on the market currently or will be on the market in the future would be considered. (Aprilaire, Public Meeting Transcript, No. 10 at p. 32) The Joint Commenters encouraged DOE to consider adding a part-load test, noting that the National Renewable Energy Laboratory (NREL) conducted part-load testing of four dehumidifiers and found, in a January 2014 technical report,[6] that efficiency can degrade significantly when there is a high rate of compressor cycling and continued fan operation after the compressor cycles off. The Joint Commenters also noted that NREL found that when the compressor stayed on for 3 to 6 minutes and the fan ran for 3 minutes after it shut off, 17 to 42-percent of the condensate was re-evaporated. The Joint Commenters suggested that a test procedure that captured part-load performance would discourage this type of fan control strategy that reduces efficiency in the field, and would instead encourage variable-speed compressors that would reduce compressor cycling not currently captured in the test procedure. The Joint Commenters further suggested that if DOE does not adopt a part-load test, DOE should consider an alternative approach to capture the impacts of re-evaporation on efficiency when the fan continues to operate following a compressor cycle. (Joint Commenters, No. 8 at p. 5) The California IOUs reiterated the Joint Commenters' suggestion, but further noted that variable-speed compressors are uncommon for this product type and that cycling degrades equipment and may shorten the dehumidifier life. The California IOUs suggested that a part-load test would be conducted by supplying humidity to the test chamber at a low rate so that the dehumidifier cycles on and off, and the test variable could be the number of compressor cycles and energy consumption during the rating test period. The California IOUs referenced the NREL study that provides information on how existing test chamber could be modified to accommodate part-load testing and how the test results can be interpreted. (California IOUs, No. 9 at pp. 2–3)

In response to the February 2015 SNOPR, the Joint Commenters reiterated their suggestion that DOE include a test to capture performance under frost conditions and encouraged DOE to consider adding a part-load test in future rulemakings. They indicated that NREL's testing found when there is a high rate of compressor cycling, dehumidifier efficiency can degrade significantly. They believe that incorporating these two tests would encourage improved defrost methods and controls, as well as technologies such as variable-speed compressors and control strategies such as increasing the humidistat deadband that could improve efficiency by reducing

[6] ''Measured Performance of Residential Dehumidifiers Under Cyclic Operation,'' National Renewable Energy Laboratory. NREL/TP–5500–61076 (January 2014) (Available at *http://apps1.eere.energy.gov/buildings/publications/pdfs/building_america/dehumidifiers_cyclic_operation.pdf).*

compressor cycling. (Joint Commenters, No. 17 at p. 2)

DOE agrees that a part-load test could capture some effects of re-evaporation and other performance impacts. However, DOE is not establishing a part-load test for dehumidifiers at this time because of concerns with significantly increased test burden and reduced repeatability and reproducibility. Current environmental chambers are able to maintain steady-state conditions, but it would be difficult for test laboratories to modulate the humidity in the chamber accurately over the duration of a test, given the variability in compressor capacities and chamber configurations and equipment. This would potentially require upgraded facilities and require more complex calculations to account for the varying conditions throughout the test. Accordingly DOE is maintaining the current approach for testing dehumidifiers that implements steady-state temperature and humidity conditions.

3. Relative Humidity

In the May 2014 NOPR, DOE proposed that the ambient relative humidity level maintained throughout dehumidification mode testing shall remain at 60 percent, as specified in ANSI/AHAM DH–1–2008. 79 FR 29271, 29283 (May 21, 2014).

Aprilaire, Therma-Stor, GE, and AHAM agreed with DOE's proposal to maintain 60-percent relative humidity for testing dehumidification mode. Aprilaire further commented that 60-percent relative humidity is the manufacturer-recommended set point and where consumers will likely run the dehumidifier for comfort. Therma-Stor stated that 60-percent relative humidity would be representative of consumer use because it is at or near the upper limit of many recognized comfort zones used to define acceptable indoor conditions during the summer cooling season. (GE, Public Meeting Transcript, No. 10 at p. 51; AHAM, Public Meeting Transcript, No. 10 at pp. 51–52; Aprilaire, Public Meeting Transcript, No. 10 at p. 51; Aprilaire, No. 5 at p. 4; Therma-Stor, No. 6 at p. 4; AHAM, No. 7 at p. 7)

Nyle Systems commented that dehumidifiers and heat pump hot water heaters are both installed in similar locations (*e.g.,* basements and furnace rooms) and should therefore be tested at the same test conditions, namely the ambient temperature and relative humidity settings for testing heat pump hot water heaters (68 °F and 50 percent, respectively). Nyle Systems also stated that the proposed dew point is too high and that the heat pump hot water heater test conditions would be a reasonable dew point. (Nyle Systems, No. 12 at p. 1) DOE notes that, despite potentially similar installation locations, the annual usage patterns and thus representative ambient conditions for dehumidifiers are different than those for water heaters. Therefore, DOE is not adopting the water heater test conditions as representative test conditions for dehumidifiers.

4. Whole-Home Dehumidifier Ducted Installation

In the May 2014 NOPR, DOE proposed modifications to the dehumidifier test setup to allow testing of whole-home dehumidifiers in a ducted configuration, including provisions regarding instrumentation, fresh air inlets, process air inlet and outlet ducts, test duct specifications, transition sections, and flow straighteners. 79 FR 29271, 29283–86 (May 21, 2014). DOE based these proposals on current industry practices for testing ducted air treatment devices and investigative testing under various testing configurations.

The Joint Commenters agreed that whole-home dehumidifiers should be tested with ducting because they are intended to be installed as part of a home's HVAC system, which imposes an external static pressure that reduces airflow and impacts capacity and efficiency. (Joint Commenters, No. 8 at p. 4)

Therma-Stor believes that the test procedures for all product types, including refrigerant-desiccant units, should utilize the same measurement methods. Therma-Stor is concerned that different test procedures, conditions, and standards for each product type would lead to different performance ratings and cause confusion among dealers and consumers. Therefore, Therma-Stor prefers an approach which rates portable and whole-home dehumidifiers on a comparable basis. (Therma-Stor, No. 6 at p. 5) Because DOE's test procedure must measure representative energy use of dehumidifiers, and because whole-home dehumidifiers are designed to be installed in a ducted configuration that results in performance different than when the unit is operated unducted, DOE is adopting a unique test setup and conduct for whole-home dehumidifiers in appendix X1 that specifies the use of ducts and other associated instrumentation.

The ducted installation requirements for whole-home dehumidifiers that DOE proposed in the May 2014 NOPR included: (1) Duct configurations, including specifications for fresh air inlets, process air inlet and outlet ducts, test duct specifications, transition sections, flow straighteners; and (2) instrumentation for measuring dry-bulb temperature, relative humidity, ESP, and volumetric flow rate, as well as specifications for measurement frequency. DOE also proposed in the May 2014 NOPR a capacity measurement for refrigerant-desiccant dehumidifiers based on a vapor calculation method. 79 FR 29271, 29283–29289 (May 21, 2014).

In the February 2015 SNOPR, DOE revised its proposal to reduce the required minimum duct length for whole-home dehumidifiers from 10 duct diameters to 4.5 duct diameters, but otherwise maintained the ducted installation proposals from the May 2014 NOPR. 80 FR 5994, 5998 (Feb. 4, 2015). DOE received no comments in response to the proposed reduction in duct length for whole-home dehumidifiers and is adopting the February 2015 SNOPR duct length proposals to reduce test burden and improve reproducibility as discussed in the February 2015 SNOPR.

Furthermore, with the exception of the provisions discussed in the following sections on which DOE received comments, DOE is maintaining the remaining whole-home dehumidifier testing provisions that were proposed in the February 2015 SNOPR for the reasons described in that proposal and the May 2014 NOPR.

a. Inlet Temperature

In the February 2015 SNOPR, DOE proposed that whole-home dehumidifiers be tested with all ducted intake air at 73 °F dry-bulb temperature and 63.6 °F wet-bulb temperature to maintain a 60-percent relative humidity. DOE noted that the results for portable and whole-home dehumidifiers would not be directly comparable, but rather that the application, installation, and ambient conditions of the two product types are inherently different, and therefore it is reasonable that representative performance should also differ. 80 FR 5994, 5996–5997 (Feb. 4, 2015).

The Joint Commenters supported DOE's proposal to test whole-home dehumidifiers at an ambient temperature of 73 °F, noting that the field study referenced in the February 2015 SNOPR found that the average inlet dry-bulb temperature during compressor operation for the four units in the study was 73.2 °F. (Joint Commenters, No. 17 at p. 1)

Aprilaire did not support using the Burke Study [7] to conclude that 73 °F is an appropriate rating point for whole-home dehumidifiers. According to Aprilaire, the dates, times, and associated temperatures of the average of each location are not known; therefore, the meaning of ''average by location'' is not clear. In addition, Aprilaire stated that there is no way to know if these locations were ''typical'' in terms of installation, user habits, equipment set points, or weather. Additionally, Aprilaire noted that there were significant differences among the locations, climates, building types, and equipment at the sites in the study. Aprilaire expressed concern about whether a simple average of four test sites from two very different locations is a proper representation of the population of all homes in the United States. Based on the very limited data, Aprilaire recommended an ambient test temperature of 75 °F to 80 °F, or DOE's own recommendation for a cooling set point of 78 °F, which could be changed in the future if additional data were available. (Aprilaire, No. 14 at p. 2)

DOE notes that, although the climate study showed the average outdoor temperature to be close to 65 °F, data available from the limited field study indicated that 73 °F dry-bulb temperature is a more appropriate inlet condition for whole-home dehumidifiers. DOE did not receive additional data demonstrating that a different dry-bulb temperature was warranted; accordingly, DOE is maintaining the test conditions as proposed in the February 2015 SNOPR for whole-home dehumidifiers: 73 °F dry-bulb temperature and 63.6 °F wet-bulb temperature.

b. External Static Pressure

In the February 2015 SNOPR, DOE concluded that its analysis supported testing whole-home dehumidifiers at an ESP higher than 0.2 inches of water column (in. w.c.) but substantially less than 0.5 in. w.c. Due to the limited data available to more precisely define this value, DOE proposed an ESP of 0.25 in. w.c. as the appropriate test condition for whole-home dehumidifiers. 80 FR 5994, 5998 (Feb. 4, 2015).

The Joint Commenters stated that DOE's proposal to specify an ESP of 0.25 in. w.c. for whole-home dehumidifiers is reasonable. (Joint Commenters, No. 17 at p. 1)

Therma-Stor agreed that whole home dehumidifiers typically experience an ESP in excess of portable dehumidifiers, but feel that the proposed test ESP of 0.25 in. w.c. is still too high. According to Therma-Stor, manufacturers recommend installation practices, but the ESP that a whole-home dehumidifier experiences in the field is determined by the field installation. Therma-Stor recommends installation practices for its whole-home dehumidifiers that result in a lower ESP and suggested that the test condition be revised to 0.2 in. w.c. ESP. (Therma-Stor, No. 15 at p. 1) Therma-Stor further suggested that the ESP of a furnace and duct system is not a good proxy for whole-home dehumidifiers, which typically process a much smaller volumetric flow rate of air than a furnace or air handler. Therma-Stor indicated that whole-home dehumidifiers are designed with duct connections intended to provide less than 0.15 in. w.c. ESP per 100 feet of duct. Therma-Stor stated that specifying 0.25 in. w.c. in the dehumidifier test procedure would force manufacturers to incorporate fans that require more power and make more noise than the fans currently in use without providing a real benefit. (Therma-Stor, No. 15 at pp. 1–2)

Aprilaire commented that the DOE test method would represent a ''Return to Supply'' installation configuration. In this installation, air is pulled from the return and then put into the supply, which requires the dehumidifier blower to overcome the system pressure losses caused by the HVAC blower. According to Aprilaire, manufacturers have stated that this is not a typical installation, and that due to the very limited size of the market, the varying applications and installation methods, and the lack of industry organizations, a true data set of installation methods cannot be obtained. Therefore, Aprilaire believes that a ''Return to Return'' or ''Room to Return'' installation is typical. In such installations, Aprilaire stated that the highest static pressure would be equivalent to two elbows and a few feet of duct work, which would not result in an ESP close to 0.25 in. w.c.; rather, it would be much closer to zero. Aprilaire does not agree with a higher static pressure as a recommended test condition. (Aprilaire, No. 14 at pp. 2–3)

Both the calculations and limited field data discussed in the February 2015 SNOPR resulted in representative ESPs of 0.2 and 0.23 in. w.c. for typical whole-home dehumidifier installations. DOE acknowledges that certain installations will have lower or higher ESPs, and agrees that its proposal to round the ESP to 0.25 in w.c. would result in a system static pressure on the high end of the estimated representative range. Thus, DOE concludes that 0.2 in. w.c. is a representative value that would best capture the effects of varying types of installations and duct configurations. In light of these results and feedback from commenters, DOE establishes in this rule that whole-home dehumidifier testing must be conducted with an ESP of 0.2 in. w.c.

c. Fresh Air Inlet

In the May 2014 NOPR, DOE tentatively determined, based on investigative test data, that the slight positive impact of using the fresh air inlet on a whole-home dehumidifier is not significant enough to warrant the added test burden of providing separate fresh air inlet flow; therefore, DOE proposed that any fresh air inlet on a whole-home dehumidifier be capped and sealed during testing. 79 FR 29271, 29285 (May 21, 2014).

Aprilaire agreed with the proposal to seal ventilation ducts and fresh air ducts because the inlet air would have similar conditions either way, and the ventilation air is part of the inlet air. (Aprilaire, Public Meeting Transcript, No. 10 at pp. 60–61)

Therma-Stor objected to sealing the fresh air inlet because it would reduce capacity and efficiency, leading to an unfair bias against whole-home dehumidifiers with fresh air inlets as compared to whole-home units which do not incorporate a separate fresh air inlet. (Therma-Stor, No. 6 at p. 4) As mentioned above and in the May 2014 NOPR, DOE's investigative testing indicated that sealing the fresh air inlets would produce a 5-percent or smaller reduction in capacity and EF. Additionally, DOE lacks information about consumer use of fresh air inlet ducts for these products. Therefore, the test procedure requires that any fresh air inlets be covered and sealed during testing due to the relatively small impact on test results and the added test burden if they were to be ducted separately.

5. Relative Humidity Instrumentation

In the February 2015 SNOPR, DOE proposed that refrigerant-desiccant whole-home dehumidifier testing be conducted with a relative humidity sensor accurate to within ±1 percent relative humidity. DOE maintained the original proposal from the May 2014 NOPR to use an aspirating psychrometer to measure inlet air relative humidity for portable and refrigerant-only whole-home dehumidifiers. 80 FR 5994, 5999 (Feb. 4, 2015).

[7] T. Burke, *et al., Whole-Home Dehumidifiers: Field-Monitoring Study,* Lawrence Berkeley National Laboratory, Report No. LBNL–6777E (September 2014) (Available at *https://isswprod.lbl.gov/library/view-docs/public/output/rpt83520.PDF).*

Therma-Stor noted that it has used both aspirating psychrometers and relative humidity sensors for dehumidifier testing and has found both instruments capable of providing accurate and precise measurements. Therma-Stor recommended that DOE allow both aspirating psychrometers and relative humidity sensors (with specified precision and accuracy) to be used for testing all types of dehumidifiers. Therma-Stor asserted that allowing a testing laboratory to use either instrument would minimize instrument costs and the time required to set up and conduct tests on different types of dehumidifiers. (Therma-Stor, No. 15 at p. 2)

Aprilaire disagreed with the requirement for an aspirating psychrometer and recommended humidity sensors, or at a minimum a choice between the two methods. Aprilaire commented that humidity sensors are more reliable than, and not as sensitive to setup, calibration, and error during use, as aspirating psychrometers. Aprilaire also noted that U.S. Environmental Protection Agency (EPA) -certified testing facilities have confirmed that errors have been attributed to the setup, calibration, and use of an aspirating psychrometer, and that the facilities would prefer using humidity sensors. (Aprilaire, No. 14 at p. 3)

DOE notes that the February 2015 SNOPR proposal to incorporate relative humidity sensors into testing was intended only for refrigerant-desiccant whole-home dehumidifiers that require ducting. This proposal was based on extensive testing and common practice with measuring relative humidity conditions in a duct. Although DOE's test procedure for portable dehumidifiers and refrigerant-only whole-home dehumidifiers does not require ducts with relative humidity instrumentation, DOE received feedback that relative humidity sensors are more reliable, accurate, and repeatable than aspirating psychrometers. Commenters suggested that relative humidity sensors should also be permitted for use when testing portable dehumidifiers and refrigerant-only whole home dehumidifiers. Based on discussions with manufacturers regarding in-house and third-party testing that they conduct, DOE also believes that the majority of testing laboratories already implement these relative humidity sensors in conducting a wide range of tests for various products. Additionally, DOE conducted market research that supported commenters assertions regarding the accuracy of relative humidity sensors. Therefore, in light of this information and widespread industry support, DOE adopts in this final rule provisions that would allow either aspirating psychrometers or relative humidity sensors to be used for testing portable and refrigerant-only whole-home dehumidifiers. The accuracy for both types of instrumentation must be within 0.1 °F dry-bulb temperature, and either 0.1 °F wet-bulb temperature (for aspirating psychrometers) or 1 percent relative humidity (for relative humidity sensors). DOE notes that the allowable accuracy for relative humidity sensors approximates the current allowable accuracy for wet-bulb temperature as measured using an aspirating psychrometer at dry-bulb temperatures close to the nominal values of either 65 °F or 73 °F.

