

Proposed Rules

Federal Register

Vol. 84, No. 160

Monday, August 19, 2019

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.

DEPARTMENT OF ENERGY

10 CFR Parts 430 and 431

[EERE-2017-BT-STD-0062]

RIN 1904-AD38

Energy Conservation Program: Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards for Consumer Products

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

ACTION: Notice of re-opening of the public comment period.

SUMMARY: On February 13, 2019, the U.S. Department of Energy (“DOE”) published a notice of proposed rulemaking (“NOPR”) to update and modernize the Process Rule (“Process Rule NOPR”). On July 26, 2019, DOE published a notice of data availability (“NODA”) regarding national energy savings estimates from past DOE energy conservation standards rulemakings that were used in support of the NOPR and requested comments on these data. Prior to the end of the comment period for the NODA, DOE received a request from stakeholders on August 6, 2019, seeking additional time to analyze the NODA’s data and to supplement their comments accordingly. In light of this request, DOE is re-opening the comment period for an additional 21 days and announcing that decision in this document.

DATES: The comment period for the NODA published on July 26, 2019 (84 FR 36037), which closed on August 9, 2019, is hereby reopened and extended. Written comments and information will be accepted on or before August 30, 2019.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments. Alternatively, interested persons may

submit comments, identified by docket number EERE-2017-BT-STD-0062, by any of the following methods:

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

2. *Email:* Process.Rule@ee.doe.gov. Include EERE-2017-BT-STD-0062 in the subject line of the message.

3. *Postal Mail:* Ms. Sofie Miller, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Room 6A-013, Washington, DC 20585. If possible, please submit all items on a compact disc (“CD”), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Sofie Miller, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586-5000. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at <http://www.regulations.gov>. All documents in the docket are listed in the <http://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.

The docket web page can be found at <https://www.regulations.gov/docket?D=EERE-2017-BT-STD-0062>. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Ms. Sofie Miller, Senior Advisor, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586-5000. Email: Process.Rule@ee.doe.gov.

Ms. Francine Pinto, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-7432. Email: Francine.Pinto@hq.doe.gov.

SUPPLEMENTARY INFORMATION: On February 13, 2019, DOE published a

NOPR in the **Federal Register** that proposed to update and modernize the Process Rule (“Process Rule NOPR”). 84 FR 3910. On July 26, 2019, DOE published a notice of data availability (“NODA”) regarding national energy savings estimates from past DOE energy conservation standards rulemakings that were used in support of the NOPR and requested comments on these data. 84 FR 36037. The NODA, which presented these data uniformly in terms of site energy, sought public input regarding these data. DOE developed these data after re-examining its use of source and full-fuel-cycle energy savings data in consideration of a threshold for significant conservation of energy in order to provide a consistent accounting across rulemakings. Because EPCA uses a household energy consumption metric as a threshold for setting standards for new covered products (42 U.S.C. 6295(l)(1)), DOE believes that site energy would be the most appropriate metric for evaluating energy savings across rulemakings. As a result, DOE provided national site energy savings data from its past rulemakings for public comment to help inform DOE’s decision regarding whether (and how) to define a threshold for significant energy savings. DOE previously noted, and stresses again, that the rules reported and the data analyzed in the information provided with the NODA are identical to those provided with DOE’s original proposal and discussed at the public meeting. DOE’s restating of the results from each examined rulemaking on a site energy basis is solely for the purpose of making an “apples-to-apples” comparison of the results of each rulemaking using the statutorily-required measure for setting energy conservation standards. The NODA provided for the submission of comments by August 9, 2019.

On August 6, 2019, DOE received requests from several parties to extend the comment period on the proposal. More specifically, stakeholders requested additional time to analyze the data and to prepare comments.

Given the importance to DOE of receiving public input on this matter, DOE is re-opening the comment period and will consider all comments received on or before August 30, 2019.

Signed in Washington, DC, on August 12, 2019.

Alexander N. Fitzsimmons,

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

[FR Doc. 2019-17760 Filed 8-16-19; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Parts 302 and 315

[Docket No.: 170830844-9318-01]

RIN 0610-AA80

General Updates and Elimination of Certain TAAF and PWEDA Regulations

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice of proposed rulemaking, request for public comment.

