

(2) \* \* \*

(ii) *Class 1 base.* With respect to the issuance of additional Class 1 allotment base to existing producers for the 2014–2015 through the 2016–2017 marketing years, existing producers with less than 5,121 pounds of allotment base as of October 17, 2012, who request additional allotment base and who have the ability to produce additional quantities of Class 1 spearmint oil, shall be issued additional allotment base sufficient to bring them up to a level not to exceed 5,121 pounds: *Provided*, That such additional Class 1 allotment base shall be allocated to eligible producers on a pro-rata basis from available additional Class 1 allotment base: *Provided further*, That additional allotment base shall not be issued to any person if such additional allotment base would replace all or part of an allotment base that such person has previously transferred to another producer. Additional allotment base in excess of the amount needed to bring eligible producers up to 5,121 pounds of Class 1 allotment base shall be distributed on a prorated basis among all existing producers who apply and who have the ability to produce additional quantities of spearmint oil.

(iii) *Class 3 base.* With respect to the issuance of additional Class 3 allotment base for existing producers for the 2014–2015 through the 2017–2018 marketing years, existing producers with less than 5,812 pounds of allotment base as of October 17, 2012, who request additional allotment base and who have the ability to produce additional quantities of Class 3 spearmint oil, shall be issued additional allotment base sufficient to bring them up to a level not to exceed 5,812 pounds: *Provided*, That such additional Class 3 allotment base shall be allocated to eligible producers on a pro-rata basis from available additional Class 3 allotment base: *Provided further*, That additional allotment base shall not be issued to any person if such additional allotment base would replace all or part of an allotment base that such person has previously transferred to another producer. Additional allotment base in excess of the amount needed to bring eligible producers up to 5,812 pounds of Class 3 allotment base shall be distributed on a prorated basis among all existing producers who apply and who have the ability to produce additional quantities of spearmint oil.

(iv) For each marketing year after 2016–2017 for Class 1 oil and 2017–2018 for Class 3 oil, each existing producer of a class of spearmint oil who requests additional allotment base, and who has the ability to produce

additional quantities of that class of spearmint oil, shall be eligible to receive a share of the additional allotment base issued for that class of oil. Additional allotment base issued by the Committee for a class of oil shall be distributed on a prorated basis among the eligible producers for that class of oil. The Committee shall immediately notify each producer who is to receive additional allotment base by issuing that producer an allotment base in the appropriate amount. Allotment base issued to existing producers under this section shall not be transferred for at least two years following issuance, except that additional allotment base allocated pursuant to paragraph (c)(2)(ii) and (c)(2)(iii) of this section shall not be transferred for at least five years following issuance.

(d) The person receiving additional allotment base pursuant to this section shall submit to the Committee evidence of an ability to produce and sell oil from such allotment base in the first marketing year following issuance of such base.

Dated: June 27, 2014.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

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**BILLING CODE 3410–02–P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 430

[Docket No. EERE–2010–BT–TP–0010]

RIN 1904–AC21

#### **Energy Conservation Program for Consumer Products: Test Procedures for Residential Furnaces Fans; Correction**

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

**ACTION:** Final rule; technical correction.

**SUMMARY:** On January 3, 2014 the U.S. Department of Energy (DOE) published a final rule in the **Federal Register** that established the test procedure for residential furnace fans. Due to drafting errors, that document inadvertently removed necessary incorporation by reference material in the Code of Federal Regulations (CFR). This final rule rectifies this error by once again adding the removed material.

**DATES:** *Effective Date:* July 3, 2014.

The incorporation by reference of a certain standard listed in this rulemaking was approved by the

Director of the Office of the Federal Register on October 4, 1993.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Majette, 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) 586–7935. Email: [residential\\_furnace\\_fans@ee.doe.gov](mailto:residential_furnace_fans@ee.doe.gov).

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9507. Email: [Eric.Stas@hq.doe.gov](mailto:Eric.Stas@hq.doe.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On January 3, 2014, DOE's Office of Energy Efficiency and Renewable Energy published a test procedure final rule in the **Federal Register** titled, "Test Procedures for Residential Furnace Fans" (hereafter referred to as the "January 2014 final rule"). 79 FR 500. Since the publication of that final rule, it has come to DOE's attention that, due to a technical oversight, the January 2014 final rule incorrectly deleted the incorporation by reference of ASHRAE 103–1993 within 10 CFR 430.3. The January 2014 final rule removed the existing reference to ASHRAE 103–1993 and inserted a reference to ASHRAE 103–2007; however, DOE intended to maintain the existing reference to ASHRAE 103–1993 (applicable to residential furnaces and boiler) while adding the incorporation by reference to ASHRAE 103–2007 (applicable to residential furnace fans). This final rule corrects this error by once again adding ASHRAE 103–1993 to the list of materials incorporated by reference at 10 CFR 430.3. This final rule also renumbers section 430.3 to account for the additional reference.

