

Counsel, will appear, if necessary, at the stated time and place, produce a copy of this part, state that the employee has been advised by counsel not to provide the requested testimony or produce documents, and respectfully decline to comply with the demand or request, citing *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

■ 7. Add subpart C, consisting of § 1820.23, to read as follows:

Subpart C—Schedule of Fees

§ 1820.23 Fees.

(a) *Generally.* The General Counsel may condition the production of records or appearance for testimony upon advance payment of a reasonable estimate of the costs to the OSC.

(b) *Fees for records.* Fees for producing records will include fees for searching, reviewing, and duplicating records, costs of attorney time spent in reviewing the request, and expenses generated by materials and equipment used to search for, produce, and copy the responsive information. Costs for employee time will be calculated on the basis of the hourly pay of the employee (including all pay, allowances, and benefits). Fees for duplication will be the same as those charged by the OSC in its Freedom of Information Act regulations at § 1820.7.

(c) *Witness fees.* Fees for attendance by a witness will include fees, expenses, and allowances prescribed by the court's rules. If no such fees are prescribed, witness fees will be determined based upon the rule of the federal district closest to the location where the witness will appear and on 28 U.S.C. 1821, as applicable. Such fees will include cost of time spent by the witness to prepare for testimony, in travel and for attendance in the legal proceeding, plus travel costs.

(d) *Payment of fees.* A requester must pay witness fees for current OSC employees and any record certification fees by submitting to the General Counsel a check or money order for the appropriate amount made payable to the United States Department of Treasury.

In the case of testimony of former OSC employees, the requester must pay applicable fees directly to the former OSC employee in accordance with 28 U.S.C. 1821 or other applicable statutes.

(e) *Waiver or reduction of fees.* The General Counsel, in his or her sole discretion, may, upon a showing of reasonable cause, waive or reduce any fees in connection with the testimony, production, or certification of records.

(f) *De minimis fees.* Fees will not be assessed if the total charge would be \$10.00 or less.

■ 8. Add subpart D, consisting of § 1820.24, to read as follows:

Subpart D—Penalties

§ 1820.24 Penalties.

(a) An employee who discloses official records or information or gives testimony relating to official information, except as expressly authorized by the OSC, or as ordered by a federal court after the OSC has had the opportunity to be heard, may face the penalties provided in 18 U.S.C. 641 and other applicable laws. Additionally, former OSC employees are subject to the restrictions and penalties of 18 U.S.C. 207 and 216.

(b) A current OSC employee who testifies or produces official records and information in violation of this part shall be subject to disciplinary action.

■ 9. Add subpart E, consisting of § 1820.25, to read as follows:

Subpart E—Conformity with Other Laws

§ 1820.25 Conformity with other laws.

This regulation is not intended to conflict with 5 U.S.C. 2302(b)(13).

Dated: April 21, 2016.

Lisa V. Terry,

General Counsel.

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DEPARTMENT OF ENERGY

10 CFR Parts 430 and 431

[Docket Number EERE-2016-BT-PET-0016]

Notice of Opportunity To Submit a Petition To Amend the Rule Establishing Procedures for Requests for Correction of Errors in Rules

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

ACTION: Opportunity to petition.

SUMMARY: Elsewhere in this issue of the **Federal Register**, the U.S. Department of Energy (“DOE” or the “Department”) publishes a final rule establishing a new procedure through which an interested party can, within a 30-day period after DOE posts a rule establishing or amending an energy conservation standard, identify a possible error in such a rule and request that DOE correct the error before the rule is published (“error correction rule”). By this notice, DOE provides an opportunity for the public to file petitions to amend the error correction rule.

DATES: DOE will use its best efforts to issue a public document by August 10, 2016, that responds to any petitions to amend the error correction rule that are submitted by June 6, 2016. DOE will consider comments on any petitions to amend the error correction rule submitted by June 6, 2016 if those comments are submitted by June 20, 2016.

ADDRESSES: To submit a petition to amend or a comment on a petition to amend in response to this notice, please email CorrectionPetition2016PET0016@ee.doe.gov. Petitions and comments will be entered into docket number EERE-2016-BT-PET-0016, which is available for review at <http://www.regulations.gov>. For further information on how to review the docket, contact Ms. Brenda Edwards at (202) 586-2945 or by email: Brenda.Edwards@ee.doe.gov.

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-5B, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 287-1692 or John.Cymbalsky@ee.doe.gov.

SUPPLEMENTARY INFORMATION: The Department publishes a final rule, elsewhere in this issue of the **Federal Register**, establishing a new procedure through which an interested party can, within a 30-day period after DOE posts a rule establishing or amending an energy conservation standard, identify a possible error in such a rule and request that DOE correct the error before the rule is published in the **Federal Register**.

The error correction rule will become effective 30 days after its publication in the **Federal Register**. DOE hereby provides notice to the public that the Department will accept petitions to amend the error correction rule and will use its best efforts to issue a public document by August 10, 2016, responding to any such petitions that are submitted by June 6, 2016.

Issued in Washington, DC, on April 29, 2016.

Kathleen B. Hogan,

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

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