

or financial dependents. (1) An ICE employee shall notify in writing his or her agency designee when any of the following circumstances exist:

(i) The spouse of the ICE employee is employed in a position that the ICE employee would be prohibited from occupying by paragraph (a) of this section;

(ii) A relative (as defined in 5 CFR 2634.105(o)) who is financially dependent on or who is a member of the household of the ICE employee is employed in a position that the ICE employee would be prohibited from occupying by paragraph (a) of this section; or

(iii) Any person, other than the spouse or relative of the ICE employee, who is financially dependent on or who is a member of the household of the ICE employee, is employed in a position that the ICE employee would be prohibited from occupying by paragraph (a) of this section.

(2) The ICE employee shall be disqualified from participating in an official capacity in any particular matter involving the individuals described in paragraph (b)(1) of this section or the employer thereof, unless the agency designee, with the advice and clearance of the ICE Chief Deputy Ethics Official, authorizes the ICE employee to participate in the matter using the standard in 5 CFR 2635.502(d), or the waiver provisions in 18 U.S.C. 208(b)(1), as appropriate.

#### **§ 4601.107 Prohibited purchases of property.**

(a) *General prohibition.* Except as provided in paragraph (c) of this section, no DHS employee may purchase, directly or indirectly, property that is:

(1) Owned by the Federal Government and under the control of the employee's agency, unless the sale of the property is being conducted by the General Services Administration; or

(2) Seized or forfeited under the direction or incident to the functions of the employee's agency.

(b) For purposes of this section, the employee's agency is the relevant separate agency component as set forth in § 4601.102 of this part.

(c) *Waiver.* Employees may make a purchase prohibited by paragraph (a) of this section where a written waiver of the prohibition is issued in advance by the agency designee with the clearance of the DAEO or his designee. A waiver may only be granted if it is not otherwise prohibited by law or regulation and the purchase of the property will not cause a reasonable person with knowledge of the particular

circumstances to question the employee's impartiality, or create the appearance that the employee has used his official position or nonpublic information for his personal gain.

#### **§ 4601.108 Reporting waste, fraud, abuse and corruption.**

Employees shall report immediately any suspicions of violations of law or regulation involving Department of Homeland Security programs or operations to appropriate authorities, such as the Office of the Inspector General.

**Janet Napolitano,**

*Secretary, Department of Homeland Security.*

**Don W. Fox,**

*Acting Director, Office of Government Ethics.*

[FR Doc. 2011-26160 Filed 10-11-11; 8:45 am]

**BILLING CODE 9110-9B-P**

## **DEPARTMENT OF AGRICULTURE**

### **Animal and Plant Health Inspection Service**

#### **9 CFR Parts 71, 77, 78, and 90**

[Docket No. APHIS-2010-0125]

#### **Secretary's Advisory Committee on Animal Health; Meeting**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of public meeting.

**SUMMARY:** This is a notice to inform the public of an upcoming meeting of the Secretary's Advisory Committee on Animal Health. The meeting is organized by the Animal and Plant Health Inspection Service to discuss matters of animal health.

**DATES:** The meeting will be held November 1 and 2, 2011, from 9 a.m. to 5 p.m. each day.

**ADDRESSES:** The meeting will be held in the United States Access Board conference room, 1331 F Street, NW., Suite 800, Washington, DC 20004. Opportunities for participation are described in the Supplementary Information section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael R. Doerrer, Chief Operating Officer, Veterinary Services, APHIS, USDA, 4700 River Road, Unit 37, Riverdale, MD 20737; (301) 734-5034; e-mail: [SACAH.Management@aphis.usda.gov](mailto:SACAH.Management@aphis.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Secretary's Advisory Committee on Animal Health (the Committee) advises the Secretary of Agriculture on matters of animal health, including means to

prevent, conduct surveillance on, monitor, control, or eradicate animal diseases of national importance. In doing so, the Committee will consider public health, conservation of natural resources, and the stability of livestock economies.

Tentative topics for discussion at the upcoming meeting include:

- Proposed Rule on Traceability for Livestock Moving Interstate
- Wildlife Diseases
- Foot-and-Mouth Disease Vaccination
- Tuberculosis Framework
- Update on CoreOne (SCS) Rollout

Additional topics may be added to an updated agenda, which will be posted to the Committee's Web site at [http://www.aphis.usda.gov/animal\\_health/acah/](http://www.aphis.usda.gov/animal_health/acah/) no later than October 25, 2011.

The meeting will be open to the public and attendees should plan to arrive between 8 a.m. and 9 a.m. Attendees should be prepared to provide picture identification to enter the United States Access Board conference room. The Animal and Plant Health Inspection Service (APHIS), which is organizing the meeting, asks that those planning to attend the meeting inform APHIS by sending an email through an access portal (SACAH Signup button) on the Committee's Web site or directly to [SACAH.Management@aphis.usda.gov](mailto:SACAH.Management@aphis.usda.gov). Please provide your name and organizational affiliation (if any), state which meeting date or dates you plan to attend, and indicate whether you wish to present an oral statement during the meeting.

#### **Other Public Participation**

Members of the public may also join the meeting via teleconference in "listen-only" mode. Participants who wish to listen in on the teleconference may do so by dialing 18887903291, followed by a public passcode, 1411045.

