

# Rules and Regulations

Federal Register

Vol. 82, No. 23

Monday, February 6, 2017

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## DEPARTMENT OF ENERGY

### 10 CFR Part 435

[Docket No. EERE-2016-BT-STD-0003]

RIN 1904-AD56

#### Energy Efficiency Standards for the Design and Construction of New Federal Low-Rise Residential Buildings' Baseline Standards Update

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

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** This document temporarily postpones the effective date of a recently published final rule updating the baseline Federal residential standard to the International Code Council (ICC) 2015 International Energy Conservation Code (IECC).

**DATES:** Effective February 6, 2017, the effective date of the rule amending 10 CFR part 435 published in the **Federal Register** at 82 FR 2857 on January 10, 2017, is delayed until March 21, 2017. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of March 21, 2017.

**FOR FURTHER INFORMATION CONTACT:** Nicolas Baker, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Federal Energy Management Program, Mailstop EE-5F, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8215, email: [nicolas.baker@ee.doe.gov](mailto:nicolas.baker@ee.doe.gov).

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**SUPPLEMENTARY INFORMATION:** On January 20, 2017, the Assistant to the President and Chief of Staff ("Chief of Staff") issued a memorandum, published in the **Federal Register** on January 24, 2017 (82 FR 8346), outlining the President's plan for managing the Federal regulatory process at the outset of the new Administration. In implementation of one of the measures directed by that memorandum, the United States Department of Energy ("DOE") hereby temporarily postpones the effective date of its final rule amending the baseline Federal building standards published in the **Federal Register** on January 10, 2017. See 82 FR 2857. The January 10th rule amends the baseline Federal building standard for 10 CFR part 435 from the 2009 International Energy Conservation Code (IECC) to the 2015 IECC. Consistent with the memorandum, DOE is temporarily postponing the effective date of the final rule by 60 days, starting from January 20, 2017. The temporary 60-day delay in effective date is necessary to give DOE officials the opportunity for further review and consideration of new regulations, consistent with the Chief of Staff's memorandum of January 20, 2017.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, DOE's implementation of this action without opportunity for public comment, effective immediately upon publication in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Pursuant to 5 U.S.C. 553(b)(B), DOE has determined that good cause exists to forego the requirement to provide prior notice and an opportunity for public comment thereon for this rule as such procedures would be impracticable, unnecessary and contrary to the public interest. DOE is temporarily postponing for 60 days the effective date of this regulation pursuant to the previously-noted memorandum of the Chief of Staff and is exercising no discretion in implementing this specific provision of the memorandum. As a result, seeking public comment on this delay is unnecessary and contrary to the public interest. For these same reasons DOE finds good cause to waive the 30-day

delay in effective date provided for in 5 U.S.C. 553(d).

Issued in Washington, DC, on January 31, 2017.

**John T. Lucas,**  
*Acting General Counsel.*

[FR Doc. 2017-02403 Filed 2-3-17; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 35

[Docket No. PL17-2-000]

#### Utilization of Electric Storage Resources for Multiple Services When Receiving Cost-Based Rate Recovery

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Policy statement.

**SUMMARY:** The Commission issues this policy statement to clarify its precedent and provide guidance on the ability of electric storage resources to provide services at and seek to recover their costs through both cost-based and market-based rates concurrently. We are mindful that, by providing electric storage resources the opportunity to receive cost-based rate recovery concurrently with other revenue from market-based services (e.g., through organized wholesale electric markets), there can be implementation details that may need to be addressed, including protections against the potential for double-recovery of costs from cost-based ratepayers, adverse market impacts, and regional transmission organization (RTO)/independent system operator (ISO) independence from market participants. The Commission provides guidance in this policy statement as to how electric storage resources seeking to receive cost-based rate recovery for certain services (such as transmission or grid support services or to address other needs identified by an RTO/ISO) while also receiving market-based revenues for providing separate market-based rate services could address these concerns and also clarifies some past precedent on these issues.

**DATES:** *Effective Date:* This policy statement will become effective February 6, 2017.