

# Proposed Rules

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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 Part 430

[Docket No. EERE-2013-BT-STD-0051]

RIN 1904-AD09

#### Energy Efficiency Program for Consumer Products: Energy Conservation Standards for General Service Lamps

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

**ACTION:** Notice of public meeting and availability of the Framework Document.

**SUMMARY:** The U.S. Department of Energy (DOE) is initiating this rulemaking and data collection process to consider new and amended energy conservation standards for products included in the definition of general service lamps (GSLs). To inform interested parties and to facilitate this process, DOE has prepared a Framework Document that details the analytical approach and preliminary scope of coverage for the rulemaking, and identifies several issues on which DOE is particularly interested in receiving comments. DOE will hold a public meeting to discuss and receive comments on its planned analytical approach and the issues it will address in this rulemaking proceeding. DOE welcomes written comments and relevant data from the public on any subject within the scope of this rulemaking. A copy of the Framework Document is available at: [http://www1.eere.energy.gov/buildings/appliance\\_standards/product.aspx?productid=82](http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx?productid=82). **DATES:** Meeting: DOE will hold a public meeting on Tuesday, January 14, 2014 from 9:00 a.m. to 2:00 p.m. in Washington, DC.

DOE must receive requests to speak at the public meeting before 4:00 p.m., Wednesday, January 1, 2014. DOE must receive an electronic copy of the statement with the name and, if appropriate, the organization of the

presenter to be given at the public meeting before 4:00 p.m., Wednesday, January 8, 2014.

**Comments:** DOE will accept written comments, data, and information regarding the Framework Document before and after the public meeting, but no later than January 23, 2014.

**ADDRESSES:** DOE plans to conduct the public meeting via webinar. You may attend the public meeting via webinar, and registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site at: [http://www1.eere.energy.gov/buildings/appliance\\_standards/product.aspx?productid=82](http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx?productid=82).

Participants are responsible for ensuring their systems are compatible with the webinar software.

The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E-089, 1000 Independence Avenue SW., Washington, DC 20585-0121. Please note that foreign nationals planning to participate in the public meeting are subject to advance security screening procedures. If a foreign national wishes to participate in the public meeting, please inform DOE of this fact as soon as possible by contacting Ms. Brenda Edwards at (202) 586-2945 so that the necessary procedures can be completed. Please note that any person wishing to bring a laptop computer into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes.

Interested parties are encouraged to submit comments electronically. However, comments may be submitted by any of the following methods:

- **Federal eRulemaking Portal:** [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.
- **Email:** [GSL2013STD0051@ee.doe.gov](mailto:GSL2013STD0051@ee.doe.gov). Include docket number EERE-2013-BT-STD-0051 and/or regulatory identification number (RIN) 1904-AD09 in the subject line of the message. All comments should clearly identify the name, address, and, if appropriate, organization of the commenter. 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-2], Framework Document for General Service Lamps, Docket No. EERE-2013-BT-STD-0051 and/or RIN 1904-AD09, 1000 Independence Avenue SW., Washington, DC 20585-0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies. [Please note that comments sent by mail are often delayed and may be damaged by mail screening processes.]

- **Hand Delivery/Courier:** Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza SW., 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.

**Instructions:** All submissions received must include the agency name and docket number and/or RIN for this rulemaking. No telefacsimilies (faxes) will be accepted.

**Docket:** The docket is available for review at [www.regulations.gov](http://www.regulations.gov), and will include **Federal Register** notices, framework document, notice of proposed rulemaking, public meeting attendee lists and transcripts, comments, and other supporting documents/materials throughout the rulemaking process. The [regulations.gov](http://regulations.gov) Web page contains simple instructions on how to access all documents, including public comments, in the docket. The docket can be accessed by searching for docket number EERE-2013-BT-STD-0051 on the [regulations.gov](http://regulations.gov) Web site. All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

For information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586-2945 or by email: [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

#### FOR FURTHER INFORMATION CONTACT:

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2], 1000 Independence Avenue SW., Washington, DC 20585-0121.

Telephone: (202) 287-1604. Email: [GSL@ee.doe.gov](mailto:GSL@ee.doe.gov).

Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC-71, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 287-6122. Email: [Celia.Sher@hq.doe.gov](mailto:Celia.Sher@hq.doe.gov).

