Proposed Rules

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

[EEERE–2020–BT–STD–0004]

Energy Conservation Program:
Procedures for Use in New or Revised
Energy Conservation Standards and
Test Procedures for Consumer
Products and Commercial/Industrial
Equipment; Prioritization Process

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

ACTION: Request for information; request
for comment concerning prioritization
of rulemakings.

SUMMARY: The U.S. Department of
Energy (DOE or the Department) is
initiating an effort to elicit information
from stakeholders and the interested
public concerning the prioritization of
rulemakings pursuant to the
Department’s rulemaking methodology
titled, “Procedures, Interpretations, and
Policies for Consideration of New or
Revised Energy Conservation Standards
and Test Procedures for Consumer
Products and Commercial/Industrial
Equipment” (Process Rule). DOE
welcomes written comments as well as
the submission of data and other
relevant information.

DATES: Written comments and
information are requested and will be
accepted on or before March 11, 2021.

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–2020–BT–STD–0004, by
any of the following methods:
www.regulations.gov. Follow the
instructions for submitting comments.
2. Email: to PrioritySetting2020STD0004@
ee.doe.gov. Include docket number
EERE–2020–BT–STD–0004 in the
subject line of the message.

No telefacsimilies (faxes) will be
accepted. For detailed instructions on
submitting comments and additional
information on this process, see section
III of this document.

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:
http://www.regulations.gov/
docket?D=EEERE-2020-BT-STD-0004.

FOR FURTHER INFORMATION CONTACT: Mr.
John Cymbalsky, 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) 287–
1692. Email: ApplianceStandardsQuestions@
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.

For further information on how to
submit a comment or review other
public comments and the docket,
contact the Appliance and Equipment
Standards Program staff at (202) 287–
1445 or by email:
ApplianceStandardsQuestions@
ee.doe.gov.

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I. Introduction

A. Authority

The Department of Energy’s Process
Rule was developed to guide
implementation of the Appliance
Standards Program, which is conducted
pursuant to Title III, Part B of the
Energy Policy and Conservation Act, as
amended (EPCA or the Act),2 Public
Law 94–163 (42 U.S.C. 6291–6309, as
codified), establishing the Energy
Conservation Program for Consumer
Products Other Than Automobiles,
which sets forth a variety of provisions
designed to improve energy efficiency.
In addition, Part C of EPCA, Public
Law 94–163 (42 U.S.C. 6311–6317, as
codified), added by Public Law 95–619,
Title IV, section 441(a), established the
Energy Conservation Program for
Certain Industrial Equipment, which
again sets forth a variety of provisions
designed to improve energy efficiency.

The energy conservation program
under EPCA consists essentially of four
parts: (1) Testing, (2) labeling, (3)
Federal energy conservation standards,
and (4) certification and enforcement
procedures. Relevant provisions of
EPCA specifically include definitions
(42 U.S.C. 6291; 42 U.S.C. 6311), test
procedures (42 U.S.C. 6293; 42 U.S.C.
6314), labeling provisions (42 U.S.C.
6294; 42 U.S.C. 6315), energy
conservation standards (42 U.S.C. 6295;
42 U.S.C. 6313), and the authority to
require information and reports from
manufacturers (42 U.S.C. 6296; 42
U.S.C. 6316). The statute sets forth the
criteria, procedures and timeframes
DOE must follow when establishing
new or amended energy conservation
standards for covered products (and at
least certain types of equipment). The
statute also sets forth the criteria and
procedures DOE must follow when
prescribing or amending test procedures
for covered products.

1 For editorial reasons, upon codification in the
U.S. Code, Part B was redesignated Part A.
2 All references to EPCA in this document refer
to the statute as amended through the Energy Act
3 For editorial reasons, upon codification in the
U.S. Code, Part C was redesignated Part A–1.
B. Background on the Process Rule

On July 15, 1996, DOE published a final rule titled, “Procedures, Interpretations and Policies for Consideration of New or Revised Energy Conservation Standards for Consumer Products.” 61 FR 36974. This document was codified at 10 CFR part 430, subpart C, appendix A, and became known colloquially as the “Process Rule.” The Process Rule was designed to provide guidance to stakeholders as to how DOE would implement its rulemaking responsibilities under EPCA for the Appliance Standards Program.

The Department published a revised Process Rule in the Federal Register on February 14, 2020. 85 FR 8626. Section 4(b) of the Rule as revised, includes an opportunity for stakeholders to provide input on the prioritization of the Department’s rulemakings as DOE prepares its Spring Regulatory Agenda. Pursuant to Executive Order 13990 of January 20, 2021 (E.O. 13990; 86 FR 7038, January 25, 2021), DOE was directed to consider “suspending, revising or rescinding” certain agency actions, including DOE’s Process Rule. (E.O. 13990, Sec. 2(iii)) As directed by E.O. 13990, DOE is in the process of reconsidering the Process Rule but has determined that such reconsideration is not inconsistent with the Process Rule requirement in section 4(b) to seek early stakeholder feedback.