DOE further notes that ANSI/AHAM DH–1–2008 provides allowable dry-bulb and wet-bulb temperature ranges throughout the test period. According to ANSI/AHAM DH–1–2008, wet-bulb temperatures must be within 1 °F of the nominal wet-bulb specification for individual readings, and within 0.3 °F of the specified value for the arithmetical average over the test period. Because relative humidity sensors monitor relative humidity rather than wet-bulb temperature, DOE is establishing that all individual relative humidity readings be within 5 percent of the relative humidity setpoint, and the average relative humidity over the test period be within 2 percent of the relative humidity setpoint. These values approximately correspond to the current allowable wet-bulb temperature ranges for aspirating psychrometers.

6. Compressor Run-in Period

In the February 2015 SNOPR, DOE maintained the proposal from the May 2014 NOPR that the 24 hour run-in period need not be conducted in the test chamber. However, DOE proposed to clarify in appendix X1 that the run-in period must contain 24 hours of continuous compressor operation. This may be achieved by running the test unit outside of the test chamber with the control setpoint below the ambient relative humidity. 80 FR 5994, 6004 (Feb. 4, 2015).

AHAM believes that the unit must be run-in in a test chamber to ensure standardization and reduce variation in the testing process, and does not expect that DOE's proposal would minimize test burden. According to AHAM, a laboratory would have no choice but to run the unit in the test chamber or a chamber of similar environment to ensure 24 hours of continuous compressor operation. Accordingly, AHAM stated that test burden concerns should not preclude DOE requiring the run-in to occur in the test chamber. (AHAM, No. 16 at p. 7) DOE recognizes AHAM's concern with maintaining continuous compressor operation for 24 hours, but is still sensitive to the reduced burden that would be associated with conducting run-in outside of a test chamber. Further, even when operating in a test chamber at fixed ambient conditions, the compressor may periodically cycle off for reasons such as defrosting. The intent of run-in is to operate the compressor for a number of cumulative hours, and it is not necessary that those hours occur continuously. Therefore, DOE is clarifying in this final rule that the compressor need not operate for 24 continuous hours, but there must be a minimum of 24 hours of compressor operation in total. The compressor may periodically cycle off during this period as long as the cumulative compressor runtime is at least 24 hours.

7. Psychrometer Requirements

In the May 2014 NOPR, DOE proposed that portable dehumidifiers with multiple intake grilles be tested with a separate sampling tree placed 1 foot away in a perpendicular direction from the center of each air inlet. DOE also proposed to clarify that for portable dehumidifiers with only one intake grille, the psychrometer or sampling tree be placed 1 foot away in a perpendicular direction from the center of the air inlet. DOE proposed to add clarifying text that would allow no more than one portable dehumidifier connected to a single psychrometer during testing. DOE explained that these proposals would ensure consistency among test facilities and improve test result accuracy. 79 FR 29271, 29289–90 (May 21, 2014).

AHAM agreed with DOE's proposal to require multiple sampling trees for multiple intake grilles. AHAM also agreed that no more than one portable dehumidifier should be connected to a single psychrometer during testing; otherwise, the measurement will be the average wet-bulb and dry-bulb temperature for all units connected to it. AHAM also proposed that DOE require sampling trees for testing all dehumidifiers, regardless of air intakes, for consistency and repeatability. AHAM's round robin testing revealed a clear difference between using a sampling tree and placing a psychrometer box one foot from the air intake. (AHAM, No. 7 at p. 7) DOE reviewed the AHAM round robin test results provided in its comment, and notes that the data do not identify the

individual laboratory test setups, nor did the submitted data quantify the impacts of individual test configurations or specific testing conditions. Although the AHAM data showed that one laboratory had a larger absolute z-score [8] for its capacity and EF results than the other laboratories, there is insufficient data for DOE to determine the cause of this larger z-score or to attribute it to one single test setup component. The round robin did not evaluate changes to the test procedure conditions individually. Therefore, at this time, DOE is unable to conclude which approach, sampling tree or psychrometer-only, is most repeatable and provides the best results. DOE thus maintains the proposal from the May 2014 NOPR that testing for units with a single air intake be monitored with a psychrometer placed perpendicular to, and 1 foot in front of, the center of the intake grille. Units with multiple air intakes must have a separate sampling tree placed perpendicular to, and 1 foot in front of, the center of each intake grille, with the samples combined and connected to a single psychrometer using a minimal length of insulated ducting. This approach will minimize test burden for units with a single air intake, and limit the requirement for a sampling tree to those cases in which average inlet conditions must be determined from multiple locations.

For units with multiple air intake grilles, if a relative humidity sensor is used instead of an aspirating psychrometer, separate sensors for measuring relative humidity and temperature must be placed 1 foot in front of the center of each intake grille. The relative humidity and temperature measurements from each sensor is then averaged to determine the overall inlet air conditions, and the overall air conditions must fall within the test procedure tolerances.

Therma-Stor suggested that DOE clarify how to determine when more than one psychrometer is needed, because multiple intake grills could be very close to each other or far apart on different faces of the dehumidifier. (Therma-Stor, No. 6 at p. 2) DOE's research showed that units with multiple air intakes were typically configured with the intakes on different faces of the unit. Because DOE does not specify the maximum size for an air intake, as long as an air intake is contiguous and along the same surface of the unit (*i.e.,* perpendicular to the air stream), the test procedure requires only one psychrometer or relative humidity sensor.

AHAM suggested that DOE define a standard psychrometer box and sampling tree in the test procedure, and recommended that DOE speak to third-party laboratories to develop such a specification. AHAM also proposed that DOE require a 90-degree elbow between the psychrometer fan and the dry and wet-bulb temperature sensors. AHAM believes that, depending on the location of the fan, there may be residual heat from the fan motor that is likely to affect the temperature readings. AHAM also indicated that air velocity in the psychrometer box has a direct effect on the wet-bulb temperature measurement and thus the overall temperature accuracy. Therefore, AHAM suggested that the acceptable air velocity range be changed from 700–1000 feet/minute to 900–1000 feet/minute. ASHRAE 41.1, Standard Method for Temperature Measurement, as referenced by ANSI/AHAM DH–1–2008 for psychrometer box design, recommends an air velocity of 1000 feet/minute. (AHAM, No. 7 at pp. 7–8, 11) Based on the AHAM-provided round robin data, DOE is unable to determine whether any repeatability improvements are associated with adjusting the fan location in relation to the dry-bulb and wet-bulb temperature sensors or with tightening the air velocity requirements because information about such test equipment configurations was not available. Also, DOE does not have sufficient data to quantify the burdens associated with reducing the allowable range from 700–1000 feet/minute to 900–1000 feet/minute, so it is maintaining the industry-accepted requirements as specified in ANSI/AHAM DH–1–2008 at this time. DOE is, however, committed to working with AHAM to further investigate this issue to confirm whether AHAM's proposals would yield improvements in repeatability, and DOE does not expect such changes would impact the measured efficiency values.

Therma-Stor suggested that DOE consider the accuracy and precision of instrumentation for measuring test chamber conditions if multiple psychrometers are required. Otherwise, Therma-Stor believes that maintaining air conditions within a tight tolerance at two or more measurement points within the test chamber may become burdensome. (Therma-Stor, No. 6 at p. 2) DOE notes that a manufacturer need not test multiple dehumidifiers at the same time. For a unit with multiple air intakes, only one psychrometer is required and can be implemented with multiple sampling trees placed in front of each intake grille. Therefore, testing can be conducted while maintaining only one set of measured air conditions.

Aprilaire suggested that it is easier to control the conditions in the room overall than at the inlet. According to Aprilaire, its test chamber is designed so that, with the unit running, the room conditions are mixed and thus the same as the inlet conditions. (Aprilaire, Public Meeting Transcript, No. 10 at pp. 68–69) Because testing is conducted at many different test chambers, it is important to ensure that the air around and entering the unit is consistent from test to test and laboratory to laboratory. Therefore, DOE maintains in this final rule that the test chamber conditions must be measured at the inlet of the test unit.

8. Condensate Collection

In the May 2014 NOPR, DOE investigated the test procedure condensate collection method to ensure that the amount of condensate measured during the dehumidification mode test for portable dehumidifiers and refrigerant-only whole-home dehumidifiers is representative of the amount of moisture removed from the air during the 6-hour test. DOE proposed that if means are provided on the dehumidifier for draining condensate away from the cabinet, the condensate would be collected in a substantially closed vessel which would be placed on the weight-measuring instrument. DOE further proposed that if no means for draining condensate away from the cabinet are provided, any automatic shutoff of dehumidification mode operation that would be activated when the collection container is full would be disabled to allow overflow. Any overflow would be collected in a pan that is completely covered to prevent re-evaporation and is placed beneath the dehumidifier. The collection pan would be sized to ensure that all water that overflows from the full internal collection container during the rating test period would be captured and covered by the collection pan. Both the pan and dehumidifier would be placed on the weight-measuring instrument for direct reading of the condensate weight during the test. Finally, DOE proposed that any internal pump would not be used to drain the condensate into a substantially closed vessel unless such pump is provided for use by default in dehumidification

[8] The ''z-score'' is a measure of how much a single data point within a set of data varies from the mean of the data. Z-score is defined as the difference between the data point (in this case, a single laboratory's capacity or EF) and the mean of the set of corresponding data points (either capacity or EF), divided by the standard deviation of the data set. A larger magnitude for the z-score corresponds to a greater variation (either positive or negative) from the mean.

mode. 79 FR 29271, 29290 (May 21, 2014).

Aprilaire and AHAM agreed with DOE's proposals regarding condensate collection. (Aprilaire, Public Meeting Transcript, No. 10 at p. 30; Aprilaire, No. 5 at p. 3; AHAM, No. 7 at p. 8)

Therma-Stor suggested that both the dehumidifier and condensate vessel should be placed on a scale for a true measure of condensate collected. (Therma-Stor, No. 6 at p. 2) DOE notes that many condensate collection methods were investigated in its testing. DOE found that the simplest and most reproducible condensate collection approach is the gravity fed drain, where available. However, DOE recognized the direct scale measurement approach as the next most reproducible and maintains the proposal that the scale approach be used when no gravity drain option is available, as included in the May 2014 NOPR and the February 2015 SNOPR.

9. Control Settings

In the May 2014 NOPR, DOE proposed that for units with a ''continuous on'' feature, that control setting be selected for dehumidification mode testing. For units without a feature for continuous operation, the fan would be set at the maximum speed if the fan speed is user adjustable, and the relative humidity controls would be set to the lowest available value during dehumidification mode testing. 79 FR 29271, 29290 (May 21, 2014).

AHAM, GE, and Therma-Stor agreed with DOE's proposals for control settings, including the relative humidity setpoint and fan speed setting. (AHAM, Public Meeting Transcript, No. 10 at p. 34; GE, Public Meeting Transcript, No. 10 at p. 34; Therma-Stor, No. 6 at p. 3, AHAM, No. 7 at p. 8)

Aprilaire suggested that testing should be performed at settings that initiate latent heat removal at rated capacities. For units with multiple settings, Aprilaire suggested that manufacturers should be allowed to rate at multiple settings if it chooses to list the product that way. (Aprilaire, No. 5 at p. 3) DOE notes that the proposed test procedure only specifies performance under one test condition and control setting, and has maintained this requirement for this final rule. However, manufacturers may provide additional documentation to consumers regarding performance under alternate control settings (*e.g.,* energy saver).

Therma-Stor stated that some whole-home dehumidifiers do not include integrated controls and are intended to operate with external controls of varying types. Therma-Stor suggested that these dehumidifiers should be manually set to dehumidification mode without the use of external controls if possible. (Therma-Stor, No. 6 at p. 3) DOE notes that all products in its test sample shipped with controls that could be used for conducting testing according to the test procedure proposed in the May 2014 NOPR. DOE recognizes that there may be units that are designed to be set via external controls, and therefore do not have integrated controls. Such units should be set manually to the conditions being specified in this final rule, without the use of external controls.

10. Ambient Condition Tolerances

In response to the May 2014 NOPR, AHAM proposed that DOE reduce the dry-bulb temperature tolerance from ± 2 °F to ±1 °F and the wet-bulb temperature tolerance from ± 1 °F to ± 0.5 °F. AHAM asserted that doing so would reduce test result variation without increasing testing burden because, as AHAM observed during round robin testing, laboratories are already capable of these more stringent tolerances. (AHAM, No. 7 at p. 10)

In addition to temperature measurement accuracy, AHAM proposed that DOE reduce the voltage tolerance from 2 percent to 1 percent because it would reduce variation, and AHAM believes test facilities already have the ability to maintain the more stringent tolerance based on observations during its round robin testing. AHAM also proposed that DOE change the condensate mass tolerance from 0.5 percent to +/−0.02 pounds because it would maintain the same degree of accuracy when testing dehumidifiers with a range of capacities. AHAM based the suggested tolerance number on the amount of condensate that is collected by typical small-capacity dehumidifiers. AHAM also noted it is open to other balance accuracy requirements. (AHAM, No. 7 at p. 11) DOE notes that during investigative testing, there was no indication that the ambient condition tolerances, voltage tolerance, or condensate collection tolerance reduced test repeatability and accuracy. Without specific data from the AHAM round robin testing that would allow DOE to evaluate the impact of these reduced tolerances, DOE does not have sufficient data to adjust the tolerances and is maintaining the proposals included in the May 2014 NOPR and the February 2015 SNOPR.

11. Measurement Frequency

In the May 2014 NOPR, DOE proposed that the measurement frequency for whole-home dehumidifiers must be greater than for portable dehumidifiers. DOE found that the measurement interval of 10 minutes or less in appendix X was sufficient for the steady-state operation of a portable dehumidifier in the test chamber, but that the conditions of the air flowing through ducts for whole-home dehumidifiers may vary on time scales that are shorter than 10 minutes. Therefore, DOE proposed that whole-home dehumidifiers be tested with measurement acquisition rates for dry-bulb temperature, velocity pressure, and relative humidity equal to or more frequently than once per minute. 79 FR 29271, 29289 (May 21, 2014).

Aprilaire agreed with DOE's proposal to measure data at least every minute, but stated that it was not clear why data recording frequency should be higher for whole-home dehumidifiers than for portable dehumidifiers. (Aprilaire, Public Meeting Transcript, No. 10 at p. 78; Aprilaire, No. 5 at p. 4) AHAM proposed that dehumidifiers be tested with an acquisition rate of at least once per minute, and that weight measurements be included in the data to be recorded at each interval. AHAM believes that test facilities already have the necessary data acquisition equipment, so there should be no added test burden. AHAM noted that these requirements are also consistent with other DOE test procedure requirements, such as the refrigerator/freezer test procedure. (AHAM, No. 7 at p. 12) As explained previously, DOE believes that the conditions of air flowing through ducts may vary on time scales shorter than 10 minutes, and thus whole-home dehumidifiers would warrant a minimum of one reading per minute. DOE notes that its portable dehumidifier investigative testing recorded ambient conditions and weight data at a higher sampling rate than the requirements in appendix X, and did not find significant variation in the test conditions for portable dehumidifiers. Therefore, DOE does not believe that it is necessary to reduce the interval between measurements for portable dehumidifiers, though DOE notes that this requirement is a minimum and that testing may be conducted with more frequent measurements if the laboratory chooses.