For information on how to submit or review public comments and on how to participate in the public meeting, 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. Email: [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** 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) established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering major household appliances (collectively referred to as “covered products”).<sup>2</sup> EPCA authorizes DOE to establish technologically feasible, economically justified energy conservation standards for covered products that would be likely to result in significant national energy savings. (42 U.S.C. 6295(o)(2)(B)(i)(I)-(VII)) Subsequent amendments expanded Title III of EPCA to include additional consumer products, including GSLs—the products that are the focus of this document. In particular, amendments to EPCA in the Energy Independence and Security Act of 2007 (EISA) directed DOE to conduct two rulemaking cycles to evaluate energy conservation standards for GSLs. (42 U.S.C. 6295(i)(6)(A)-(B))

For the first rulemaking cycle, EPCA, as amended by EISA, directs DOE to initiate a rulemaking no later than January 1, 2014 to evaluate standards for GSLs and determine whether exemptions for certain incandescent lamps should be maintained or discontinued. (42 U.S.C. 6295(i)(6)(A)(i)) The scope of the rulemaking is not limited to incandescent lamp technologies. (42 U.S.C. 6295(i)(6)(A)(ii)) The EISA amendments to EPCA further require that if standards are to be established for GSLs, a final rule must be published by January 1, 2017 with a compliance date

at least 3 years after the date on which the final rule is published. (42 U.S.C. 6295(i)(6)(A)(iii)) Additionally, the requirements direct DOE to consider phased-in compliance dates based on the impact of amending standards on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, raw materials, and time needed to revise sales and marketing strategies. (42 U.S.C. 6295(i)(6)(A)(iv))

Further, for this first cycle of rulemaking, the EISA amendments provide that DOE must consider a minimum standard of 45 lumens per watt (lm/W). (42 U.S.C. 6295(i)(6)(A)(ii)) If DOE fails to meet the requirements of 42 U.S.C. 6295(i)(6)(A)(i)-(iv), or the final rule from the first rulemaking cycle does not produce savings greater than or equal to the savings from a minimum efficacy standard of 45 lm/W, sales of GSLs that do not meet the minimum 45 lm/W standard beginning on January 1, 2020 will be prohibited. (42 U.S.C. 6295(i)(6)(A)(v)) Additionally, state preemption requirements are specified for California and Nevada. Namely, beginning January 1, 2018, no provision of law shall preclude these states from adopting: (1) A final rule adopted in accordance with 42 U.S.C. 6295(i)(6)(A)(i)-(iv); (2) the minimum efficacy standard of the backstop requirement (45 lm/W) if no final rule was adopted; or (3) for the state of California, any California regulations related to the covered products adopted pursuant to State statute in effect as of the date of enactment of EISA. 42 U.S.C. 6295(i)(6)(A)(vi)

The EISA-prescribed amendments direct DOE to initiate a second rulemaking cycle by January 1, 2020 to determine whether standards in effect for GSILs should be amended with more stringent requirements and if the exemptions for certain incandescent lamps should be maintained or discontinued. (42 U.S.C. 6295(i)(6)(B)(i)) For this second review of energy conservation standards, the scope is not limited to incandescent lamp technologies. (42 U.S.C. 6295(i)(6)(B)(ii)) The EISA amendments require that if standards are to be amended for GSILs, a final rule must be published by January 1, 2022 with a compliance date at least 3 years after the date on which the final rule is published. (42 U.S.C. 6295(i)(6)(B)(iii)) These amendments also direct DOE to consider phased-in compliance dates for the second round of review based on the impact of amending standards on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, raw materials, and

time needed to revise sales and marketing strategies. (42 U.S.C. 6295(i)(6)(B)(iv))

Additionally, this rulemaking satisfies the requirements under 42 U.S.C. 6295(m)(1) for DOE to review the existing standards for medium base compact fluorescent lamps (MBCFLs), as compact fluorescent lamps are included in the definition of GSL. The Energy Policy Act of 2005 (EPA 2005) amended EPCA by establishing energy conservation standards for MBCFLs. Under 42 U.S.C. 6295(m)(1), within 6 years after issuance of any final rule establishing or amending a standard, DOE is required to publish a notice determining whether to amend such standards. If DOE determines that amendment is warranted, DOE must also issue a notice of proposed rulemaking including new proposed energy conservation standards by that same date. (42 U.S.C. 6295(m)(l))

DOE prepared the Framework Document to explain the relevant issues, analyses, and processes it anticipates using when considering new and amended energy conservation standards for products included in the definition of GSLs. The focus of the public meeting noted above will be to discuss the information presented and issues identified in the Framework Document. At the public meeting, DOE will make presentations and invite discussion on the rulemaking process as it applies to GSLs. DOE will also solicit comments, data, and information from participants and other interested parties.