II. The Prioritization Process and Request for Comments

The revised Process Rule provides that stakeholders will have the opportunity to provide input on the prioritization of rulemakings as DOE begins its preparation of the Spring Regulatory Agenda. If stakeholders believe that the Department is pursuing a rule that should not be prioritized as active, for example, the stakeholder comments should reflect such an opinion and inform the Department as to how such rule should be prioritized, if at all, with an explanation for the stakeholder’s recommendation. At the same time, if stakeholders believe that DOE should act more quickly on a particular rulemaking, commenters should make such a point with as much specificity as possible to indicate a revised timeline with an explanation for the recommendation. In addition, if stakeholders believe a rulemaking should be initiated and prioritized that is not already underway, the Department would welcome that feedback.

In making its recommendations, stakeholders can utilize the regulatory text in the revised Process Rule, section 4, entitled, Setting Priorities for Rulemaking Activity, that sets forth the factors the Department considers in making its priority-setting decisions.4

A. Description of How To Access and Use the Fall 2020 Unified Agenda of Regulatory and Deregulatory Actions

As noted in the revised Process Rule, DOE requests that stakeholders use the previous year’s Fall Unified Agenda of Regulatory and Deregulatory Actions (in this case, the 2020 Fall Agenda) as the common frame of reference for stakeholder comments. The 2020 Fall Agenda shows the two basic categories of agency actions: (1) Active rulemakings and (2) long-term actions.

How the rules are ultimately categorized (active versus long-term actions) in the Unified Agenda depends upon the projection date DOE enters into the Regulatory Information Service Center Office of Management and Budget/Office of Information and Regulatory Affairs Consolidated Information System (ROCIS) for the next action in each timetable associated with a specific rule. Generally speaking, those rules with a “next action” that is scheduled more than a year away will be categorized as long-term actions; those rules having a “next action” within a year are generally categorized as active rules.

The steps to access the active regulatory agenda actions/agency rule list are as follows:

(1) Go to www.reginfo.gov.
(2) To access the active actions, go to the box titled, “Unified Agenda and Regulatory Plan,” and click on the line item that is titled, “Fall Agenda was published on 12/09/2020.”
(3) Click on the line item, “Current Long Term Actions” for a list of such actions.
(4) Under the title “Agenda Agency Regulatory Entries for Long-Term Actions,” go to “Select Agency” and in the drop-down menu select “Department of Energy” and click “Submit.” What will appear is the Agency Rule list for DOE’s portion of the 2020 Fall Agenda. This is the list of all DOE long-term actions. You will need to review the list for those rulemakings specific to the Appliance Program.

Once stakeholders have accessed the list of long-term actions, as with the active rulemakings, stakeholders will find information describing each rule, as well as the timetable for that rule.

B. Request for Comments

As noted previously, the Department is seeking information that will shed light on how it should best prioritize and sequence its rulemaking activities for the Department’s Appliance Standards Program. By this notice, and consistent with the revised Process Rule, DOE requests that stakeholders and the interested public review the timetables for all active and long-term appliance rules and comment upon both the timing and categorization of these rules. The Department is also interested in any other rulemaking activities that DOE should initiate and prioritize in the upcoming Spring Agenda.

III. Submission of Comments

DOE invites all interested parties to submit in writing by March 11, 2021, comments and information on matters addressed in this notice and on other
matters relevant to DOE’s consideration of the priority-setting process for all upcoming energy conservation standards and test procedure rules. Such comments and information will aid in the development of the rulemaking schedule that will next appear in DOE’s Spring Regulatory Agenda.

Submitting comments via email. Comments and documents submitted via email, also will be posted to http://www.regulations.gov. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. No telefacsimiles (faxes) will be accepted. Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters’ names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, two well-marked copies: One copy of the document marked “confidential” including all the information believed to be confidential, and one copy of the document marked “non-confidential” with the information believed to be confidential deleted. Submit these documents via email. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE’s policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at ApplianceStandardsQuestions@ee.doe.gov.

Signing Authority

This document of the Department of Energy was signed on February 9, 2021, by Kelly Speakes-Backman, Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Acting Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the Federal Register.

Signed in Washington, DC, on February 10, 2021.

Treena V. Garrett,
Federal Register Liaison Officer, U.S. Department of Energy.

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BILLING CODE 6450–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2020–OSERS–0192]

Proposed Priority—Rehabilitation Short-Term Training-Client Assistance Program (CAP Training)

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education.

ACTION: Proposed priority.

SUMMARY: The Department of Education (Department) proposes a priority under the Rehabilitation Short-Term Training program, Assistance Listing Number 84.246K. We may use this priority for competitions in fiscal year (FY) 2021 and later years. We take this action to improve the capacity of Client Assistance Program (CAP) professionals to inform, assist, and advocate for State Vocational Rehabilitation (VR) Services program clients and applicants about expanded education, training, and