12. Test Period

In the May 2014 NOPR, DOE did not propose modifying the current 6-hour test period in appendix X. Therma-Stor commented that at the proposed ambient test temperature for portable dehumidifiers of 65 °F dry-bulb, the variability of the test may increase as

some models move from steady-state to cyclic operation due to the formation of ice and frost on the evaporator coils. Therma-Stor suggested that the test period and methodology may need to be revised to account for cyclic operation. Therma-Stor believes that a fixed test period may not provide repeatable results for cyclic operation because the condensate removal rate may increase and decrease during cycles, and capacity and efficiency may vary based on the portion(s) of the operating cycle when data are collected. (Therma-Stor, No. 6 at p. 3) While conducting the dehumidifier test procedure and standards rulemaking, DOE tested two separate groups of portable dehumidifiers. Both sets of units were selected from among various manufacturers and covered the full range of available capacities to act as a representative sample of units available on the market at the time. The sample units were tested at the ambient conditions proposed in the May 2014 NOPR and February 2015 SNOPR (65 °F dry-bulb temperature and 60-percent relative humidity). Of the first 14 units tested, 5 units cycled the compressor during the dehumidification mode test. Of the 13 units tested in the next round of testing, 2 cycled the compressor during dehumidification mode testing. All of the others operated the compressor continuously. DOE notes that the second round of testing was performed on units manufactured after October 2012, and thus the units had been certified as compliant with the current energy conservation standards that had taken effect that month. Therefore, these units were likely to represent the most current designs and typical operation at the test conditions. In response to Therma-Stor's comment, DOE's testing confirmed that the test procedure methodology and test period captured the cyclic nature of the dehumidifier models tested as part of DOE's investigation that are currently on the market. Because cyclic operation typically yields lower IEF values due to the inclusion of defrost energy, DOE expects that manufacturers will engineer updated models that will avoid defrost cycling at the new 65 °F and 60-percent relative humidity test conditions. In addition, DOE believes that Therma-Stor's comment likely also addresses whole-home dehumidifiers, which will be tested at 73 °F rather than 65 °F. Because cycling typically occurs less frequently at higher temperatures, DOE expects cyclic operation to be less of an issue for whole-home dehumidifiers, thereby alleviating Therma-Stor's concern.

As discussed in the February 2015 SNOPR, DOE tested a limited sample of whole-home dehumidifiers at the proposed 73 °F ambient condition and did not find that any of these test units cycled for defrost purposes. Because the test sample included units from a range of manufacturers, DOE does not believe that cycling for defrosts would be an issue for testing current whole-home dehumidifiers at the proposed 73 °F test condition.

C. Whole-Home Dehumidifier Case Volume Measurement

In the February 2015 SNOPR, DOE proposed that whole-home dehumidifier case volume be determined based on the maximum length of each dimension of the whole-home dehumidifier case, exclusive of any duct collar attachments or other external components. 80 FR 5994, 6000 (Feb. 4, 2015). DOE received no comments in response to the whole-home dehumidifier case volume measurements and calculations, and therefore, DOE maintains the case volume equation proposed in the February 2015 SNOPR.

D. Off-Cycle Mode

In the May 2014 NOPR, DOE proposed a definition for off-cycle mode that would preclude fan operation. However, DOE indicated that certain dehumidifier models maintain blower operation without activation of the compressor after the humidity setpoint has been reached. Such fan-only mode operation may be intended to draw air over the humidistat to monitor ambient conditions, or may occur immediately following a period of dehumidification mode to defrost and dry the evaporator coil to prevent the humidistat from prematurely sensing a humidity level high enough to reactivate the compressor. In these cases, the blower may operate continuously in fan-only mode, or may cycle on and off intermittently. DOE proposed provisions for accounting for the energy consumption for dehumidifiers that either enter off-cycle or fan-only mode. 79 FR 29271, 29290 (May 21, 2014).

Therma-Stor and the Joint Commenters agreed with DOE's proposal to measure fan-only mode energy use. Additionally, Therma-Stor and GE suggested that if there is a control option that allows the user to manually engage the fan without dehumidification, either continuously or in an energy saver mode, that such a mode should be excluded from the overall energy use measurement. (Joint Commenters, No. 8 at p. 5; Therma-Stor, No. 6 at p. 5; GE, Public Meeting Transcript, No. 10 at pp. 86–89)

GE suggested that if a unit does not have a fan-only mode it should not be measured or accounted for in the EF. (GE, Public Meeting Transcript, No. 10 at p. 85) DOE notes that the fan-only mode definition and proposed test procedure supplement the off-cycle mode provisions in appendix X. Therefore, if a unit does not have fan-only mode, as defined in the May 2014 NOPR, that unit would instead have off-cycle mode and the existing approach for testing and considering off-cycle mode would apply.

Aprilaire recommended that only fan energy used during dehumidification mode be included. According to Aprilaire, the effects of fan operation outside of dehumidification mode and its effects on controlling humidity in the room, reducing cycling of the dehumidifier, and reducing energy use are not clearly understood at this time. (Aprilaire, No. 5 at pp. 4–5)

Aprilaire commented that whole-home dehumidifier fans are activated for multiple reasons, including ensuring proper air circulation throughout the home or delivering other indoor air quality and temperature averaging properties. Aprilaire requested that DOE clarify whether fan mode refers to operation of the fan inside the unit or the HVAC fan. According to Aprilaire, certain whole-home dehumidifiers use the fan inside the unit to sample air but will use the HVAC fan when it's running to perform that sampling to minimize energy consumption. (Aprilaire, Public Meeting Transcript, No. 10 at pp. 24–25, 89) As discussed above regarding dehumidification mode, DOE clarifies that fan-only mode is only referring to the fan or blower that operates within the dehumidifier's case and not the home's HVAC fan.

In the February 2015 SNOPR, DOE proposed that off-cycle mode testing be conducted over a duration representative of the typical off-cycle duration. Based on the metered off-cycle duration, DOE proposed an off-cycle mode test beginning immediately after completion of the dehumidification mode test and ending after a period of 2 hours. The average power measurement for the 2-hour period would then be applied to the 1,850 annual hours associated with off-cycle mode in the final IEF calculation. 80 FR 5994, 6001 (Feb. 4, 2015).

AHAM asserted that DOE's proposed definition of off-cycle mode in the February 2015 SNOPR conflicts with the proposed dehumidification mode definition. AHAM stated that the dehumidification mode definition describes the fan or blower as being active without the activation of the

refrigeration system, and that this definition is similar to the off-cycle mode definition, which provides that the dehumidifier may or may not operate its fan or blower. AHAM believes this may be a conflict, and therefore proposed alternate definitions for dehumidification mode and off-cycle mode:

Dehumidification mode: An active mode in which a dehumidifier has activated the main moisture removal function according to the humidistat or humidity sensor signal and the ambient relative humidity is equal to or higher than the relative humidity setpoint.

Off-cycle mode: a mode in which the dehumidifier has cycled off its main moisture removal function by humidistat or humidity sensor and the ambient relative humidity has fallen below the relative humidity setpoint. (AHAM, No. 16 at p. 2)

DOE notes that the dehumidification mode definition proposed in the February 2015 SNOPR requires first that the main moisture removal function be active, and then the second part of the definition, quoted by AHAM, clarifies that this may include operation of the refrigeration system or operation of the fan without operation of the refrigeration system. The off-cycle mode definition requires that the main moisture removal function has been cycled off, which would mean the unit is not in dehumidification mode; therefore, there is no conflict between the dehumidification mode and off-cycle mode definition. DOE also notes that the definitions cannot relate ambient relative humidity to the control setpoint because temperature sensors and thermostats vary in their sensitivity and each manufacturer may program their controls to react to changes in relative humidity differently. For example, one unit may cycle off the main moisture removal function when the sensor indicates the ambient humidity has dropped below the setpoint by at least 1-percent relative humidity, while other may choose a different deadband. Therefore, DOE is maintaining the definitions as proposed in the February 2015 SNOPR.

The California IOUs support the proposed definition for off-cycle mode, and believe that the proposed energy use measurement while the product is in off-cycle mode would effectively capture the energy use of fan-only mode as well as standby mode. However, the California IOUs recommended that DOE consider amending the proposed off-cycle mode test procedure initiation process to initiate the transition from active mode to off-cycle mode by means of a change in ambient relative humidity rather than manually adjusting the dehumidifier setpoint to a level that places the dehumidifier into off-cycle mode while holding the ambient relative humidity of the test chamber constant. The California IOUs stated that this would assess how well the humidistat and setpoint controls work together to respond to changes in ambient conditions. (California IOUs, No. 18 at p. 2) Although the approach suggested by the California IOUs would represent varying ambient conditions as are seen in the field, DOE expects that the additional complexity necessary for the testing would increase test burden and decrease repeatability and reproducibility. This type of test would require testing only one unit at a time within a chamber because each unit may initiate off-cycle mode at a different relative humidity. Additionally, the rate of change of the relative humidity in the chamber would depend on the overall size of the chamber in relation to the capacity of the test unit. DOE notes that it would also be difficult to maintain other test conditions, such as temperature, within the chamber as relative humidity changes. DOE believes this additional test burden would not be warranted and expects its approach to test off-cycle mode for a fixed duration to provide repeatable and sufficiently representative results.

AHAM agreed with DOE's proposed off-cycle mode instrumentation requirements and also agreed that the off-cycle mode measurement should begin immediately after the compressor operation for the dehumidification mode, as proposed in the February 2015 SNOPR. However, AHAM asked DOE to clarify if the transition from dehumidification mode to off-cycle mode is instantaneous. If so, AHAM believes the compressor function needs to be monitored to ensure it has ended before recording measurements for off-cycle mode. AHAM proposed to add an extension of 10 minutes before the switch to the off-cycle mode measurements to ensure the compressor has cycled off. (AHAM, No. 16 at p. 3) DOE notes that based on the definitions proposed in the February 2015 SNOPR, the switch from dehumidification mode to off-cycle mode is signified by the cycling off of the main moisture removal function. This is initiated by adjusting the dehumidifier's relative humidity setting and is confirmed by observing the compressor or main moisture removal function cycling off. DOE notes that all test units immediately cycled off the compressor in response to the relative humidity setpoint adjustment. Therefore, DOE proposed in the February 2015 SNOPR that the off-cycle rating period shall begin when the compressor has cycled off due to the change in relative humidity setpoint, immediately following dehumidification mode. As explained in the February 2015 SNOPR, conducting the off-cycle mode test immediately following the dehumidification mode test would capture all energy use of the dehumidifier under conditions that meet the newly proposed off-cycle mode definition, including fan operation intended to dry the evaporator coil, sample the air, or circulate the air. DOE also notes that a 10-minute delay in the start of the off-cycle mode test period may exclude any energy consumed to dry off the evaporator coils. Therefore, DOE is not adopting a 10-minute delay between the end of the dehumidification mode test and the start of the off-cycle test.

The California IOUs believe that under the same ambient conditions, two dehumidifiers may spend different amounts of time in off-cycle mode. According to the California IOUs the amount of time that each unit spends in off-cycle mode is a function of both humidistat accuracy and automatic setpoint control, as well as effective management of fan-only mode. Therefore, the California IOUs recommended that DOE consider modifying the test procedure to standardize a method for measuring off-cycle duration by using the test chamber to simulate field conditions. One method that the California IOUs suggested would be to define the rate of humidification in the test chamber such that the dehumidifier under test is capable of achieving its setpoint humidity. The test procedure would then require observing and measuring the operation of the unit as it enters off-cycle mode and then again as it reengages active mode once ambient humidity increases above the setpoint. The time that the device spends in off-cycle mode, as well as the ambient humidity levels at which the device entered and exited off-cycle mode, would be a reported test result that could be used as a variable for calculating annual energy use. (California IOUs, No. 18 at p. 3) DOE notes that this approach proposed by the California IOUs would increase test complexity similar to the method described above for initiating off mode. In addition to the concerns described for that approach, this suggested methodology would require a fixed humidification rate into the test chamber, and would only provide representative conditions for one room

size. Dehumidifiers are sold in various capacities that are targeted for different room sizes and applications. Therefore, it would not be representative to test all dehumidifiers according to one humidification rate. DOE further notes that extensive testing would be necessary to determine an appropriate humidification rate and there would be a significant increase in test burden to maintain and ensure a consistent humidification rate before and during the off-cycle mode rating test period. Due to the burdens and complexity associated with the suggested method, DOE establishes that off-cycle mode testing be initiated by changing the control setpoint of the test unit rather than by allowing ambient conditions to vary in the test chamber.

AHAM requested the data DOE used to determine the average off-cycle duration of 2 hours. (AHAM, No. 16 at p. 3) During the 2012 and 2013 humidity seasons, DOE conducted a field metering study for portable dehumidifiers to monitor the cycling patterns of various modes during typical operation (hereinafter the 2013 Willem study).[9] The study determined the average off-cycle duration for all test units, while excluding long duration off-cycle periods likely caused by a full condensate container or periods of time where the ambient relative humidity was considerably lower than the set point. The 2013 Willem study shows that, when excluding off-cycle durations longer than 12 hours and repeating the analysis to exclude off-cycle duration longer than one day, the average off-cycle durations were 64 minutes and 169 minutes, respectively. DOE believes that these values reflect typical off-cycle durations, while excluding time the dehumidifier spends with a full internal condensate collection container, during which dehumidification mode operation is suspended until the container is emptied. DOE selected an approximate midpoint between these two values, 2 hours, as a representative off-cycle mode test period.

The California IOUs and Joint Commenters supported DOE's intent to capture all energy use in off-cycle mode, but noted that the energy use impact of fan operation after the compressor cycles off would not be fully captured. In particular, they noted that while the proposed off-cycle mode test would fully capture fan power consumption, it would not capture the efficiency impact of re-evaporation of moisture still on the evaporator coils. They noted that humidification of the space during off-cycle mode would decrease the overall dehumidifier efficiency, causing the ambient relative humidity to rise and leading to active mode operation reengaging sooner than otherwise would have been necessary. They asserted that, through this process, a device that does not properly manage its fan-only mode will consume more energy over time. The Joint Commenters noted in comments on the May 2014 NOPR that NREL's test of two portable dehumidifier units that continue to operate the fan after the compressor cycles off demonstrated that with compressor run times ranging from 3 to 6 minutes, 17 to 42 percent of the removed moisture was returned to the space, meaning that 17 to 42 percent of the energy consumed in dehumidification mode was wasted. The California IOUs proposed that DOE consider an adjustment factor or other test procedure provisions to account for this issue. (Joint Commenters, No. 17 at p. 2; California IOUs, No. 18 at p. 2)

The NREL study referenced by the Joint Commenters and the California IOUs determined a relationship between cyclic compressor run time and the percent of moisture returned to the room when the compressor cycles off. This relationship was developed based on part-load test data from two portable dehumidifiers for which the compressor run times were set as test parameters and did not represent the default dehumidifier control schemes responding to changing ambient conditions. Compressor run times in the field likely vary significantly depending on local ambient conditions, resulting in runtimes which may be substantially longer than the 3 to 6-minute range where re-evaporation is a significant issue. For example, the 2013 Willem study found that the average compressor runtime was 50 minutes based on the most conservative estimate of eliminating all compressor on-cycles with durations longer than 4 hours. DOE notes that Figure 11 in the NREL report indicates that as compressor runtime increases, the percent of returned moisture quickly falls below 5 percent of the total removed condensate for compressor runtimes of 50 minutes. Because dehumidifier compressor operating time is both dependent on the local ambient conditions and the specific manufacturer control scheme, and because metering and test data indicate that re-evaporation would likely have a minimal effect, DOE is not incorporating provisions to quantify the effects of moisture returned to the conditioned space during off-cycle mode for the dehumidifier test procedure.

E. Technical Corrections and Clarifications

1. Average Relative Humidity

In the February 2015 SNOPR, DOE proposed modified versions of Table II in ANSI/AHAM DH–1–2008 to cover the range of dry-bulb and wet-bulb temperatures that would be necessary to determine relative humidity at the proposed ambient test conditions within the test tolerances for portable and whole-home dehumidifiers. 80 FR 5994, 6001–02 (Feb. 4, 2015).

AHAM and Therma-Stor noted that the proposed Table III.2, ''Percent Relative Humidity Determination for Portable Dehumidifiers'' included in the February 2015 SNOPR, appeared to provide an incorrect range for both the dry-bulb and wet-bulb temperatures. The proposed Table III.2 lists a range of 72.5 °F to 73.5 °F dry-bulb temperature and 63.3 °F to 63.9 °F wet-bulb temperature. These commenters noted that these ranges do not match the proposed temperatures for portable dehumidifiers. (AHAM, No. 16 at p. 4; Therma-Stor, No. 15 at p. 3)

In the February 2015 SNOPR, the discussion section inadvertently presented two tables that each listed the range of dry-bulb and wet-bulb temperatures proposed for whole-home dehumidifier testing, but not those that satisfied the proposed portable dehumidifier test conditions. However, Section 4.1.1 in the regulatory text section of the February 2015 SNOPR included correct temperature specifications for both whole-home dehumidifiers and portable dehumidifiers. DOE is maintaining the correct temperature tables as included in the proposed regulatory text in the February 2015 SNOPR.

2. Corrected Capacity and Corrected Relative Humidity Equations

In the February 2015 SNOPR, DOE proposed substitute coefficients for the corrected capacity and corrected relative humidity equations in Section 7.1.7 of ANSI/AHAM DH–1–2008. DOE developed these proposed coefficients by analyzing the psychrometric properties within the tolerances of the portable and whole-home dehumidifier ambient test conditions. 80 FR 5994, 6003 (Feb. 4, 2015).

