

- 3,033 County governments;
- 13,726 School districts; and
- 37,381 Special district

governments.

(5) DOE believes it is reasonable to assume that all of the municipal governments, town or township governments, and county governments would be required to acquire training on Standard 90.1–2010 in order to enforce this standard as an adopted energy code. In addition, the 50 state governments would be required to acquire training. This number adds up to  $19,429+16,504+3,033+50 = 39,094$ . Another widely mentioned estimate of the total number of code adopting jurisdictions in the U.S. is 44,000. This number is based on the National Conference of States on Building Codes and Standards (NCBCS). See, for example, [http://www.ncsbc.org/newsite/New%20Releases/RW\\_Presentation\\_060602.htm](http://www.ncsbc.org/newsite/New%20Releases/RW_Presentation_060602.htm). Both these estimates are in reasonable agreement and so DOE assumed that there are 40,000 potential jurisdictions that potentially would need training on a new energy code.

Based on training experiences of the Building Energy Codes Program staff, with conducting training sessions for jurisdictional staff regarding Standard 90.1, one full-day (8 hours) of training is normally sufficient. Therefore, DOE has used 8 hours as a low estimate and 16 hours as a high estimate for training hours required if a jurisdiction were to adopt Standard 90.1–2010.

- Low estimate—8 hours  $\times$  40,000 jurisdictions  $\times$  \$100 per hour = \$32,000,000.
- High Estimate—16 hours  $\times$  40,000 jurisdictions  $\times$  \$100 per hour = \$64,000,000.

Adding the potential training costs of \$32 million to \$64 million to the costs for the three steps indicates a potential total costs ranging from \$32.12 million to \$71.5 million. The high end of this estimate is less than the \$100 million threshold in the Unfunded Mandates Act. Accordingly, no further action is required under the Unfunded Mandates Reform Act of 1995.

#### *F. Review Under the Treasury and General Government Appropriations Act of 1999*

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. Today's action 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.

#### *G. Review Under the Treasury and General Government Appropriations Act of 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 today's action under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

#### *H. 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 the 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 the Office of Information and Regulatory Affairs (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.

Today's action would not have a significant adverse effect on the supply, distribution, or use of energy and is therefore not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

#### *I. Review Under Executive Order 13175*

Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249 (Nov. 9, 2000)), requires DOE to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal

implications." "Policies that have tribal implications" refers to regulations that have "substantial direct effects 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."

Today's action is not a policy that has "tribal implications" under Executive Order 13175. DOE has reviewed today's action under Executive Order 13175 and has determined that it is consistent with applicable policies of that Executive Order.

Issued in Washington, DC, on October 12, 2011.

**Henry Kelly,**

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

[FR Doc. 2011–27057 Filed 10–18–11; 8:45 am]

**BILLING CODE 6450–01–P**

## **DEPARTMENT OF ENERGY**

### **Unconventional Resources Technology Advisory Committee**

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Unconventional Resources Technology Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that notice of this meeting be announced in the **Federal Register**.

**DATES:** Thursday, October 27, 2011; 11 a.m. to 1 p.m. (EDT).

**ADDRESSES:** U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Elena Melchert, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. Phone: (202) 586–5600.

#### **SUPPLEMENTARY INFORMATION:**

*Purpose of the Committee:* The purpose of the Unconventional Resources Technology Advisory Committee is to provide advice on development and implementation of programs related to onshore unconventional natural gas and other petroleum resources to the Secretary of Energy and provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Title IX, Subtitle J, section 999.

#### **Tentative Agenda**

10:30 a.m. Registration.

11 a.m. Welcome and Roll Call;  
Opening Remarks by the Committee  
Chair; Program Status Update Since  
the Last Meeting.

12:45 p.m. Public Comments.

1 p.m. Adjourn.

**Public Participation:** The meeting is open to the public. The Designated Federal Officer and the Chairman of the Committee will lead the meeting for the orderly conduct of business. Individuals who would like to attend must RSVP by e-mail to:

[UnconventionalResources@hq.doe.gov](mailto:UnconventionalResources@hq.doe.gov) no later than 12 p.m. on Tuesday, October 25, 2011. Please provide your name, organization, and citizenship. Anyone attending the meeting will be required to present government issued photo identification. Space is limited. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert at the address or telephone number listed above. You must make your request for an oral statement at least two business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the three minute rule.

**Minutes:** The minutes of this meeting will be available for public review and copying within 60 days at: <http://www.fossil.energy.gov/programs/oilgas/advisorycommittees/UnconventionalResources.html>.