DOE is planning to conduct in-depth technical analyses in the following areas: (1) Engineering; (2) energy use; (3) product price; (4) life-cycle cost and payback period; (5) national impacts; (6) manufacturer impacts; (7) emission impacts; (8) utility impacts; (9) employment impacts; and (10) regulatory impacts. DOE will also conduct several other analyses that support those previously listed, including the market and technology assessment, the screening analysis (which contributes to the engineering analysis), and the shipments analysis (which contributes to the national impact analysis).

DOE encourages those who wish to participate in the public meeting to obtain the Framework Document and to be prepared to discuss its contents. A copy of the Framework Document is available at: [http://www1.eere.energy.gov/buildings/appliance\\_standards/product.aspx?productid=82](http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx?productid=82).

Public meeting participants need not limit their comments to the issues identified in the Framework Document.

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

<sup>2</sup> All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Pub. L. 112-210 (Dec. 18, 2012).

DOE is also interested in comments on other relevant issues that participants believe would affect energy conservation standards for these products, applicable test procedures, or the preliminary determination on the scope of coverage. DOE invites all interested parties, whether or not they participate in the public meeting, to submit in writing by January 23, 2014, comments and information on matters addressed in the Framework Document and on other matters relevant to DOE's consideration of coverage of and standards for GSLs.

The public meeting will be conducted in an informal, facilitated, conference style. There shall be no discussion of proprietary information, costs or prices, market shares, or other commercial matters regulated by U.S. antitrust laws. A court reporter will record the proceedings of the public meeting, after which a transcript will be available for purchase from the court reporter and placed on the DOE Web site at: [http://www1.eere.energy.gov/buildings/appliance\\_standards/product.aspx?productid=82](http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx?productid=82).

After the public meeting and the close of the comment period on the Framework Document, DOE will collect data, conduct the analyses as discussed in the Framework Document and at the public meeting, and review the public comments it receives.

DOE considers public participation to be a very important part of the process for determining whether to establish or amend energy conservation standards and, if so, in setting those standards. DOE actively encourages the participation and interaction of the public during the comment period at each stage of the rulemaking process. Beginning with the Framework Document, and during each subsequent public meeting and comment period, interactions with and among members of the public provide a balanced discussion of the issues to assist DOE in the standards rulemaking process. Accordingly, anyone who wishes to participate in the public meeting, receive meeting materials, or be added to the DOE mailing list to receive future notices and information about this rulemaking should contact Ms. Brenda Edwards at (202) 586-2945, or via email at [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

Issued in Washington, DC, on December 2, 2013.

**Kathleen B. Hogan,**

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

[FR Doc. 2013-29166 Filed 12-6-13; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2013-0981; Directorate Identifier 2013-NM-032-AD]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede Airworthiness Directives (ADs) 97-11-07 and AD 99-18-23, which apply to all The Boeing Company Model MD-90-30 airplanes. AD 97-11-07 and AD 99-18-23 currently require revising the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness to incorporate certain compliance times for principal structural elements (PSE) inspections and replacement times for safe-life limited parts. Since we issued AD 97-11-07 and AD 99-18-23, an analysis of data identified a need to introduce a new PSE requirement for the rear spar caps of the horizontal stabilizer. This proposed AD would require revising the maintenance or inspection program to incorporate the new PSE requirement and its associated inspections. We are proposing this AD to detect and correct fatigue cracking of PSEs and certain safe-life limited parts, which could adversely affect the structural integrity of the airplane.

**DATES:** We must receive comments on this proposed AD by January 23, 2014.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, CA 90846-0001; telephone

206-544-5000, extension 2; fax 206-766-5683; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Roger Durbin, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, California 90712-4137; phone: (562) 627-5233; fax: (562) 627-5210; email: [roger.durbin@faa.gov](mailto:roger.durbin@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2013-0981; Directorate Identifier 2013-NM-032-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

##### Discussion

On May 16, 1997, we issued AD 97-11-07, Amendment 39-10036 (62 FR 27941, May 22, 1997), for all The Boeing Company Model MD-90-30 airplanes. AD 97-11-07 requires revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness (MD-90-30 Airworthiness Limitations Instructions