AHAM agreed with DOE's methodology for determining the correction for capacity and relative humidity, but requested details of DOE's

[9] ''Using Field-Metered Data to Quantify Annual Energy Use of Residential Portable Unit Dehumidifiers,'' Lawrence Berkeley National Laboratory. Berkeley, CA. Report No. LBNL–6469E Rev. (2013) (Available at: *https://publications.lbl.gov/*).

data analysis and specific methodology used to develop the corrections. (AHAM, No. 16 at pp. 4–5)

As explained in the February 2015 SNOPR, DOE calculated the percent change in humidity ratio from the standard rating conditions of 65 °F dry-bulb (for portable dehumidifiers) or 73 °F dry-bulb (for whole-home dehumidifiers) and 60-percent relative humidity for small perturbations in either dry-bulb temperature or relative humidity. For the temperature adjustment coefficient, the dry-bulb temperature was varied within test tolerance while holding the relative humidity fixed. For the relative humidity adjustment coefficient, the wet-bulb temperature was varied within test tolerance while holding the dry-bulb temperature fixed, and the resulting variation in relative humidity was calculated. The coefficients themselves were calculated from linear curve fits of the changes in humidity ratio for the given temperature tolerance range. DOE used a similar approach to determine the appropriate coefficients for the corrected relative humidity equation based on small perturbations in barometric pressure. DOE also incorporated a clarification that the capacity used as an input to the corrected capacity equation would be the measured capacity for portable and refrigerant-only whole-home dehumidifiers and the calculated capacity during testing for refrigerant-desiccant whole-home dehumidifiers.

3. Integrated Energy Factor Calculation

In the May 2014 NOPR, DOE proposed to modify the existing IEF equation in section 5.2 of appendix X to incorporate the annual combined low-power mode energy consumption, E_{TLP}, in kWh per year, the fan-only mode energy consumption, E_{FM}, in kWh per year, and the dehumidification mode energy consumption, E_{DM}, in kWh, as measured during the dehumidification mode test. The proposed IEF equation used the measured condensate collected during the dehumidification mode test, with no adjustments for variations in the ambient test conditions. 79 FR 29271, 29291–92 (May 21, 2014). As discussed above, in the February 2015 SNOPR DOE proposed to remove fan-only mode and to define off-cycle mode to include any fan operation when the compressor has cycled off, thereby removing separate fan-only mode energy use from the IEF equation. 80 FR 5994, 6000 (Feb. 4, 2015).

AHAM opposed DOE's accompanying proposal to allocate the 1,840.5 annual hours currently attributed to off-cycle mode to fan-only mode because of a lack of supporting data. AHAM believes the hours must be based on consumer use data and DOE assumed that the fan is continuously on, which may not always be the case. AHAM commented that DOE should study the amount of time dehumidifiers typically stay in fan-only mode in consumers' homes. (AHAM, No. 7 at p. 4) DOE notes that with the updated proposal in the February 2015 SNOPR, no specific duration of fan operation is assumed. Instead, the proposed methodology, which is adopted in this final rule, allocates the annual hours to off-cycle mode, which would include any fan operation after the compressor has cycled off.

GE stated that drawing air over the humidistat, defrosting the evaporator, and circulating air are not primary functions, and was concerned that if these are included in the energy factor, the reported energy use would greatly increase. GE stated that because these are optional functions, they would likely no longer be included if they are to be considered as part of the IEF. GE further commented that for a similar product, ENERGY STAR allows for an ''energy saver mode,'' in which the fan turns off when the compressor does, except that some air sampling is allowed and the fan may run for a certain period of time after the unit is shut off. For dehumidifiers, GE supports maintaining air sampling and defrosting functions. Therefore, GE requested that these functions be removed from the measured energy use. (GE, Public Meeting Transcript, No. 10 at pp. 85–86) The February 2015 SNOPR proposed that the two hours of dehumidifier operation following a compressor cycle be measured and considered off-cycle mode. This off-cycle mode energy consumption is monitored and included in the IEF metric to ensure that any energy consumption in continuous fan operation is addressed in the overall performance metric. During investigative testing, DOE found that fan operation following a compressor cycle can result in significant energy consumption, especially if it occurs following every compressor cycle, and believes that it is important to include a measure of such energy use to properly measure the representative energy consumption of the dehumidifier. DOE notes that short periods of fan operation for sampling air or other necessary functions over the course of the 2-hour test duration would impact the calculated IEF to a much lower extent than continuous fan operation.

AHAM and Therma-Stor observed that the proposed IEF equation does not convert the corrected capacity, C_t, in pints per day, to liters per day, and instead yields a result of pounds of water per kWh. Therma-Stor recommended that the equation should be adjusted to yield a result in liters of water per kWh. AHAM further requested that DOE apply a multiplication factor of 0.473 to the corrected capacity to convert from pints per day to liters per day. The numerator would then be divided by a factor of 24 hours to get the appropriate units of liters and multiplied by six to get the capacity within the test period. AHAM also requested that DOE clarify if this equation applies to both appendix X and appendix X1, and if so, DOE must ensure that it does not change measured energy in appendix X. (AHAM, No. 16 at pp. 5–6; Therma-Stor, No. 15 at pp. 3–4)

DOE agrees that the IEF equation proposed for appendix X1 in the February 2015 SNOPR inadvertently results in units of pounds of water per kWh and not the intended units of liters of water per kWh. DOE maintains its approach to convert the corrected capacity, and not the measured capacity as proposed by AHAM. Therefore, DOE adds a conversion factor to convert from pounds of water to liters of water to correct the proposed IEF equation in appendix X1. DOE estimated that the water condensed on the evaporator and collected in the condensate collection container would be similar to the evaporator temperature. Therefore, DOE concluded that the typical specific weight of water collected is 8.345 pounds per gallon at 40 °F. Using the conversion of 3.785 liters per gallon, DOE determined a conversion factor of 0.454 liters per pound of water. DOE removes reference to the measured water removed during the 6-hour test and only includes the corrected capacity in the list of variables for the IEF equation. In sum, DOE establishes the appendix X1 IEF equation in this final rule as follows:

$$IEF = \frac{\left(C_r \times \frac{t \times 1.04}{24}\right) \times 0.454}{\left[E_{DM} + \left(\left(\frac{E_{TLP}}{1095}\right) \times 6\right)\right]}$$

Where:

C_r is the corrected product capacity in pints per day;

t is the test duration in hours;

E_{DM} is the energy consumption during the 6-hour dehumidification mode test in kWh;

E_{TLP} is the annual combined low-power mode energy consumption in kWh per year;

1,095 is the dehumidification mode annual hours, used to convert E_{TLP} to combined

low-power mode energy consumption per hour of dehumidification mode;
6 is the hours per dehumidification mode test, used to convert annual combined low-power mode energy consumption per hour of dehumidification mode for integration with dehumidification mode energy consumption;
1.04 is the density of water in pounds per pint;
0.454 is the liters of water per pound of water; and
24 is the number of hours per day.

4. Definition of ''Inactive Mode''

In the February 2015 SNOPR, DOE proposed to specifically exclude the humidistat and humidity sensor from the internal sensor mentioned in the inactive mode definition, initially proposed in the May 2014 NOPR. 80 FR 5994, 6005 (Feb. 4, 2015). AHAM agreed with DOE's proposed modification to the inactive mode definition. (AHAM, No. 16 at p. 7) Accordingly, DOE has maintained in this final rule the definition of inactive mode as proposed in the February 2015 SNOPR.

5. Codified Energy Conservation Standards

Energy conservation standards for all dehumidifiers manufactured on or after October 1, 2012, are codified in 10 CFR 430.32(v)(2) as shown in Table III.1.

TABLE III.1—CURRENT DEHUMIDIFIER ENERGY CONSERVATION STANDARDS CODIFIED IN THE CFR

Product capacity (pints/day)	Minimum energy factor (liters/kWh)
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
75.00 or more	2.5

DOE notes that the current minimum energy factor table places a dehumidifier with a capacity of 75.00 in two product classes, and that the largest capacity product class does not correctly reflect the product class definitions set forth in Part B of Title III of EPCA (42 U.S.C. 6295(cc)), DOE is therefore amending 10 CFR 430.32(v)(2) to specify that the largest product class includes dehumidifiers with product capacity of 75.01 or more, in accordance with EPCA.

F. Certification and Verification

In the May 2014 NOPR, DOE proposed various requirements for dehumidifier certification reports. DOE proposed to require that for a given test sample size of a basic model, the average of the measured capacities be used for certification purposes. DOE also proposed to clarify which sections of the test procedure in appendix X and X1 should be used to measure capacity. DOE proposed to include rounding instructions in appendix X and X1 to clarify that the measurement of capacity and calculated IEF should be rounded to two decimal places. 79 FR 29271, 29292 (May 21, 2014).

AHAM agreed with the proposal that the average of the capacities measured for a given sample be used for certification purposes. AHAM also supported the proposal to round the capacity measurement to 2 decimal places. However, AHAM asked whether DOE would permit conservative ratings of capacity. (AHAM, Public Meeting Transcript, No. 10 at p. 96; AHAM, No. 7 at p. 10) As discussed in the May 2014 NOPR, DOE proposed that dehumidifier capacity be rated and certified based on the average of the capacities measured for a given basic model sample size. Therefore, DOE does not allow for variations from the average of the measured capacities for rating purposes. DOE notes that manufacturers may conservatively rate IEF under the proposed certification requirements.

AHAM also asked whether the certified capacity would be the exact average of each sample or a rounded value, and whether individual capacity measurements should be rounded before the final average is rounded. (AHAM, Public Meeting Transcript, No. 10 at pp. 94–95; AHAM, No. 7 at p. 10) As proposed in the May 2014 NOPR, the capacity for each sample must be determined based on the specified sections of appendix X or X1 and rounded to two decimal places. Therefore, the certified capacity would be the average of the rounded capacity for each unit in the test sample. DOE maintains these requirements in this final rule.

For verification purposes, DOE proposed that the test facility measurement of capacity must be within 5 percent of the rated capacity, or 1.00 pints/day, whichever is greater. DOE also proposed that if a rated capacity is not within 5 percent of the measured capacity, or 1.00 pints/day, whichever is greater, the capacity measured by the test facility would be used to determine the energy conservation standard applicable to the tested model. 79 FR 29271, 29292 (May 21, 2014).

AHAM agrees that enforcement provisions should require a test laboratory measurement of capacity to be within 5 percent of the rated value, or 1.00 pint/day, whichever is greater, and if this tolerance is not met, the laboratory value should be used to determine the product class. This approach is consistent with AHAM's verification program. (AHAM, No. 7 at p. 10) Thus, DOE maintains these provisions in this final rule.

G. Compliance Dates of Amended Test Procedures

In the May 2014 NOPR, DOE proposed that manufacturers would be required to use the revised appendix X for representations 180 days after the publication of any final amended test procedures in the **Federal Register**. DOE also proposed that, alternatively, manufacturers may certify compliance with any amended energy conservation standards prior to the compliance date of those amended energy conservation standards by testing in accordance with appendix X1. However, DOE proposed that manufacturers would be required to use the new appendix X1 for determining compliance with any amended standards adopted in the ongoing energy conservation standards rulemaking. 79 FR 29271, 29292 (May 21, 2014).

Therma-Stor suggested that if the test procedure is significantly revised, DOE should allow a reasonable grace period between publication of the final rule and the compliance date to allow small manufacturers to make necessary revisions to their products, literature materials, test facilities, and test instrumentation. (Therma-Stor, No. 6 at p. 6; Therma-Stor, No. 15 at p. 4) DOE notes that in the energy conservation standards NOPR for dehumidifiers, DOE proposed a compliance date of 3 years after publication of any amended standards to provide manufacturers sufficient time to comply with the new test procedures and standards. 80 FR 31645 (June 3, 2015).

AHAM opposed the open-ended early compliance date for testing, noting that it supported such an approach for residential refrigerators/freezers and clothes washers for the limited purpose of easing the burden associated with manufacturers transitioning their full product lines to comply with amended standards on one date. (AHAM, No. 7 at p. 2)

AHAM supported DOE's guidance permitting early use of a new or amended test procedure as long as the products are certified to the applicable new or amended standards. However, AHAM requested that DOE remove the following phrase from DOE's guidance document ''if a new or amended standard has not yet been established, manufacturers should ensure that their products or equipment satisfy the existing standard.'' AHAM believes this is contrary to EPCA's intent and policy

to provide consumers with accurate, credible, and comparative energy information, especially if ENERGY STAR requires the use of a revised test procedure in advance of DOE compliance. AHAM suggested that this guidance would also allow manufacturers to pick and choose a test procedure that would result in more advantageous performance measurements. AHAM further suggested that the guidance would present challenges for verification because third parties could also test with either test procedure and, because a translation equation is an approximation, may not achieve the same results when using a different procedure. Accordingly, AHAM proposed that DOE revise its introductory notes to ensure that only one test procedure is in use at a given time to comply with a standard. (AHAM, No. 7 at pp. 2–3; AHAM, No. 16 at pp. 7–8)

AHAM further stated that early test procedure compliance must be connected to compliance with the amended standard. AHAM noted that, given the dramatic changes to capacity and IEF due to changes in ambient conditions and the inclusion of fan-only mode, early use of the test procedure will likely be needed for a brief time to ease the transition to the new standard, but the transition period must be limited. AHAM believes that DOE should clearly state a ''start date'' for early use of the test procedure, which AHAM requests should be no earlier than 9 months before the compliance date of standards. (AHAM, No. 7 at p. 3)

Where DOE has determined the amended test procedure will impact the measured efficiency and compliance with standards, DOE provides the opportunity for manufacturers to certify compliance using the new test procedure after the issuance of amended energy conservation standards. This approach is consistent with the guidance document issued in June 2012 and revised in August 2014, in which DOE provides discussion and details regarding early compliance.[10] Further, DOE does not believe it is appropriate to place a limit on the allowable period for early compliance. After the issuance date of a final rule to establish amended energy conservation standards, manufacturers may test according to appendix X1 to certify compliance with the amended standards. As established in this rule, appendix X and appendix X1 each contain introductory notes explaining when manufacturers may test and certify according to each version of the test procedure.

[10] Guidance document is available at: *http://www1.eere.energy.gov/buildings/appliance_standards/pdfs/tp_earlyuse_faq_2014-8-25.pdf.*

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the OMB.

B. Review under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Fairness Act of 1996) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment and a final regulatory flexibility analysis (FRFA) for any such rule that an agency adopts as a final rule, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis examines the impact of the rule on small entities and considers alternative ways of reducing negative effects. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

DOE reviewed this final rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE has concluded that the rule would not have a significant impact on a substantial number of small entities. The factual basis for this certification is as follows:

The Small Business Administration (SBA) considers a business entity to be small business, if, together with its affiliates, it employs less than a threshold number of workers specified in 13 CFR part 121. These size standards and codes are established by the North American Industry Classification System (NAICS). The threshold number for NAICS classification code 335211, ''Electric Housewares and Household Fan Manufacturing,'' is 750 employees; this classification specifically includes manufacturers of dehumidifiers.

DOE surveyed the AHAM member directory to identify manufacturers of residential dehumidifiers. DOE then consulted publicly available data, purchased company reports from vendors such as Dun and Bradstreet, and contacted manufacturers, where needed, to determine if they meet the SBA's definition of a ''small business manufacturing facility'' and have their manufacturing facilities located within the United States. Based on this analysis, DOE estimates that there are five small businesses that manufacture dehumidifiers.

This final rule amends the current test procedure in appendix X and establishes a new test procedure for dehumidifiers at appendix X1 that revises ambient temperature for active mode testing and requires that whole-home dehumidifiers be tested in active mode with ducting in place. The lower temperature test that DOE is establishing for portable dehumidifiers in dehumidification mode requires ambient temperature and humidity levels identical to those contained in section 8.2, Low Temperature Test, of ANSI/AHAM DH–1–2008, which some manufacturers already may be using. The test room ambient temperatures for whole-home dehumidifiers are higher than those for portable dehumidifiers, and would therefore be no more difficult or costly to achieve than the 65 °F test condition. In addition, product specifications for dehumidifiers from each of the small businesses indicate that they produce dehumidifiers rated for operation at ambient temperatures of 65 °F or below, suggesting that these manufacturers have conducted lower temperature testing already.

Friedrich commented that testing portable dehumidifiers at 65 °F would force a redesign of its product line because that ambient temperature would require larger coils, thus increasing unit cost. (Friedrich, Public Meeting Transcript, No. 10 at pp. 96–97) DOE notes that product redesigns would likely be in response to potential amended energy conservation standards for dehumidifiers rather than the establishment of a new test procedure. Products currently available on the market can be tested according to the newly established test procedure, and any cost impacts associated with design changes necessary to achieve potential amended energy conservation standards

would be considered in the concurrent dehumidifier standards rulemaking.

In response to the proposed alternate approach in the May 2014 NOPR to combine results of two test points, Aprilaire commented that combining test points could limit innovation and force manufacturers to design products to meet test requirements rather than achieve optimal performance of its intended application. Aprilaire recommended that DOE consider rating points based on manufacturers' recommended uses. (Aprilaire, No. 5 at p. 3) For the reasons discussed in section III.B.1 of this preamble, the proposal to include two test points and combine results from both to produce the final performance metric was not adopted in this final rule, and instead only one test condition is required for testing. This single test condition, 65 °F for portable dehumidifiers and 73 °F for whole-home dehumidifiers, is the basis for ratings and certifications.