Twitter users may join through @USDA\_APHIS and add #SACAH to any tweet that mentions @USDA\_APHIS on the days of the meeting. If you do not have a Twitter account, you may still view live chats during the meeting on November 1 and 2, 2011, at [http://www.twitter.com/USDA\\_APHIS](http://www.twitter.com/USDA_APHIS).

Questions and written statements for the meeting may be submitted up to 5 working days in advance of the meeting for the Committee's consideration. Questions and written statements may be sent via e-mail to [SACAH.Management@aphis.usda.gov](mailto:SACAH.Management@aphis.usda.gov) or mailed to the person listed under **FOR FURTHER INFORMATION CONTACT** at the beginning of this notice. Statements may also be filed with the Committee after

the meeting by sending them to [SACAH.Management@aphis.usda.gov](mailto:SACAH.Management@aphis.usda.gov).

This notice of the meeting agenda is given pursuant to section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2).

Done in Washington, DC, this 5th day of October 2011.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2011-26354 Filed 10-11-11; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF ENERGY

### 10 CFR Part 430

[Docket Number EERE-2011-BT-TP-0042]

RIN 1904-AC53

#### Energy Efficiency Program: Test Procedures for Residential Water Heaters, Direct Heating Equipment, and Pool Heaters

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

**ACTION:** Request for information.

**SUMMARY:** Through this Request for Information (RFI), the U.S. Department of Energy (DOE) is initiating a rulemaking and data collection process to consider amendments to DOE's test procedures for residential water heaters, direct heating equipment, and pool heaters. This rulemaking is intended to fulfill DOE's statutory obligation to review its test procedures for covered products at least once every seven years. To inform interested parties and to facilitate the process, DOE has gathered data and has identified several issues that might warrant modifications to the current applicable test procedures, including topics on which DOE is particularly interested in receiving comment. In overview, the issues outlined in this document mainly concern the scope, draw patterns, and test conditions for residential water heaters, possible clarifications and improvement of the direct heating equipment test procedures as applied to vented hearth heaters, and coverage of electric pool heaters. Additionally, this RFI briefly discusses and seeks input on certain potential changes to the test procedures for these products that DOE anticipates may be included in a subsequent notice of proposed rulemaking (NOPR). DOE welcomes written comments from the public on any subject related to the test procedures for residential heating

products (including topics not specifically raised in this RFI).

**DATES:** Written comments and information are requested on or before November 28, 2011.

**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-2011-BT-TP-0042 and/or RIN 1904-AC53, by any of the following methods:

- *E-mail:* [HeatingProducts-2011-TP-0042@ee.doe.gov](mailto:HeatingProducts-2011-TP-0042@ee.doe.gov). Include EERE-2011-BT-TP-0042 and/or RIN 1904-AC53 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121. *Telephone:* (202) 586-2945. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza, SW., 6th Floor, Washington, DC 20024. *Telephone:* (202) 586-2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

All submissions received must include the agency name and docket number and/or RIN for this rulemaking. No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section III of this document (Public Participation).

*Docket:* For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information may be sent to Mr. Mohammed Khan, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Mailstop EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121. *Telephone:* (202) 586-7892. E-mail: [Mohammed.Khan@ee.doe.gov](mailto:Mohammed.Khan@ee.doe.gov).

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, Mailstop GC-71, 1000 Independence

Avenue, SW., Washington, DC 20585-0121. *Telephone:* (202) 586-9507.

*E-mail:* [Eric.Stas@hq.doe.gov](mailto:Eric.Stas@hq.doe.gov).

For information on how to submit or review public comments, contact Ms. Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121. *Telephone:* (202) 586-2945. *E-mail:* [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Authority and Background
- II. Discussion
  - A. Test Procedure for Residential Water Heaters
    - 1. Scope
      - a. Water Heaters With Storage Volumes Between 2 Gallons (7.6 L) and 20 Gallons (76 L)
      - b. Electric Instantaneous Water Heaters
      - c. Storage Water Heaters With Very Large Storage Capacities
    - 2. Draw Pattern
    - 3. Discrete Performance Tests
    - 4. Test Conditions
      - a. Water Delivery Temperature
      - b. Ambient Temperature and Relative Humidity
    - 5. Other Issues
  - B. Test Procedure for Direct Heating Equipment
    - 1. Vented Hearth Heaters
    - 2. Other Issues
  - C. Test Procedure for Pool Heaters
    - 1. Electric Pool Heaters
    - 2. Other Issues
- III. Public Participation

**I. Authority and Background**

Title III, Part B<sup>1</sup> of the Energy Policy and Conservation Act of 1975 ("EPCA" or "the Act"), Public Law 94-163 (42 U.S.C. 6291-6309, as codified) sets forth a variety of provisions designed to improve energy efficiency and establishes the Energy Conservation Program for Consumer Products Other Than Automobiles.<sup>2</sup> These include residential water heaters, direct heating equipment, and pool heaters (or collectively, "heating products"), the subject of today's notice. (42 U.S.C. 6292(a)(4),(9), and (11))

Under EPCA, this program generally consists of four parts: (1) Testing; (2) labeling; (3) establishing Federal energy conservation standards; and (4) certification and enforcement procedures. The testing requirements consist of test procedures that

<sup>1</sup> For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.

<sup>2</sup> All references to EPCA in this document refer to the statute as amended through the Energy Independence and Security Act of 2007, Public Law 110-140 (Dec. 19, 2007).