Issued at Washington, DC, on October 11, 2011.

**LaTanya Butler,**

*Acting Deputy Committee Management Officer.*

[FR Doc. 2011-27054 Filed 10-18-11; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

[Docket No. EERE-2011-BT-DET-0057]

RIN 1904-AC59

### Updating State Residential Building Energy Efficiency Codes

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

**ACTION:** Notice of preliminary determination.

**SUMMARY:** The Department of Energy (DOE or Department) has preliminarily determined that the 2012 edition of the International Code Council (ICC) International Energy Conservation Code (IECC) (2012 IECC or 2012 edition)

would achieve greater energy efficiency in low-rise residential buildings than the 2009 IECC. Upon publication of an affirmative final determination, States would be required to file certification statements to DOE that they have reviewed the provisions of their residential building code regarding energy efficiency and made a determination as to whether to update their code to meet or exceed the 2012 IECC. Additionally, this Notice provides guidance to States on how the codes have changed from previous versions, and the certification process should this preliminary determination be finalized.

**DATES:** Comments on this preliminary determination must be provided by November 18, 2011.

**ADDRESSES:** You may submit comments, identified by any of the following methods:

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

- **E-mail:** [michael.erbesfeld@ee.doe.gov](mailto:michael.erbesfeld@ee.doe.gov). Include RIN 1904-AC59 in the subject line of the message.

- **Postal Mail:** Mr. Michael Erbesfeld, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, Please submit one signed paper original.

- **Hand Delivery/Courier:** Mr. Michael Erbesfeld, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 950 L'Enfant Building, Room 6014, 950 L'Enfant Plaza, Washington, DC 20024.

- **Instructions:** All submissions must include the agency name, Department of Energy, and docket number, EERE-2011-BT-DET-0057, or Regulatory Information Number (RIN), (1904-AC59) for this determination.

**FOR FURTHER INFORMATION CONTACT:**

Michael Erbesfeld, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 287-1874, *e-mail:*

[michael.erbesfeld@ee.doe.gov](mailto:michael.erbesfeld@ee.doe.gov). For legal issues contact Kavita Vaidyanathan, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC-71, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-0669, *e-mail:* [kavita.vaidyanathan@hq.doe.gov](mailto:kavita.vaidyanathan@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Introduction
  - A. Statutory Requirements
  - B. Background

C. DOE's Preliminary Determination Statement

- II. Discussion of Changes in the 2012 IECC
  - A. Changes in the 2012 IECC That Increase Energy Efficiency
  - B. Changes in the 2012 IECC That Decrease Energy Efficiency
  - C. Changes in the 2012 IECC That Have an Unclear Impact on Energy Efficiency
  - D. Changes in the 2012 IECC That Do Not Affect Energy Efficiency
- III. Filing Certification Statements With DOE
  - A. State Determinations
  - B. Certification
  - C. Request for Extensions
- IV. Regulatory Analysis
  - A. Review Under Executive Order 12866
  - B. Review Under the Regulatory Flexibility Act
  - C. Review Under the National Environmental Policy Act of 1969
  - D. Review Under Executive Order 13132, "Federalism"
  - E. Review Under the Unfunded Mandates Reform Act of 1995
  - F. Review Under the Treasury and General Government Appropriations Act of 1999
  - G. Review Under the Treasury and General Government Appropriations Act of 2001
  - H. Review Under Executive Order 13211
  - I. Review Under Executive Order 13175
- V. Public Participation

## I. Introduction

### A. Statutory Requirements

Title III of the Energy Conservation and Production Act, as amended (ECPA), establishes requirements for the Building Energy Standards Program. (42 U.S.C. 6831-6837) Section 304(a) of ECPA, as amended, provides that when the 1992 Model Energy Code (MEC), or any successor to that code, is revised, the Secretary must determine, not later than 12 months after the revision, whether the revised code would improve energy efficiency in residential buildings and must publish notice of the determination in the **Federal Register**. (42 U.S.C. 6833(a)(5)(A)) The Department, following precedent set by the ICC and the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) considers high-rise (greater than three stories) multifamily residential buildings and hotel, motel, and other transient residential building types of any height as commercial buildings for energy code purposes. Low-rise residential buildings include one- and two-family detached and attached buildings, duplexes, townhouses, row houses, and low-rise multifamily buildings (not greater than three stories) such as condominiums and garden apartments.

If the Secretary determines that the revision would improve energy efficiency then, not later than 2 years after the date of the publication of the