In assessing the burden from the new test procedure, DOE also considered the cost of additional ducting, associated components, and instrumentation that would be required for whole-home dehumidifier testing. Based on its research of retail prices for components required to construct the instrumented inlet and outlet ducts, as well as estimate for the purchase of a complete instrumented duct assembly from a third-party laboratory, DOE determined that the cost of each non-instrumented duct would be approximately $1,500, and that the cost of an instrumented, calibrated duct would not exceed $2,700. Therefore, the equipment cost for testing a refrigeration-only whole-home dehumidifier with no inlet duct and a non-instrumented outlet duct would be approximately $1,500 or $3,000 for whole-home dehumidifiers with two outlets. For refrigerant-desiccant dehumidifiers, which would require instrumented ducts at the inlet and outlet of the process airstream and at the inlet of the reactivation air stream, the total equipment cost would be approximately $8,100. DOE also concludes that some whole-home dehumidifier manufacturers may already test their products in chambers that can accommodate comparably-sized ducting because product literature indicates that performance has been measured at non-zero ESP.

Aprilaire does not support DOE regulating the whole-home dehumidifier industry at this time. Aprilaire commented that in this relatively new industry, innovative products are being developed every year to help control whole-home latent conditions, and that little data is available regarding how products are designed, applied, and used. Aprilaire does not see the potential financial or energy savings benefit to regulation at this time and instead believes that regulations have a much higher probability of limiting innovation, growth, and energy savings because designs and applications are not fully understood today and are rapidly changing. Instead, Aprilaire encouraged DOE to work alongside manufacturers and organizations, such as ASHRAE, to establish representative testing methods prior to energy conservation standards. (Aprilaire, No. 5 at p. 2; Aprilaire, No. 14 at p. 1)

Therma-Stor commented that the secondary costs to test whole-home dehumidifiers, including substantially larger psychrometric chambers, upgraded data acquisition systems, and additional cost to prepare and perform the test, would be orders of magnitude higher than DOE estimates for primary costs. Therma-Stor also stated that it has limited engineering design, manufacturing, and marketing resources because it is a small manufacturer. According to Therma-Stor, it typically maintains and manufactures a model for several years, and a substantial test procedure change might require it to reengineer current designs and revise related literature. Therma-Stor noted that, due to its small size and limited resources, reengineering may require more time for Therma-Stor and other small manufacturers than larger entities with larger resource pools. (Therma-Stor, No. 6 at pp. 5–6; Therma-Stor, No. 15 at p. 4)

DOE is sensitive to the constraints under which small entities design, produce, and market new products. Over the course of this rulemaking, DOE has sought and considered carefully inputs received from interested parties regarding the testing burdens and associated impacts on manufacturers of dehumidifiers of a new test procedure for whole-home dehumidifiers. Because DOE has determined that whole-home dehumidifiers meet the statutory definition of a dehumidifier and are thus covered products for the purposes of EPCA, DOE is fulfilling the statutory obligation promulgated under EPCA to establish test procedures that measure representative energy use of whole-home dehumidifiers. This final rule is being issued in advance of any amended energy conservation standards for dehumidifiers. Analysis related to changing product designs to improve efficiencies and determining potential energy savings associated with amended standards and the impacts of such standards on manufacturers would be conducted as part of the concurrent energy conservation standards rulemaking for dehumidifiers. DOE notes that it conducts manufacturer interviews as part of the standards rulemaking, during which manufacturers may provide confidential feedback on all issues, including test procedures.

In the February 2015 SNOPR, DOE estimated the costs for a new or expanded environmental chamber to be $30,000, based on manufacturer feedback. DOE has also adopted a reduced duct length for whole-home dehumidifier testing to limit the need for updated environmental chambers. DOE expects that those manufacturers that conduct the DOE dehumidifier test in-house will likely be able to conduct testing on a majority of units within existing test chambers. For any unit too large for the manufacturer's existing test chamber, DOE believes that manufacturers will likely test at a third-party laboratory as needed, rather than invest in a larger environmental chamber. DOE expects whole-home dehumidifier testing at a third-party laboratory to cost approximately $7,000 per test. Additionally, DOE believes that many manufacturers likely already conduct certification testing at third-party laboratories, so there would be little or no increased cost associated with the third-party laboratory testing.

Therma-Stor expressed concern that changes to testing and rating may lead to confusion in the marketplace, as consumers are accustomed to the current rating scheme. According to Therma-Stor, it will be necessary to educate dealers and consumers about the substantial changes to the capacity and efficiency rating of each dehumidifier model. Therma-Stor is also concerned about divergence of the test procedure from that used for the ENERGY STAR program, noting that additional testing to determine multiple product ratings may place a larger burden on small manufacturers. Therma-Stor requested that DOE work with ENERGY STAR to harmonize test procedures to minimize cost, time, and complexity of compliance for manufacturers. (Therma-Stor, No. 6 at p. 6; Therma-Stor, No. 15 at p. 4) For covered products such as dehumidifiers, the ENERGY STAR program uses the Federal method of test as required by law. DOE will work with EPA to ensure the specification gets revised to reflect the updates in this final rule and the associated compliance timelines.''

DOE notes that although the International Electrotechnical Commission (IEC) Standard 62301, titled ''Household electrical appliances–Measurement of standby power,''

Publication 62301 (Edition 2.0 2011–01) test method would not be applicable for any fan operation during off-cycle mode, the power meter accuracy specified in IEC Standard 62301 would still be necessary to accurately measure power consumption during periods of off-cycle mode with no fan operation. DOE is requiring that the power metering instrumentation for testing dehumidification mode and off-cycle mode comply with the requirements of both ANSI/AHAM DH–1–2008 and IEC Standard 63201. DOE is aware that power meters meeting the accuracy requirements of both test standards are readily available and currently in use in certain test laboratories. Therefore, DOE does not believe that these requirements would significantly increase the testing burden associated with instrumentation.

Test facilities that use a single psychrometer box to test multiple units simultaneously that do not already own additional psychrometer boxes would need to purchase an additional psychrometer box for each additional unit that would be tested concurrently. Based on DOE research and input from test laboratories, DOE estimates that test facilities may purchase and calibrate the required equipment for approximately $1,000 each.

Additionally, test laboratories with only one sampling tree for each psychrometer box may be required to purchase additional sampling trees to account for units with multiple air inlets. In this final rule, DOE establishes that a sampling tree be placed in front of each air inlet on a test unit. DOE expects laboratories may purchase additional sampling trees at an estimated cost of $300 each to comply with the proposed test requirements.

DOE estimates that the cost of a relative humidity sensor is approximately $1,000, which is comparable to that of an aspirating psychrometer and its associated calibration costs. Therefore, DOE does not expect that the option to test any dehumidifier configurations with a relative humidity sensor or an aspirating psychrometer would increase test burden. Based on feedback from interested parties and its own research, DOE also expects the optional use of a relative humidity sensor would decrease test burden because it confirmed that most laboratories already use these types of sensors for other testing and because they are less labor-intensive to operate and maintain compared to aspirating psychrometers.

After estimating the potential impacts of the new test procedure provisions and considering feedback from interested parties regarding test burdens, DOE has determined that the rule would not have a significant impact on a substantial number of small entities.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of dehumidifiers must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for dehumidifiers, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including dehumidifiers. 76 FR 12422 (March 7, 2011); 80 FR 5099 (Jan. 30, 2015). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE amends its test procedure for dehumidifiers. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this rule amends an existing rule without affecting the amount, quality or distribution of energy usage, and, therefore, will not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 10, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the

retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820 (This policy is also available at *http://energy.gov/gc/office-general-counsel*). DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year. Accordingly, no further assessment or analysis is required under UMRA.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this regulation will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101 *et seq.*), DOE must comply with section 32 of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), as amended by the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95–70). (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

This final rule establishes testing methods contained in the following commercial standards: ANSI/ASHRAE Standard 41.1–2013, Standard Method for Temperature Measurement; and ANSI/ASHRAE 51–2007/ANSI/AMCA 210–07, Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating. While the newly established test procedure at appendix X1 is not exclusively based on these standards, one component of the test procedure, namely ducted installation requirements for testing whole-home dehumidifiers, adopts provisions from these standards without amendment. DOE has evaluated these standards and is unable to conclude whether they fully comply with the requirements of section 32(b) of the FEAA, (*i.e.,* that they were developed in a manner that fully provides for public participation, comment, and review). DOE has consulted with the Attorney General and the Chairman of the FTC concerning the impact on competition of requiring manufacturers to use the test methods contained in these standards, and neither recommended against incorporation of these standards.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

N. Materials Incorporated by Reference

In this final rule, DOE incorporates by reference the ANSI and ASHRAE test standard, titled ''Standard Method for Temperature Measurement,'' ANSI/ASHRAE Standard 41.1–2013. ANSI/ASHRAE Standard 41.2013 is an industry-accepted standard that describes temperature measurement methods intended for use in heating, refrigerating, and air conditioning equipment and components. The test procedure established in this final rule references a section of ANSI/ASHRAE 41.1–2013 to determine the number and locations of temperature sensors within the ducts for refrigerant-desiccant whole-home dehumidifiers. ANSI/ASHRAE 41.1–2103 is available on ANSI's Web site at *http://webstore.ansi.org/RecordDetail.aspx?sku=ANSI%2FASHRAE+Standard+41.1-2013*.

In this final rule, DOE also incorporates by reference the ANSI and AMCA test standard, titled ''Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating,'' ANSI/AMCA 210–07. ANSI/AMCA 210–07 is an industry-accepted test procedure that defines uniform methods for conducting laboratory tests on housed fans to determine airflow rate, pressure, power and efficiency at a given speed of rotation. The test procedure established in this final rule references sections of ANSI/AMCA 210–07 to describe required instrumentation and measurements of external static pressure, pressure losses, and velocity pressures for refrigerant-desiccant whole-home dehumidifiers testing. ANSI/AMCA 210–07 is available on AMCA's Web site at *http://www.amca.org/store/item.aspx?ItemId=81*.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects

10 CFR Part 429

Energy conservation, Household appliances, Imports.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

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

Kathleen B. Hogan,

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

For the reasons stated in the preamble, DOE amends part 429 and 430 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.36 is amended by adding paragraphs (a)(3) and (4), and revising paragaraph (b)(2) to read as follows:

§ 429.36 Dehumidifiers.

(a) * * *

(3) The capacity of a basic model is the mean of the measured capacities for each tested unit of the basic model. Round the mean capacity value to two decimal places.

(4) For whole-home dehumidifiers, the case volume of a basic model is the mean of the measured case volumes for each tested unit of the basic model. Round the mean case volume value to one decimal place.

(b) * * *

(2) Pursuant to § 429.12(b)(13), a certification report must include the following public product-specific information: The energy factor in liters per kilowatt hour (liters/kWh), capacity in pints per day, and for whole-home dehumidifiers, case volume in cubic feet.

■ 3. Section 429.134 is amended by adding paragraph (f) to read as follows:

§ 429.134 Product-specific enforcement provisions.

* * * * *

(f) *Dehumidifiers*—(1) *Verification of capacity.* The capacity will be measured pursuant to the test requirements of part 430 of this chapter for each unit tested. The results of the measurement(s) will be averaged and compared to the value of capacity certified by the manufacturer for the basic model. The certified capacity will be considered valid only if the measurement is within five percent, or 1.00 pint per day, whichever is greater, of the certified capacity.

(i) If the certified capacity is found to be valid, the certified capacity will be used as the basis for determining the minimum energy factor allowed for the basic model.

(ii) If the certified capacity is found to be invalid, the average measured capacity of the units in the sample will be used as the basis for determining the minimum energy factor allowed for the basic model.

(2) Verification of whole-home dehumidifier case volume. The case volume will be measured pursuant to the test requirements of part 430 of this chapter for each unit tested. The results of the measurement(s) will be averaged and compared to the value of case volume certified by the manufacturer for the basic model. The certified case volume will be considered valid only if the measurement is within two percent, or 0.2 cubic feet, whichever is greater, of the certified case volume.

(i) If the certified case volume is found to be valid, the certified case volume will be used as the basis for determining the minimum energy factor allowed for the basic model.

(ii) If the certified case volume is found to be invalid, the average measured case volume of the units in the sample will be used as the basis for determining the minimum energy factor allowed for the basic model.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 4. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 5. Section 430.2 is amended by revising the definition of ''Dehumidifier'' and adding the definitions for ''Portable dehumidifier'', ''Refrigerant-desiccant dehumidifier'', and ''Whole-home dehumidifier'' in alphabetical order to read as follows:

§ 430.2 Definitions.

* * * * *

Dehumidifier means a product, other than a portable air conditioner, room air conditioner, or packaged terminal air conditioner, that is a self-contained, electrically operated, and mechanically encased assembly consisting of—

(1) A refrigerated surface (evaporator) that condenses moisture from the atmosphere;

(2) A refrigerating system, including an electric motor;

(3) An air-circulating fan; and

(4) A means for collecting or disposing of the condensate.

* * * * *

Portable dehumidifier means a dehumidifier designed to operate within the dehumidified space without the attachment of additional ducting, although means may be provided for optional duct attachment.

* * * * *

Refrigerant-desiccant dehumidifier means a whole-home dehumidifier that removes moisture from the process air by means of a desiccant material in addition to a refrigeration system.

* * * * *

Whole-home dehumidifier means a dehumidifier designed to be installed with ducting to deliver return process air to its inlet and to supply dehumidified process air from its outlet to one or more locations in the dehumidified space.

■ 6. Section 430.3 is amended by:

■ a. Redesignating paragraphs (b) through (v) as (c) through (w) and adding new paragraph (b);

■ b. Further redesignating newly redesignated paragraphs (g)(6) through (g)(13) as paragraphs (g)(7) through (g)(14); and

■ c. Adding new paragraph (g)(6) and revising newly redesignated paragraphs (i)(1) and (q)(4).

The additions and revisions read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(b) Air Movement and Control Association International, Inc. (AMCA), 30 West University Drive, Arlington Heights, IL 60004, (847) 394–0150, or by going to *http://www.amca.org/store/item.aspx?ItemId=81.*

(1) ANSI/ASHRAE 51–07/ANSI/AMCA 210–07 (''ANSI/AMCA 210''), Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating, AMCA approved July 28, 2006; IBR approved for appendix X1 to subpart B.

(2) [Reserved]

* * * * *

(g) * * *

(6) ANSI/ASHRAE 41.1–2013 (''ANSI/ASHRAE 41.1''), Standard Method for Temperature Measurement, ANSI approved January 30, 2013; IBR approved for appendix X1 to subpart B.

* * * * *

(i) * * *

(1) ANSI/AHAM DH–1–2008 (''ANSI/AHAM DH–1''), Dehumidifiers, ANSI approved May 9, 2008, IBR approved for appendices X and X1 to subpart B.

* * * * *

(q) * * *

(4) IEC 62301 (''IEC 62301''), Household electrical appliances—Measurement of standby power, (Edition 2.0, 2011–01), IBR approved for appendices C1, D1, D2, G, H, I, J2, N, O, P, X, and X1 to subpart B.

* * * * *

■ 7. Section 430.23 is amended by revising paragraph (z) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(z) *Dehumidifiers.* When using appendix X, determine the capacity, expressed in pints per day (pints/day), and the energy factor, expressed in liters per kilowatt hour (L/kWh), in accordance with section 4.1 of appendix X of this subpart. When using appendix X1, determine the capacity, expressed in pints/day, according to section 5.2 of appendix X1 to this subpart; determine the integrated energy factor, expressed in L/kWh, according to section 5.4 of appendix X1 to this subpart; and determine the case volume, expressed in cubic feet, for whole-home dehumidifiers in accordance with section 5.7 of appendix X1 of this subpart.

* * * * *

■ 8. Section 430.32 is amended by revising paragraph (v)(2) to read as follows:

§ 430.32 Energy and water conservation standards and their compliance dates.

* * * * *

(v) * * *

(2) Dehumidifiers manufactured on or after October 1, 2012, shall have an energy factor that meets or exceeds the following values:

Product capacity (pints/day)	Minimum energy factor (liters/kWh)
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
75.01 or more	2.5

* * * * *

■ 9. Appendix X to subpart B of part 430 is amended:

■ a. By revising the note after the heading;

■ b. In section 2, Definitions, by revising section 2.3, redesignating sections 2.4 through 2.10 as sections 2.5 through 2.11, adding new section 2.4, and revising newly redesignated sections 2.7 and 2.10;

■ c. In section 3, Test Apparatus and General Instructions, by revising section 3.1 and adding new sections 3.1.1 through 3.1.4;

■ d. In section 4, Test Measurement, by revising sections 4.1, 4.2.1, and 4.2.2; and

■ e. In section 5, Calculation of Derived Results From Test Measurements, by revising sections 5.1 and 5.2.