SUMMARY: The Economic Development Administration (“EDA”), U.S. Department of Commerce (“DOC”), is publishing this notice of proposed rulemaking (“NPRM”) to request public comment on proposed updates to the agency’s regulations implementing the Trade Adjustment Assistance for Firms (“TAAF”) provisions of the Trade Act of 1974, as amended (“Trade Act”), and the Public Works and Economic Development Act of 1965, as amended (“PWEDA”). The proposed changes to the TAAF program regulations would clarify the process for import-impacted U.S. manufacturing, oil and natural production and service firms to obtain technical assistance—identified in the Trade Act as “adjustment assistance”—through the TAAF program, reorganize the regulations to make them easier to read and understand, incorporate best practices, and bring the regulations into closer alignment with the program’s statutory requirements. The result will be to ease the burden on firms seeking adjustment assistance through the TAAF program and make it easier for Trade Adjustment Assistance Centers (“TAACs”) to work with firms. EDA also proposes the elimination of certain TAAF and PWEDA regulations that are unnecessary or duplicative because they describe requirements already established in other regulations or award documentation.

DATES: Written comments on this NPRM must be submitted by September 18, 2019.

ADDRESSES: Comments on this NPRM may be submitted through any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. 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. EDA will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

- *Email:* regulations@eda.gov. Include “Comments on EDA’s regulations” and Docket No. 170830844-9318-01 in the subject line of the message.

- *Mail:* Office of the Chief Counsel, Economic Development Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Suite 72023, Washington, DC 20230. Please indicate “Comments on EDA’s regulations” and Docket No. 170830844-9318-01 on the envelope.

FOR FURTHER INFORMATION CONTACT: Ryan Servais, Attorney Advisor, Office of the Chief Counsel, Economic Development Administration, U.S. Department of Commerce, 1244 Speer Boulevard, Suite 431, Denver, CO 80204; telephone: (303) 844-4403.

SUPPLEMENTARY INFORMATION:

Background

Through strategic grant investments that foster job creation and attract private investment, EDA supports development in economically distressed areas of the United States to prepare these areas for growth and success in the worldwide economy.

EDA is publishing this NPRM to request public comments on proposed updates to the agency’s regulations implementing the TAAF program (Part I) and PWEDA (Part II). These changes would ease the burden on firms and grantees by eliminating unnecessary and duplicative regulations and clarify and reorganize the regulations to make them easier to understand.

The proposed updates would also incorporate best practices. For example, EDA is proposing to build into the definition of “subsidiary” language that would recognize independent subsidiaries as eligible to apply for assistance separately from the firm that has acquired them. This change is in response to a growing number of

petitions by firms that have been acquired before or after filing a petition for assistance, while continuing to operate independently. In addition, EDA proposes to add a requirement that firms must begin implementation of their Adjustment Proposal within six months after the Proposal is approved by EDA. Firms that do not begin implementation within six months after approval must update, re-submit their Adjustment Proposal, and request re-approval before any Adjustment Assistance may be provided. EDA also proposes to incorporate changes that would enable firms to amend their Adjustment Proposals within two years of EDA approval and that would require firms to complete implementation of the Adjustment Proposals within five years of approval. Furthermore, the regulations would require firms that are transferred, sold, or otherwise acquired by another firm, during this five-year period, to notify EDA, which will make a determination regarding the continued eligibility of the petitioner firm. These are existing best practices and help to ensure that Adjustment Proposals reflect current conditions and are maximally effective.

These proposed changes would also align the regulations more closely with statutory requirements. Specifically, EDA proposes to refer to imported articles or services that compete with and are substantially equivalent to the petitioning firm’s as “directly competitive or like,” as written in the Trade Act, rather than simply “directly competitive.” In addition, EDA proposes to clarify all references to “days” as “calendar days,” to reflect this usage in the Trade Act, a change that would also speed up the time within which EDA is required to make determinations regarding firm eligibility and assistance.

Additionally, because this rule would remove certain regulations and will make it easier for firms and EDA grantees to comply with the requirements for the TAAF and EDA grant programs, it is considered a “deregulatory action” pursuant to the April 5, 2017, OMB guidance memorandum implementing Executive Order 13771.

Part I: Updates to TAAF Program Regulations

Trade Act Background

Authorized under Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341–2355), the TAAF program assists import-impacted U.S. manufacturing, oil and natural gas production, and service firms with developing and