##### **II. Need for Correction**

As published, the identified provisions in 10 CFR 430.3 (which only reference ASHRAE 103–2007 and do not reference ASHRAE 103–1993) will likely cause confusion and may mislead interested parties regarding how to properly conduct testing under DOE's residential furnaces and boilers test procedure. The January 2014 final rule for furnace fans removed the incorporation by reference of ASHRAE 103–1993. However, the incorporation by reference of ASHRAE 103–1993 into the CFR remains required because that standard is referenced by Appendix N to subpart B of 10 CFR part 430, "Uniform Test Method for Measuring the Energy

Consumption of Furnaces and Boilers.” It was clearly not DOE’s intention to change or eliminate reference materials for other products as part of the furnace fans rulemaking. At no place in the January 2014 final rule did DOE discuss such modifications. This final rule would simply incorporate once again into the CFR the intended and proper reference materials that were erroneously deleted without making substantive changes to any previously established provisions. Accordingly, DOE finds that there is good cause under 5 U.S.C. 553(b)(B) to not issue a separate notice to solicit public comment on the changes contained in this document. Issuing a separate document to solicit public comment would be impractical, unnecessary, and contrary to the public interest.

### III. Procedural Requirements

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the January 3, 2014 test procedure final rule for residential furnace fans remain unchanged for this final rule technical correction. These determinations are set forth in the January 3, 2014 final rule. 79 FR 500, 517–520.

#### List of Subjects in 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 27, 2014.

**Kathleen B. Hogan,**

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

For the reasons stated in the preamble, DOE amends part 430 of Chapter II, subchapter D of title 10, Code of Federal Regulations as set forth below:

#### PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Section 430.3 is amended by:

■ a. Redesignating paragraphs (f)(10) through (f)(11) as (f)(11) through (f)(12); and

■ b. Adding new paragraph (f)(10).  
The addition reads as follows:

#### § 430.3 Materials incorporated by reference.

\* \* \* \* \*

(f) \* \* \*

(10) ASHRAE Standard 103–1993, (“ASHRAE 103–1993”), Methods of Testing for Annual Fuel Utilization Efficiency of Residential Central Furnaces and Boilers, (with Errata of October 24, 1996) except for sections 3.0, 7.2.2.5, 8.6.1.1, 9.1.2.2, 9.5.1.1, 9.5.1.2.1, 9.5.1.2.2, 9.5.2.1, 9.7.1, 10.0, 11.2.12, 11.3.12, 11.4.12, 11.5.12 and appendices B and C, approved October 4, 1993, IBR approved for § 430.23 and appendix N to subpart B.

\* \* \* \* \*

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**BILLING CODE 6450–01–P**

### DEPARTMENT OF TRANSPORTATION

#### Office of the Secretary

#### 14 CFR Parts 234 and 235

[Docket No. DOT–OST–2010–0211]

RIN 2105–AE07

#### Reports by Air Carriers on Incidents Involving Animals During Air Transport

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).  
**ACTION:** Final rule.

**SUMMARY:** The Department of Transportation (DOT or Department) is issuing a final rule to amend the requirement for air carriers to report incidents involving the loss, injury, or death of an animal during air transport. The final rule will: Expand the reporting requirement to U.S. carriers that operate scheduled service with at least one aircraft with a design capacity of more than 60 seats; expand the definition of “animal” to include all cats and dogs transported by covered carriers, regardless of whether the cat or dog is transported as a pet by its owner or as part of a commercial shipment (e.g., shipped by a breeder); require covered carriers to file a calendar-year report in December, even if the carrier did not have any reportable incidents during the calendar year; require covered carriers to provide in their December reports the total number of animals that were lost, injured, or died during air transport in the calendar year; and require covered carriers to provide in their December reports the total number of animals transported in the calendar year.

**DATES:** This rule is effective January 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** Blane Workie, Tim Kelly, or Vinh Q.

Nguyen, Office of Aviation Enforcement and Proceedings, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590, 202–366–9342 (phone), 202–366–7152 (fax), *blane.workie@dot.gov*, *tim.kelly@dot.gov*, or *vinh.nguyen@dot.gov*.

#### SUPPLEMENTARY INFORMATION:

##### Executive Summary

##### 1. Purpose of the Regulatory Action

The Department is issuing a final rule to amend the requirement for air carriers to report incidents involving the loss, injury, or death of an animal during air transport. The Department is taking action to provide consumers with a fuller picture of the safety record of airlines in the transportation of animals and to clarify which entities are subject to the reporting requirement (i.e., any U.S. air carriers that provide scheduled passenger air transportation or only reporting carriers), as well as which flights are covered (i.e., only domestic scheduled passenger flights or all scheduled passenger flights, including international flights). The legal authority for the Department’s regulatory action is 49 U.S.C. 41721.

##### 2. Summary of Regulatory Provisions

The final rule: (1) Expands the reporting requirement to U.S. carriers that operate scheduled service with at least one aircraft with a design capacity of more than 60 seats (“covered carriers”); (2) expands the definition of “animal” to any warm- or cold-blooded animal which, at the time of transportation, is being kept as a pet in a family household in the United States and any dog or cat which, at the time of transportation, is shipped as part of a commercial shipment on a scheduled passenger flight, including shipments by trainers and breeders; (3) requires covered carriers to file a calendar-year report for December, even if the carrier did not have any reportable incidents during the calendar year; (4) requires covered carriers to provide in their December reports the total number of animals that were lost, injured, or died during air transport in the calendar year; (5) requires covered carriers to provide in their December reports the total number of animals transported in the calendar year; and (6) requires covered carriers to provide in their December reports a certification signed by an authorized carrier representative affirming that the report is true, correct, and complete.

##### 3. Summary of Regulatory Analysis

The quantifiable costs of this rulemaking exceed the quantifiable