The additions and revisions read as follows:

Appendix X to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dehumidifiers

Note: After January 27, 2016, any representations made with respect to the energy use or efficiency of portable dehumidifiers must be made in accordance with the results of testing pursuant to this appendix.

Until January 27, 2016, manufacturers must either test portable dehumidifiers in accordance with this appendix, or the previous version of this appendix as it appeared in the Code of Federal Regulations on January 1, 2015. DOE notes that, because testing under this appendix X must be completed as of January 27, 2016, manufacturers may wish to begin using this test procedure immediately.

Alternatively, manufacturers may certify compliance with any amended energy conservation standards for portable dehumidifiers prior to the compliance date of those amended energy conservation standards by testing in accordance with appendix X1. Any representations made with respect to the energy use or efficiency of such portable dehumidifiers must be in accordance with whichever version is selected.

Any representations made on or after the compliance date of any amended energy conservation standards, with respect to the energy use or efficiency of portable or whole-home dehumidifiers, must be made in accordance with the results of testing pursuant to appendix X1.

* * * * *

2. Definitions

* * * * *

2.3 *Combined low-power mode* means the aggregate of available modes other than dehumidification mode.

2.4 *Dehumidification mode* means an active mode in which a dehumidifier:

(1) Has activated the main moisture removal function according to the humidistat, humidity sensor signal, or control setting; and

(2) Has either activated the refrigeration system or activated the fan or blower without activation of the refrigeration system.

* * * * *

2.7 *Inactive mode* means a standby mode that facilitates the activation of active mode by remote switch (including remote control), internal sensor other than humidistat or humidity sensor, or timer, or that provides continuous status display.

* * * * *

2.10 *Product capacity for dehumidifiers* means a measure of the ability of the

dehumidifier to remove moisture from its surrounding atmosphere, measured in pints collected per 24 hours of operation under the specified ambient conditions.

* * * * *

3. Test Apparatus and General Instructions

3.1 *Active mode.* The test apparatus and instructions for testing dehumidifiers in dehumidification mode shall conform to the requirements specified in Section 3, ''Definitions,'' Section 4, ''Instrumentation,'' and Section 5, ''Test Procedure,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), with the following exceptions.

3.1.1 *Psychrometer placement.* Place the psychrometer perpendicular to, and 1 ft. in front of, the center of the intake grille. For dehumidifiers with multiple intake grilles, place a separate sampling tree perpendicular to, and 1 ft. in front of, the center of each intake grille, with the samples combined and connected to a single psychrometer using a minimal length of insulated ducting. The psychrometer shall be used to monitor inlet conditions of one test unit only.

3.1.2 *Condensate collection.* If means are provided on the dehumidifier for draining condensate away from the cabinet, collect the condensate in a substantially closed vessel to prevent re-evaporation, and place the collection vessel on the weight-measuring instrument. If no means for draining condensate away from the cabinet are provided, disable any automatic shutoff of dehumidification mode operation that is activated when the collection container is full, and collect any overflow in a pan. The pan must be covered as much as possible to prevent re-evaporation without impeding the collection of overflow water. Place both the dehumidifier and the overflow pan on the weight-measuring instrument for direct reading of the condensate weight during the test. Do not use any internal pump to drain the condensate unless such pump operation is provided for by default in dehumidification mode.

3.1.3 *Control settings.* If the dehumidifier has a control setting for continuous operation in dehumidification mode, select that setting. Otherwise, set the controls to the lowest available relative humidity level and, if the dehumidifier has a user-adjustable fan speed, select the maximum fan speed setting.

3.1.4 *Recording and rounding.* Record measurements at the resolution of the test instrumentation. Round calculated values to the same number of significant digits as the previous step. Round the final capacity, energy factor and integrated energy factor values to two decimal places.

* * * * *

4. Test Measurement

4.1 *Active mode.* Measure the energy consumption in dehumidification mode, E_{DM}, expressed in kilowatt-hours (kWh), the energy factor, expressed in liters per kilowatt-hour (L/kWh), and product capacity, expressed in pints per day (pints/day), in accordance with the test requirements specified in Section 7, ''Capacity Test and Energy Consumption Test,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3).

* * * * *

4.2.1 If the dehumidifier has an inactive mode, as defined in section 2.7 of this appendix, but not an off mode, as defined in section 2.8 of this appendix, measure and record the average inactive mode power of the dehumidifier, P_{IA}, in watts. Otherwise, if the dehumidifier has an off mode, as defined in section 2.8 of this appendix, measure and record the average off mode power of the dehumidifier, P_{OM}, in watts.

4.2.2 If the dehumidifier has an off-cycle mode, as defined in section 2.9 of this appendix, measure and record the average off-cycle mode power of the dehumidifier, P_{OC}, in watts.

5. Calculation of Derived Results From Test Measurements

5.1 *Annual combined low-power mode energy consumption.* Calculate the annual combined low-power mode energy consumption for dehumidifiers, E_{TLP}, expressed in kilowatt-hours per year, according to the following:

$$E_{TLP} = [(P_{IO} \times S_{IO}) + (P_{OC} \times S_{OC})] \times K$$

Where:

$P_{IO} = P_{IA}$, dehumidifier inactive mode power, or P_{OM}, dehumidifier off mode power in watts, as measured in section 4.2.1 of this appendix.

P_{OC} = dehumidifier off-cycle mode power in watts, as measured in section 4.2.2 of this appendix.

S_{IO} = 1,840.5 dehumidifier inactive mode or off mode annual hours.

S_{OC} = 1,840.5 dehumidifier off-cycle mode annual hours.

K = 0.001 kWh/Wh conversion factor for watt-hours to kilowatt-hours.

5.2 *Integrated energy factor.* Calculate the integrated energy factor, IEF, expressed in liters per kilowatt-hour, rounded to two decimal places, according to the following:

$$IEF = L_W/[E_{DM} + ((E_{TLP}/1095) \times 6)]$$

Where:

L_W = water removed from the air during the 6-hour dehumidification mode test in liters, as measured in section 4.1 of this appendix.

E_{DM} = energy consumption during the 6-hour dehumidification mode test in kilowatt-hours, as measured in section 4.1 of this appendix.

E_{TLP} = annual combined low-power mode energy consumption in kilowatt-hours per year, as calculated in section 5.1 of this appendix.

1,095 = dehumidification mode annual hours, used to convert E_{TLP} to combined low-power mode energy consumption per hour of dehumidification mode.

6 = hours per dehumidification mode test, used to convert combined low-power mode energy consumption per hour of dehumidification mode for integration with dehumidification mode energy consumption.

■ 10. Appendix X1 is added to subpart B of part 430 to read as follows:

Appendix X1 to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dehumidifiers

Note: Manufacturers may certify compliance with any amended energy conservation standards for portable dehumidifiers prior to the compliance date of those amended energy conservation standards by testing in accordance with this appendix. Any representations made with respect to the energy use or efficiency of such portable dehumidifiers must be in accordance with either appendix X or this appendix, whichever version is selected for testing and compliance with standards.

Any representations made on or after the compliance date of any amended energy conservation standards, with respect to the energy use or efficiency of portable or whole-home dehumidifiers, must be made in accordance with the results of testing pursuant to this appendix.

1. Scope

This appendix covers the test requirements used to measure the energy performance of dehumidifiers.

2. Definitions

2.1 *ANSI/AHAM DH–1* means the test standard published by the American National Standards Institute and the Association of Home Appliance Manufacturers, titled ''Dehumidifiers,'' ANSI/AHAM DH–1–2008 (incorporated by reference; see § 430.3).

2.2 *ANSI/AMCA 210* means the test standard published by ANSI, the American Society of Heating, Refrigeration and Air-Conditioning Engineers, and the Air Movement and Control Association International, Inc., titled ''Laboratory Methods of Testing Fans for Aerodynamic Performance Rating,'' ANSI/ASHRAE 51–07/ANSI/AMCA 210–07 (incorporated by reference; see § 430.3).

2.3 *ANSI/ASHRAE 41.1* means the test standard published by ANSI and ASHRAE, titled ''Standard Method for Temperature Measurement,'' ANSI/ASHRAE 41.1–2013 (incorporated by reference; see § 430.3).

2.4 *Active mode* means a mode in which a dehumidifier is connected to a mains power source, has been activated, and is performing the main functions of removing moisture from air by drawing moist air over a refrigerated coil using a fan or circulating air through activation of the fan without activation of the refrigeration system.

2.5 *Combined low-power mode* means the aggregate of available modes other than dehumidification mode.

2.6 *Dehumidification mode* means an active mode in which a dehumidifier:

(1) Has activated the main moisture removal function according to the humidistat, humidity sensor signal, or control setting; and

(2) Has either activated the refrigeration system or activated the fan or blower without activation of the refrigeration system.

2.7 *Energy factor for dehumidifiers* means a measure of energy efficiency of a dehumidifier calculated by dividing the water removed from the air by the energy consumed, measured in liters per kilowatt-hour (L/kWh).

2.8 *External static pressure (ESP)* means the process air outlet static pressure minus the process air inlet static pressure, measured in inches of water column (in. w.c.).

2.9 *IEC 62301* means the test standard published by the International Electrotechnical Commission, titled ''Household electrical appliances—Measurement of standby power,'' Publication 62301 (Edition 2.0 2011–01) (incorporated by reference; see § 430.3).

2.10 *Inactive mode* means a standby mode that facilitates the activation of active mode by remote switch (including remote control), internal sensor other than humidistat or humidity sensor, or timer, or that provides continuous status display.

2.11 *Off mode* means a mode in which the dehumidifier is connected to a mains power source and is not providing any active mode or standby mode function, and where the mode may persist for an indefinite time. An indicator that only shows the user that the dehumidifier is in the off position is included within the classification of an off mode.

2.12 *Off-cycle mode* means a mode in which the dehumidifier:

(1) Has cycled off its main moisture removal function by humidistat or humidity sensor;

(2) May or may not operate its fan or blower; and

(3) Will reactivate the main moisture removal function according to the humidistat or humidity sensor signal.

2.13 *Process air* means the air supplied to the dehumidifier from the dehumidified space and discharged to the dehumidified space after some of the moisture has been removed by means of the refrigeration system.

2.14 *Product capacity* for dehumidifiers means a measure of the ability of the dehumidifier to remove moisture from its surrounding atmosphere, measured in pints collected per 24 hours of operation under the specified ambient conditions.

2.15 *Product case volume* for whole-home dehumidifiers means a measure of the rectangular volume that the product case occupies, exclusive of any duct attachment collars or other external components.

2.16 *Reactivation air* means the air drawn from unconditioned space to remove moisture from the desiccant wheel of a refrigerant-desiccant dehumidifier and discharged to unconditioned space.

2.17 *Standby mode* means any modes where the dehumidifier is connected to a mains power source and offers one or more of the following user-oriented or protective functions which may persist for an indefinite time:

(1) To facilitate the activation of other modes (including activation or deactivation of active mode) by remote switch (including remote control), internal sensor, or timer;

(2) Continuous functions, including information or status displays (including clocks) or sensor-based functions. A timer is a continuous clock function (which may or may not be associated with a display) that provides regular scheduled tasks (*e.g.,* switching) and that operates on a continuous basis.

3. Test Apparatus and General Instructions

3.1 *Active mode.*

3.1.1 *Portable dehumidifiers and whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers.* The test apparatus and instructions for testing in dehumidification mode and off-cycle mode must conform to the requirements specified in Section 3, ''Definitions,'' Section 4, ''Instrumentation,'' and Section 5, ''Test Procedure,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), with the following exceptions. Note that if a product is able to operate as both a portable and whole-home dehumidifier by means of installation or removal of an optional ducting kit, it must be tested and rated for both configurations.

3.1.1.1 *Testing configuration for whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers.* Test dehumidifiers, other than refrigerant-desiccant dehumidifiers, with ducting attached to the process air outlet port. The duct configuration and component placement must conform to the requirements specified in section 3.1.3 of this appendix and Figure 1 or Figure 3, except that the flow straightener and dry-bulb temperature and relative humidity instruments are not required. Maintain the external static pressure in the process air flow and measure the external static pressure as specified in section 3.1.2.2.3.1 of this appendix.

3.1.1.2 *Relative humidity instrumentation.* A relative humidity sensor with an accuracy within 1 percent relative humidity may be used in place of an aspirating psychrometer. When using a relative humidity sensor for testing, disregard the wet-bulb test tolerances in Table 1 of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), the average relative humidity over the test period must be within 2 percent of the relative humidity setpoint, and all individual relative humidity readings must be within 5 percent of the relative humidity setpoint. When using a relative humidity sensor instead of an aspirating psychrometer, use a dry-bulb temperature sensor that meets the accuracy as required in section 4.1 of ANSI/AHAM DH–1.

3.1.1.3 *Instrumentation placement.* Place the aspirating psychrometer or relative humidity and dry-bulb temperature sensors perpendicular to, and 1 ft. in front of, the center of the process air intake grille. When using an aspirating psychrometer, for dehumidifiers with multiple process air intake grilles, place a separate sampling tree perpendicular to, and 1 ft. in front of, the center of each process air intake grille, with the samples combined and connected to a single psychrometer using a minimal length of insulated ducting. The psychrometer shall be used to monitor inlet conditions of one test unit only. When using relative humidity and dry-bulb temperature sensors, for dehumidifiers with multiple process air intake grilles, place a relative humidity sensor and dry-bulb temperature sensor perpendicular to, and 1 ft. in front of, the center of each process air intake grille.

3.1.1.4 *Condensate collection.* If means are provided on the dehumidifier for draining condensate away from the cabinet, collect the condensate in a substantially closed vessel to prevent re-evaporation and place the vessel on the weight-measuring instrument. If no means for draining condensate away from the cabinet are provided, disable any automatic shutoff of dehumidification mode operation that is activated when the collection container is full and collect any overflow in a pan. Select a collection pan large enough to ensure that all water that overflows from the full internal collection container during the rating test period is captured by the collection pan. Cover the pan as much as possible to prevent re-evaporation without impeding the collection of overflow water. Place both the dehumidifier and the overflow pan on the weight-measuring instrument for direct reading of the condensate weight collected during the rating test. Do not use any internal pump to drain the condensate into a substantially closed vessel unless such pump operation is provided for by default in dehumidification mode.

3.1.1.5 *Control settings.* If the dehumidifier has a control setting for continuous operation in dehumidification mode, select that control setting. Otherwise, set the controls to the lowest available relative humidity level, and if the dehumidifier has a user-adjustable fan speed, select the maximum fan speed setting. *Do not use any external controls for the dehumidifier settings.*

3.1.1.6 *Run-in period.* Perform a single run-in period during which the compressor operates for a cumulative total of at least 24 hours prior to dehumidification mode testing.

3.1.2 *Refrigerant-desiccant dehumidifiers.* The test apparatus and instructions for testing refrigerant-desiccant dehumidifiers in dehumidification mode must conform to the requirements specified in Section 3, ''Definitions,'' Section 4, ''Instrumentation,'' and Section 5, ''Test Procedure,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), except as follows.

3.1.2.1 *Testing configuration.* Test refrigerant-desiccant dehumidifiers with ducting attached to the process air inlet and outlet ports and the reactivation air inlet port. The duct configuration and components must conform to the requirements specified in section 3.1.3 of this appendix and Figure 1 through Figure 3. Install a cell-type airflow straightener that conforms to the specifications in Section 5.2.1.6, ''Airflow straightener'', and Figure 6A, ''Flow Straightener—Cell Type'', of ANSI/AMCA 210 (incorporated by reference, see § 430.3) in each duct consistent with Figure 1 through Figure 3.

3.1.2.2 *Instrumentation.*

3.1.2.2.1 *Temperature.* Install dry-bulb temperature sensors in a grid centered in the duct, with the plane of the grid perpendicular to the axis of the duct. Determine the number and locations of the sensors within the grid according to Section 5.3.5, ''Centers of Segments—Grids,'' of ANSI/ASHRAE 41.1 (incorporated by reference, see § 430.3).

3.1.2.2.2 *Relative humidity.* Measure relative humidity with a duct-mounted,

relative humidity sensor with an accuracy within ±1 percent relative humidity. Place the relative humidity sensor at the duct centerline within 1 inch of the dry-bulb temperature grid plane.

3.1.2.2.3 *Pressure.* The pressure instruments used to measure the external static pressure and velocity pressures must have an accuracy within ±0.01 in. w.c. and a resolution of no more than 0.01 in. w.c.

