an open house to greet stakeholders and review presentational materials. Participants wishing to speak during each public hearing will be asked to register and will be given 10 minutes to speak, in the order in which participants have signed up. Once all those who wish to speak have had an opportunity to do so, participants will be given additional time until time for the public hearings to conclude. A court reporter will record the proceedings at each public hearing.

DOE invites Federal agencies, state, local, and tribal governments, and the general public to comment on the Draft Mercury Storage SEIS during the public comment period. DOE will consider all public comments on the Draft SEIS equally in preparing the Final Mercury Storage SEIS. Any comments received after the deadline will be considered to the extent practicable.

Issued in Washington, DC, on April 16, 2013.

Mark Gilbertson,
Deputy Assistant Secretary for Site Restoration.

[FR Doc. 2013–09291 Filed 4–18–13; 8:45 am]
BILLING CODE 6450–01–P

II. DOE’s Participation in the ICC Code Development Process

As described above, under ECPA, one of the methods by which DOE supports the upgrade of voluntary building energy codes is through participation in the IECC development process. DOE participates in the ICC code development process by:

1. Developing code change proposals for submission to the ICC;
2. Gathering public input on DOE code change proposals from interested parties prior to submitting them to ICC;
3. Conducting necessary technical analyses to document the validity of DOE code change proposals; and
4. Participating in the ICC code development hearings.

DOE Proposal Development

DOE seeks to advance energy efficiency in the IECC by strengthening the code where cost-effective, and improving the criteria to be more easily understood, applied, implemented and enforced. Prior to submitting code change proposals to the ICC, DOE has and will continue to publish code change proposals that it has developed, along with documentation of concepts, for public review and comment at: http://www.energycodes.gov/development. This represents an opportunity for parties to provide information they wish DOE to be aware of during the evaluation of proposals for the IECC. Following the opportunity for public review and comment DOE will not provide responses to individual comments, but will consider any and all comments timely submitted in developing final code change proposals. Final proposals will be posted at the same web address for public viewing prior to submitting to the ICC.

DOE Technical Analysis

In developing concepts for submission to the ICC, DOE conducts a series of analyses to evaluate energy savings and economic impacts of potential code change proposals. As this analysis is completed, resources have been and will be published online, including: the DOE residential cost-effectiveness methodology, energy and economic assumptions, energy simulation models, investigations into special topic areas, and draft proposal language. Any interested party wishing to review or build-upon the DOE analysis can access it via the DOE Building Energy Codes Web site. DOE references all analysis and supporting documentation as required by the ICC. Analysis performed by DOE.

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DOE maintains an organizational membership with the ICC. As an ICC governmental member, DOE will exercise voting privileges as defined by the guiding ICC rules and procedures.  

### III. DOE Participation in the Development of the 2015 IECC

**DOE Proposal Development**

In the current code cycle, the ICC will be considering proposed revisions to the 2012 IECC which will result in the 2015 IECC. Initial concepts DOE considered for the 2015 IECC were provided for public review and comment in October 2012 (public comments received are available at http://www.regulations.gov/#/docketDetail;D=EERE-2012-BT-BC-0030). DOE then revised its proposals based on stakeholder feedback, and submitted final proposals to the ICC by the January 3, 2013 deadline. DOE’s final proposals are available at http://www.energycodes.gov/development.

**DOE Technical Analysis**

In developing proposed revisions for the 2012 IECC, DOE conducted a series of analyses to evaluate energy savings and economic impacts of potential code change proposals. Final DOE code change proposals are published online along with supporting resources, including the DOE residential cost-effectiveness methodology, energy and economic assumptions, energy simulation models, and investigations into special topic areas. Any interested party wishing to review or build-upon the DOE analysis can access it via the DOE Building Energy Codes Web site.3

**DOE’s Participation in the ICC Code Development Hearings**

At ICC hearings, DOE will communicate its opinion on proposals as follows: DOE will defend its proposals. To the extent that DOE has prepared a technical analysis of a proposal other than a DOE proposal, consistent with the discussion above, DOE may present the results of the analysis. Again, presentation of technical reviews does not constitute an endorsement of any proposal. DOE may also recognize a proposal to the extent that the proposal or provisions within the proposal are the same as a DOE proposal or provisions within a DOE proposal. DOE may alter its proposal based on information it obtains at the code hearings but, will not seek further comment before altering its proposal.

DOE anticipates that it or its contractors may be contacted regarding code concepts, ideas or change proposals prior to the code hearing and during the code hearing. While DOE code change proposals to the IECC are not regulations, DOE will follow ex parte communication policy for such communications. Guidance on ex parte communications was published on January 21, 2009 (74 FR 4685) and can be found at http://energy.gov/gc/downloads/guidance-ex-parte-communications. Note that such communications will be reflected in the public docket consistent with the ex parte guidance.

3See http://www.energycodes.gov/development.