3.1.2.2.3.1 *External static pressure.* Measure static pressures in each duct using pitot-static tube traverses that conform with the specifications in Section 4.3.1, ''Pitot Traverse,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3), with pitot-static tubes that conform with the specifications in Section 4.2.2, ''Pitot-Static Tube,'' of ANSI/AMCA, except that only two intersecting and perpendicular rows of pitot-static tube traverses shall be used. Record the static pressure within the test duct as measured at the pressure tap in the manifold of the traverses that averages the individual static pressures at each pitot-static tube. Calculate duct pressure losses between the unit under test and the plane of each static pressure measurement in accordance with section 7.5.2, ''Pressure Losses,'' of ANSI/AMCA 210. The external static pressure is the difference between the measured inlet and outlet static pressure measurements, minus the sum of the inlet and outlet duct pressure losses. For any port with no duct attached, use a static pressure of 0.00 in. w.c. with no duct pressure loss in the calculation of external static pressure. During dehumidification mode testing, the external static pressure must equal 0.20 in. w.c. ± 0.02 in. w.c.

3.1.2.2.3.2 *Velocity pressure.* Measure velocity pressures using the same pitot traverses as used for measuring external static pressure, and which are specified in section 3.1.2.2.3.1 of this appendix. Determine velocity pressures at each pitot-static tube in a traverse as the difference between the pressure at the impact pressure tap and the pressure at the static pressure tap. Calculate volumetric flow rates in each duct in accordance with Section 7.3.1, ''Velocity Traverse,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3).

3.1.2.2.4 *Weight.* No weight-measuring instruments are required.

3.1.2.3 *Control settings.* If the dehumidifier has a control setting for continuous operation in dehumidification mode, select that control setting. Otherwise, set the controls to the lowest available relative humidity level, and if the dehumidifier has a user-adjustable fan speed, select the maximum fan speed setting. *Do not use any external controls for the dehumidifier settings.*

3.1.2.4 *Run-in period.* Perform a single run-in period during which the compressor operates for a cumulative total of at least 24 hours prior to dehumidification mode testing.

3.1.3 *Ducting for whole-home dehumidifiers.* Cover and seal with tape any port designed for intake of air from outside or unconditioned space, other than for supplying reactivation air for refrigerant-desiccant dehumidifiers. Use only ducting constructed of galvanized mild steel and with a 10-inch diameter. Position inlet and outlet ducts either horizontally or vertically to accommodate the default dehumidifier port orientation. Install all ducts with the axis of the section interfacing with the dehumidifier perpendicular to plane of the collar to which each is attached. If manufacturer-recommended collars do not measure 10 inches in diameter, use transitional pieces to connect the ducts to the collars. The transitional pieces must not contain any converging element that forms an angle with the duct axis greater than 7.5 degrees or a diverging element that forms an angle with the duct axis greater than 3.5 degrees. Install mechanical throttling devices in each outlet duct consistent with Figure 1 and Figure 3 to adjust the external static pressure and in the inlet reactivation air duct for a refrigerant-desiccant dehumidifier. Cover the ducts with thermal insulation having a minimum R value of 6 h-ft^2 − °F/Btu (1.1 m^2 − K/W). Seal seams and edges with tape.

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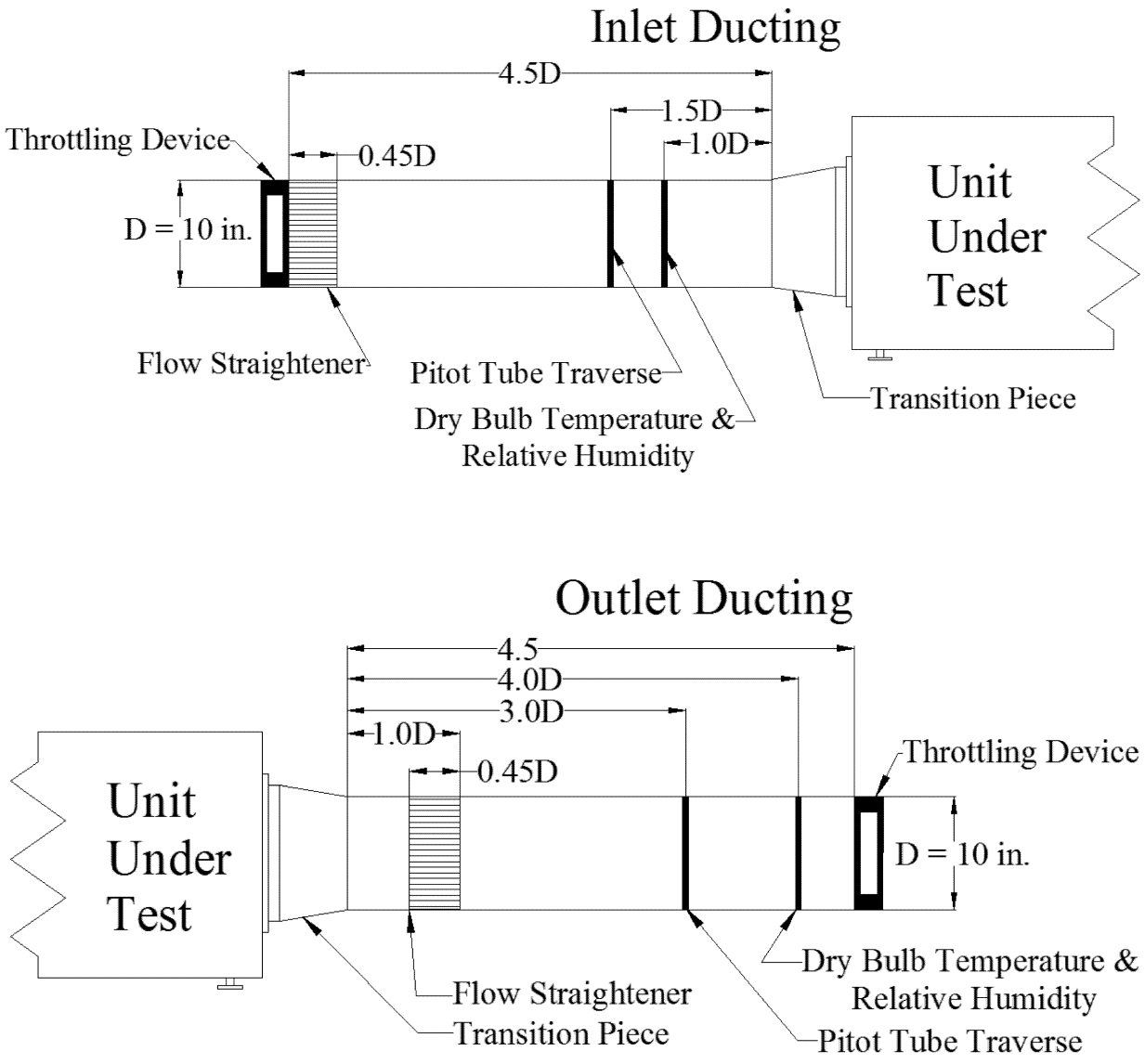

Figure 1. Inlet and Outlet Horizontal Duct Configurations and Instrumentation Placement

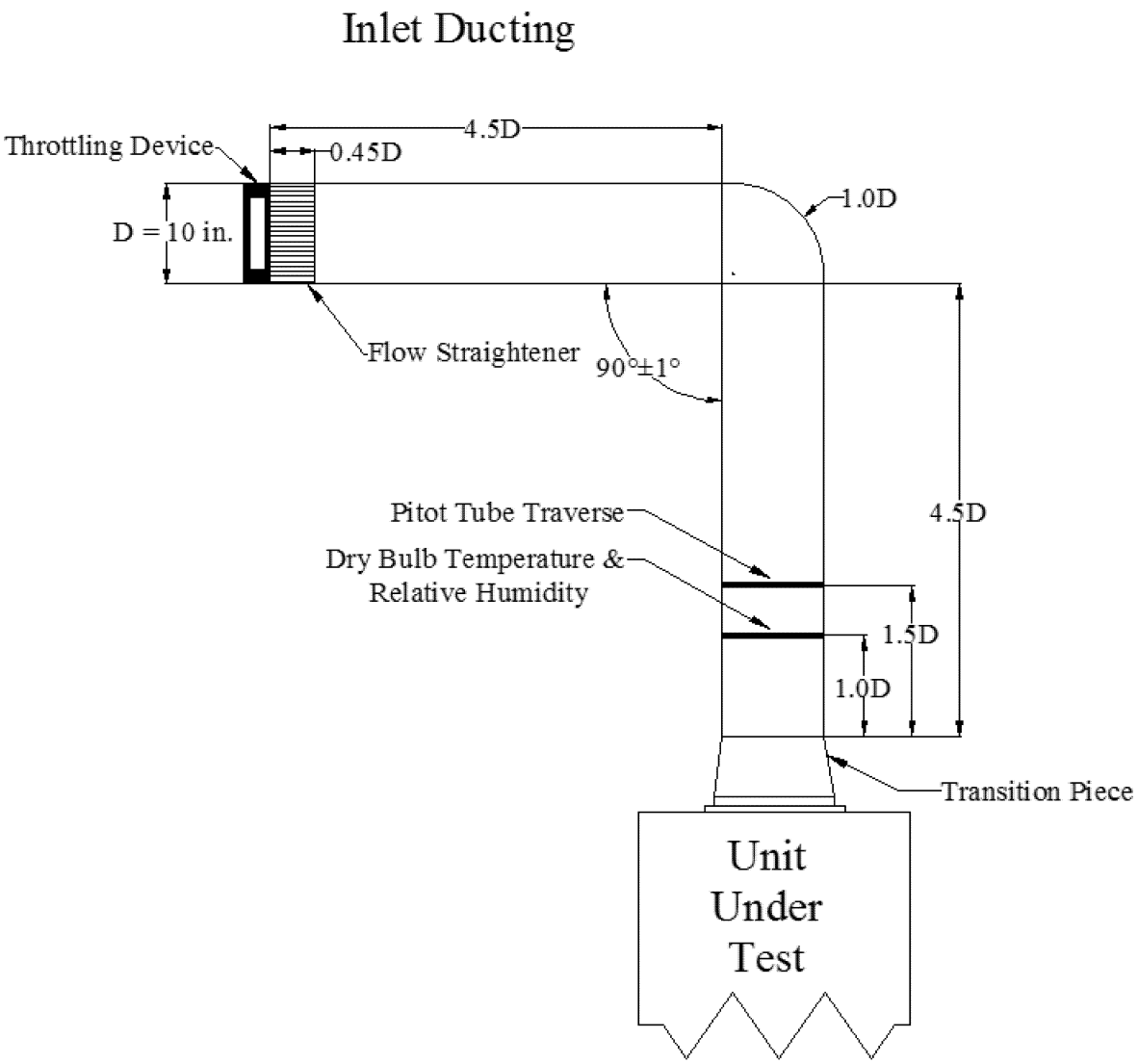

Figure 2: Inlet Vertical Duct Configuration and Instrumentation Placement

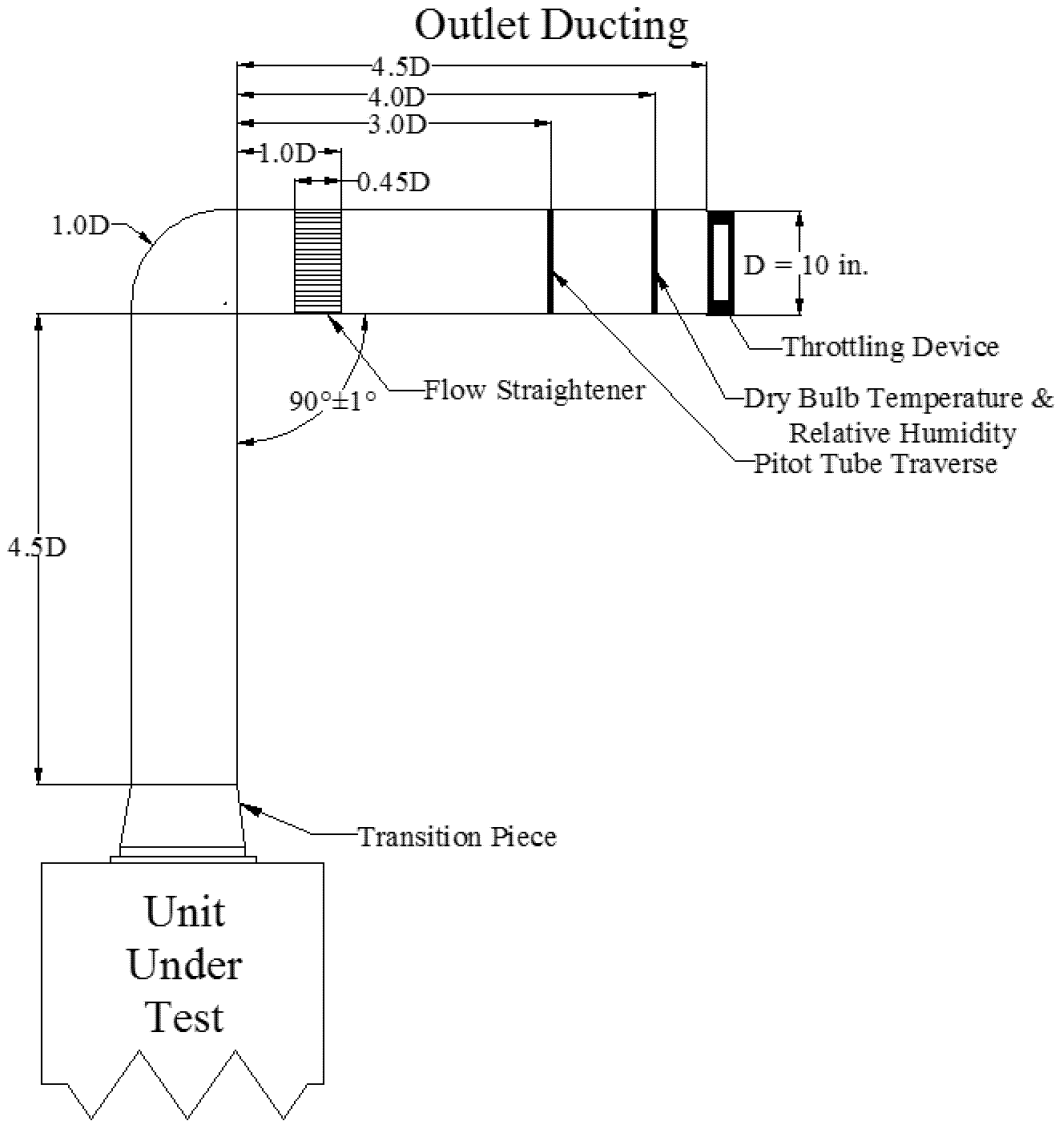

Figure 3: Outlet Vertical Duct Configurations and Instrumentation Placement

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3.1.4 *Recording and rounding.* When testing either a portable dehumidifier or a whole-home dehumidifier, record measurements at the resolution of the test instrumentation. Record measurements for portable dehumidifiers and whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers at intervals no greater than 10 minutes. Record measurements for refrigerant-desiccant dehumidifiers at intervals no greater than 1 minute. Round off calculations to the same number of significant digits as the previous step. Round the final product capacity, energy factor and integrated energy factor values to two decimal places, and for whole-home dehumidifiers, round the final product case volume to one decimal place.

3.2 *Inactive mode and off mode.*

3.2.1 *Installation requirements.* For the inactive mode and off mode testing, install the dehumidifier in accordance with Section 5, Paragraph 5.2 of IEC 62301 (incorporated by reference, see § 430.3), disregarding the provisions regarding batteries and the determination, classification, and testing of relevant modes.

3.2.2 *Electrical energy supply.*

3.2.2.1 *Electrical supply.* For the inactive mode and off mode testing, maintain the electrical supply voltage and frequency indicated in Section 7.1.3, ''Standard Test Voltage,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3). The electrical supply frequency shall be maintained ±1 percent.

3.2.2.2 *Supply voltage waveform.* For the inactive mode and off mode testing, maintain the electrical supply voltage waveform indicated in Section 4, Paragraph 4.3.2 of IEC 62301 (incorporated by reference, see § 430.3).

3.2.3 *Inactive mode, off mode, and off-cycle mode wattmeter.* The wattmeter used to measure inactive mode, off mode, and off-cycle mode power consumption must meet the requirements specified in Section 4, Paragraph 4.4 of IEC 62301 (incorporated by reference, see § 430.3).

3.2.4 *Inactive mode and off mode ambient temperature.* For inactive mode and off mode testing, maintain room ambient air temperature conditions as specified in Section 4, Paragraph 4.2 of IEC 62301 (incorporated by reference, see § 430.3).

3.3 *Case dimensions for whole-home dehumidifiers.* Measure case dimensions using equipment with a resolution of no more than 0.1 in.

4. Test Measurement

4.1 *Dehumidification mode.*

4.1.1 *Portable dehumidifiers and whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers.* Measure the energy consumption in dehumidification mode, E_{DM}, expressed in kilowatt-hours (kWh), the average relative humidity, H_t, either as

measured using a relative humidity sensor or using the tables provided below when using an aspirating psychrometer, and the product capacity, C_t, expressed in pints per day (pints/day), in accordance with the test requirements specified in Section 7, ''Capacity Test and Energy Consumption Test,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), except that the standard test conditions for portable dehumidifiers must be maintained at 65 °F ± 2.0 °F dry-bulb temperature and 56.6 °F ± 1.0 °F wet-bulb temperature, when recording conditions with an aspirating psychrometer, or 60 percent ± 2 percent relative humidity, when recording conditions with a relative humidity sensor. For whole-home dehumidifiers, conditions must be maintained at 73 °F ± 2.0 °F dry-bulb temperature and 63.6 °F ± 1.0 °F wet-bulb temperature, when recording conditions with an aspirating psychrometer, or 60 percent ± 2 percent relative humidity, when recording conditions with a relative humidity sensor. When using relative humidity and dry-bulb temperature sensors, for dehumidifiers with multiple process air intake grilles, average the measured relative humidities and average the measured dry-bulb temperatures to determine the overall intake air conditions.

TABLE 1—RELATIVE HUMIDITY AS A FUNCTION OF DRY-BULB AND WET-BULB TEMPERATURES FOR PORTABLE DEHUMIDIFIERS

Wet-Bulb temperature (°F)	Dry-Bulb temperature (°F)										
	64.5	64.6	64.7	64.8	64.9	65.0	65.1	65.2	65.3	65.4	65.5
56.3	60.32	59.94	59.57	59.17	58.80	58.42	58.04	57.67	57.30	56.93	56.56
56.4	60.77	60.38	60.00	59.62	59.24	58.86	58.48	58.11	57.73	57.36	56.99
56.5	61.22	60.83	60.44	60.06	59.68	59.30	58.92	58.54	58.17	57.80	57.43
56.6	61.66	61.27	60.89	60.50	60.12	59.74	59.36	58.98	58.60	58.23	57.86
56.7	62.40	61.72	61.33	60.95	60.56	60.18	59.80	59.42	59.04	58.67	58.29
56.8	62.56	62.17	61.78	61.39	61.00	60.62	60.24	59.86	59.48	59.10	58.73
56.9	63.01	62.62	62.23	61.84	61.45	61.06	60.68	60.30	59.92	59.54	59.16

TABLE 2—RELATIVE HUMIDITY AS A FUNCTION OF DRY-BULB AND WET-BULB TEMPERATURES FOR WHOLE-HOME DEHUMIDIFIERS

Wet-Bulb temperature (°F)	Dry-Bulb temperature (°F)										
	72.5	72.6	72.7	72.8	72.9	73.0	73.1	73.2	73.3	73.4	73.5
63.3	60.59	60.26	59.92	59.59	59.26	58.92	58.60	58.27	57.94	57.62	57.30
63.4	60.98	60.64	60.31	59.75	59.64	59.31	58.98	58.65	58.32	58.00	57.67
63.5	61.37	61.03	60.70	60.36	60.02	59.69	59.36	59.03	58.70	58.38	58.05
63.6	61.76	61.42	61.08	60.75	60.41	60.08	59.74	59.41	59.08	58.76	58.43
63.7	62.16	61.81	61.47	61.13	60.80	60.46	60.13	59.80	59.47	59.14	58.81
63.8	62.55	62.20	61.86	61.52	61.18	60.85	60.51	60.18	59.85	59.52	59.19
63.9	62.94	62.60	62.25	61.91	61.57	61.23	60.90	60.56	60.23	59.90	59.57

4.1.2 *Refrigerant-desiccant dehumidifiers.* Establish the testing conditions set forth in section 3.1.2 of this appendix. Measure the energy consumption, E_{DM}, expressed in kWh, in accordance with the test requirements specified in Section 7, ''Capacity Test and Energy Consumption Test,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), except that: (1) individual readings of the standard test conditions at the air entering the process air inlet duct and the reactivation air inlet must be maintained within 73 °F ± 2.0 °F dry-bulb temperature and 60 percent ± 5 percent relative humidity and the arithmetic average of the inlet test conditions over the test period shall be maintained within 73 °F ± 0.5 °F dry-bulb temperature and 60 percent ± 2 percent relative humidity; (2) the instructions for psychrometer placement do not apply; (3) the data recorded must include dry-bulb temperatures, relative humidities, static pressures, velocity pressures in each duct, volumetric air flow rates, and the number of samples in the test period; (4) the condensate collected during the test need not be weighed; and (5) the calculations in Section 7.2.2, ''Energy Factor Calculation,'' of ANSI/AHAM DH–1 need not be performed. To perform the calculations in Section 7.1.7, ''Calculation of Test Results,'' of ANSI/AHAM DH–1: (1) replace ''Condensate collected (lb)'' and ''m_{lb}'', with the weight of condensate removed, W, as calculated in section 5.6 of this appendix; and (2) use the recorded relative humidities rather than the tables in section 4.1.1 of this appendix to determine average relative humidity.

4.2 *Off-cycle mode.* Establish the test conditions specified in section 3.1.1 or 3.1.2 of this appendix, but use the wattmeter specified in section 3.2.3 of this appendix. Begin the off-cycle mode test period immediately following the dehumidification mode test period. Adjust the setpoint higher than the ambient relative humidity to ensure the product will not enter dehumidification mode and begin the test when the compressor cycles off due to the change in setpoint. The off-cycle mode test period shall be 2 hours in duration, during which the power consumption is recorded at the same intervals as recorded for dehumidification mode testing. Measure and record the average off-cycle mode power of the dehumidifier, P_{OC}, in watts.

4.3 *Inactive and off mode.* Establish the testing conditions set forth in section 3.2 of this appendix, ensuring that the dehumidifier does not enter active mode during the test. For dehumidifiers that take some time to enter a stable state from a higher power state, as discussed in Section 5, Paragraph 5.1, Note 1 of IEC 62301 (incorporated by reference; see § 430.3), allow sufficient time for the dehumidifier to reach the lower power state before proceeding with the test measurement. Follow the test procedure specified in Section 5, Paragraph 5.3.2 of IEC 62301 for testing in each possible mode as described in sections 4.3.1 and 4.3.2 of this appendix.

4.3.1 If the dehumidifier has an inactive mode, as defined in section 2.10 of this appendix, but not an off mode, as defined in section 2.11 of this appendix, measure and record the average inactive mode power of the dehumidifier, P_{IA}, in watts.

4.3.2 If the dehumidifier has an off mode, as defined in section 2.11 of this appendix, measure and record the average off mode power of the dehumidifier, P_{OM}, in watts.

4.4 *Product case volume for whole-home dehumidifiers.* Measure the maximum case length, D_L, in inches, the maximum case width, D_W, in inches, and the maximum height, D_H, in inches, exclusive of any duct collar attachments or other external components.

5. Calculation of Derived Results From Test Measurements

5.1 *Corrected relative humidity.* Calculate the average relative humidity, for portable and whole-home dehumidifiers, corrected for barometric pressure variations as:

$$H_{c,p} = H_t \times [1 + 0.0083 \times (29.921 - B)]$$

$$H_{c,wh} = H_t \times [1 + 0.0072 \times (29.921 - B)]$$

Where:

$H_{c,p}$ = portable dehumidifier average relative humidity from the test data in percent, corrected to the standard barometric pressure of 29.921 in. mercury (Hg);

$H_{c,wh}$ = whole-home dehumidifier average relative humidity from the test data in percent, corrected to the standard barometric pressure of 29.921 in. Hg;

H_t = average relative humidity from the test data in percent; and

B = average barometric pressure during the test period in in. Hg.

5.2 *Corrected product capacity.* Calculate the product capacity, for portable and whole-home dehumidifiers, corrected for variations in temperature and relative humidity as:

$C_{r,p} = C_t + 0.0352 \times C_t \times (65 - T_t) + 0.0169 \times C_t \times (60 - H_{C,p})$

$C_{r,wh} = C_t + 0.0344 \times C_t \times (73 - T_t) + 0.017 \times C_t \times (60 - H_{C,wh})$

Where:

$C_{r,p}$ = portable dehumidifiers product capacity in pints/day, corrected to standard rating conditions of 65 °F dry-bulb temperature and 60 percent relative humidity;

$C_{r,wh}$ = whole-home dehumidifier product capacity in pints/day, corrected to standard rating conditions of 73 °F dry-bulb temperature and 60 percent relative humidity;

C_t = product capacity determined from test data in pints/day, as measured in section 4.1.1 of this appendix for portable and refrigerant-only whole-home dehumidifiers or calculated in section 5.6 of this appendix for refrigerant-desiccant whole-home dehumidifiers;

T_t = average dry-bulb temperature during the test period in °F;

$H_{C,p}$ = portable dehumidifier corrected relative humidity in percent, as determined in section 5.1 of this appendix; and

$H_{C,wh}$ = whole-home dehumidifier corrected relative humidity in percent, as determined in section 5.1 of this appendix.

5.3 *Annual combined low-power mode energy consumption.* Calculate the annual combined low-power mode energy consumption for dehumidifiers, E_{TLP}, expressed in kWh per year:

$E_{TLP} = [(P_{IO} \times S_{IO}) + (P_{OC} \times S_{OC})] \times K$

Where:

$P_{IO} = P_{IA}$, dehumidifier inactive mode power, or P_{OM}, dehumidifier off mode power in watts, as measured in section 4.3 of this appendix;

P_{OC} = dehumidifier off-cycle mode power in watts, as measured in section 4.2 of this appendix;

S_{IO} = 1,840.5 dehumidifier inactive mode or off mode annual hours;

S_{OC} = 1,840.5 dehumidifier off-cycle mode annual hours; and

K = 0.001 kWh/Wh conversion factor for watt-hours to kWh.

5.4 *Integrated energy factor.* Calculate the integrated energy factor, IEF, expressed in L/kWh, rounded to two decimal places, according to the following:

$$IEF = \frac{\left(C_r \times \frac{t \times 1.04}{24}\right) \times 0.454}{\left[E_{DM} + \left(\left(\frac{E_{TLP}}{1095}\right) \times 6\right)\right]}$$

Where:

C_r = corrected product capacity in pints per day, as determined in section 5.2 of this appendix;

t = test duration in hours;

E_{DM} = energy consumption during the 6-hour dehumidification mode test in kWh, as measured in section 4.1 of this appendix;

E_{TLP} = annual combined low-power mode energy consumption in kWh per year, as calculated in section 5.3 of this appendix;

1,095 = dehumidification mode annual hours, used to convert E_{TLP} to combined low-power mode energy consumption per hour of dehumidification mode;

6 = hours per dehumidification mode test, used to convert annual combined low-power mode energy consumption per hour of dehumidification mode for integration with dehumidification mode energy consumption;

1.04 = the density of water in pounds per pint;

0.454 = the liters of water per pound of water; and

24 = the number of hours per day.

5.5 *Absolute humidity for refrigerant-desiccant dehumidifiers.* Calculate the absolute humidity of the air entering and leaving the refrigerant-desiccant dehumidifier in the process air stream, expressed in pounds of water per cubic foot of air, according to the following set of equations.

5.5.1 Temperature in Kelvin. The air dry-bulb temperature, in Kelvin, is:

$$T_K = \left(\frac{5}{9}(T_F - 32)\right) - 273.15$$

Where:

T_F = the measured dry-bulb temperature of the air in °F.

5.5.2 Water saturation pressure. The water saturation pressure, expressed in kilopascals (kPa), is:

$$P_{ws} = e^{\left(-\left(\frac{5.8\times10^3}{T_K}\right)-5.516-\left(4.864\times10^{-2}T_K\right)+\left(4.176\times10^{-5}{T_K}^2\right)-\left(1.445\times10^{-8}{T_K}^3\right)+6.546\,ln(T_K)\right)}$$

Where:

T_K = the calculated dry-bulb temperature of the air in K, calculated in section 5.5.1 of this appendix.

5.5.3 Vapor pressure. The water vapor pressure, expressed in kilopascals (kPa), is:

$$P_w = \frac{RH \times P_{ws}}{100}$$

Where:

RH = percent relative humidity during the rating test period; and

P_{ws} = water vapor saturation pressure in kPa, calculated in section 5.5.2 of this appendix.

5.5.4 Mixing humidity ratio. The mixing humidity ratio, the mass of water per mass of dry air, is:

$$HR = \frac{0.62198 \times P_w}{(P \times 3.386) - P_w}$$

Where:

P_w = water vapor pressure in kPa, calculated in section 5.5.3 of this appendix;

P = measured ambient barometric pressure in in. Hg;

3.386 = the conversion factor from in. Hg to kPa; and

0.62198 = the ratio of the molecular weight of water to the molecular weight of dry air.

5.5.5 Specific volume. The specific volume, expressed in feet cubed per pounds of dry air, is:

$$\nu = \left(\frac{0.287055 \times T_K}{(P \times 3.386) - P_w}\right) \times 16.016$$

Where:

T_K = dry-bulb temperature of the air in K, as calculated in section 5.5.1 of this appendix;

P = measured ambient barometric pressure in in. Hg;

P_w = water vapor pressure in kPa, calculated in section 5.5.3 of this appendix;

0.287055 = the specific gas constant for dry air in kPa times cubic meter per kg per K;

3.386 = the conversion factor from in. Hg to kPa; and

16.016 = the conversion factor from cubic meters per kilogram to cubic feet per pound.

5.5.6 Absolute humidity. The absolute humidity, expressed in pounds of water per cubic foot of air, is:

$$AH = \frac{HR}{\nu}$$

Where:

HR = the mixing humidity ratio, the mass of water per mass of dry air, as calculated in section 5.5.4 of this appendix; and

ν = the specific volume in cubic feet per pound of dry air, as calculated in section 5.5.5 of this appendix.

5.6 *Product capacity for refrigerant-desiccant dehumidifiers.* The weight of water removed during the test period, W, expressed in pounds is:

$$W = \sum_{i=1}^{n} \left(\left(AH_{I,i} \times X_{I,i} \right) - \left(AH_{O,i} \times X_{O,i} \right) \right) \times \frac{t}{60}$$

Where:

n = number of samples during the test period in section 4.1.1.2 of this appendix;

$AH_{I,i}$ = absolute humidity of the process air on the inlet side of the unit in pounds of water per cubic foot of dry air, as calculated for sample *i* in section 5.5.6 of this appendix;

$X_{I,i}$ = volumetric flow rate of the process air on the inlet side of the unit in cubic feet per minute, measured for sample *i* in section 4.1.1.2 of this appendix. Calculate the volumetric flow rate in accordance with Section 7.3, ''Fan airflow rate at test conditions,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3);

$AH_{O,i}$ = absolute humidity of the process air on the outlet side of the unit in pounds of water per cubic foot of dry air, as calculated for sample *i* in section 5.5.6 of this appendix;

$X_{O,i}$ = volumetric flow rate of the process air on the outlet side of the unit in cubic feet per minute, measured for sample *i* in section 4.1.1.2 of this appendix. Calculate the volumetric flow rate in accordance with Section 7.3, ''Fan airflow rate at test conditions,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3);

t = time interval in seconds between samples, with a maximum of 60; and

60 = conversion from minutes to seconds.

The capacity, C_t, expressed in pints/day, is:

$$C_t = \frac{W \times 24}{1.04 \times T}$$

Where:

24 = number of hours per day;

1.04 = density of water in pounds per pint; and

T = total test period time in hours.

Then correct the product capacity, $C_{r,wh}$, according to section 5.2 of this appendix.

5.7 *Product case volume for whole-home dehumidifiers.* The product case volume, V, in cubic feet, is:

$$V = \frac{D_L \times D_W \times D_H}{1728}$$

Where:

D_L = product case length in inches, measured in section 4.4 of this appendix;

D_W = product case width in inches, measured in section 4.4 of this appendix;

D_H = product case height in inches, measured in section 4.4 of this appendix; and

1,728 = conversion from cubic inches to cubic feet.

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FEDERAL REGISTER

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No. 147 July 31, 2015

Part V

The President

Notice of July 29, 2015—Continuation of the National Emergency With Respect to Lebanon

Federal Register
Vol. 80, No. 147
Friday, July 31, 2015

Presidential Documents

Title 3—

The President

Notice of July 29, 2015

Continuation of the National Emergency With Respect to Lebanon

On August 1, 2007, by Executive Order 13441, the President declared a national emergency with respect to Lebanon pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions; to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation; to reassert Syrian control or contribute to Syrian interference in Lebanon; or to infringe upon or undermine Lebanese sovereignty. Such actions contribute to political and economic instability in that country and the region.

Certain ongoing activities, such as continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems, serve to undermine Lebanese sovereignty, contribute to political and economic instability in Lebanon, and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on August 1, 2007, and the measures adopted on that date to deal with that emergency, must continue in effect beyond August 1, 2015. In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Lebanon declared in Executive Order 13441.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
July 29, 2015.

[FR Doc. 2015–19039
Filed 7–30–15; 11:15 am]
Billing code 3295–F5

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Federal Register

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Friday, July 31, 2015

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