

safety standards, but rather those standards in place at the time the facility had last operated. The petitioner requests that a nuclear power reactor be allowed to return to operational status if “the facility had been in an operational condition at the time of retirement, had last operated no more than twenty-one (21) calendar years prior to the date of retirement,” the facility “remains intact,” and the facility passes a “general safety inspection.”

Alternatively, if the nuclear power reactor “had not been in an operational condition at the time of retirement, had last operated more than twenty-one (21) calendar years prior to the retirement date, is not intact, and/or has had significant decommissioning and/or dismantling activities commence,” then the nuclear power reactor must be repaired or rebuilt “to the safety in standards that had been in place at the time the facility had last operated,” and pass a safety inspection “appropriate to the degree of repairs or reconstruction that had been performed,” which would be, “[a]t the very least . . . a general safety inspection.”

The petitioner states that this proposal would be “‘pennies on the dollar,’ compared to building new nuclear, or trying to replace the same capacity with wind or solar sources.” The petitioner also states that through this proposal, “several gigawatts of ultra-clean, and very low-carbon, electrical generating capacity could be restored to the electrical grid, which would help to reduce carbon dioxide levels in the atmosphere.” The petitioner provides a calculation comparing the cost and time of the proposal to the cost and time required for replacing similar electrical generating capacity with renewables or new nuclear builds. The petitioner references the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, to support the petitioner’s climate change statements regarding reducing carbon dioxide emissions.

#### IV. Conclusion

The NRC has determined that the petition meets the threshold sufficiency requirements for docketing a petition for rulemaking under 10 CFR 2.803. The NRC is examining the merits of the issues raised in PRM–50–117 to determine whether these issues should be considered in rulemaking.

Dated at Rockville, Maryland, this 23rd day of July 2019.

For the Nuclear Regulatory Commission.

**Richard J. Laufer,**

*Acting Secretary of the Commission.*

[FR Doc. 2019–15934 Filed 7–25–19; 8:45 am]

**BILLING CODE 7590–01–P**

## 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 data availability.

**SUMMARY:** The U.S. Department of Energy (DOE) is announcing this notice of data availability (“NODA”) regarding national energy savings estimates in past DOE energy conservation standards rulemakings. These data will help inform DOE’s decision-making process as it considers whether to establish a significant energy savings threshold for setting energy conservation standards for consumer products and commercial and industrial equipment. DOE is seeking comment on these data.

**DATES:** Written comments and information are requested and will be accepted on or before August 9, 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:* To [Process.Rule@ee.doe.gov](mailto: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. For detailed instructions on submitting comments and additional information on the rulemaking 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 <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. See section III (Submission of Comments) for information on how to submit comments through <http://www.regulations.gov>.

#### 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](mailto: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](mailto:Francine.Pinto@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Introduction
- II. Site National Energy Savings From Prior DOE Rulemakings
- III. Submission of Comments

#### I. Introduction

DOE generally uses the procedures set forth in 10 CFR part 430, subpart C, appendix A, *Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards for Consumer Products* (“Process Rule”) when prescribing energy conservation standards for both consumer products and commercial/industrial equipment pursuant to the Energy Policy and Conservation Act of 1975 (Pub. L. 94–163, codified at 42 U.S.C. 6291, *et seq.*) (“EPCA”). On February 13, 2019, DOE published a notice of proposed rulemaking (“NOPR”) to update and

modernize the Process Rule (“Process Rule NOPR”). 84 FR 3910. As part of the update, DOE is proposing to define an energy savings threshold to satisfy the requirement in EPCA that a new or amended energy conservation standard must result in a significant conservation of energy. (See 42 U.S.C. 6295(o)(3)(B)) Specifically, DOE is proposing to apply a threshold of 0.5 quad in energy savings or a 10% reduction in energy consumption over a 30-year analysis period to satisfy this requirement.

In proposing these thresholds, DOE took into consideration national energy savings estimates from past energy conservation standards rulemakings. 84 FR 3910, 3923 (Feb. 13, 2019). As a result of comments provided at two public meetings<sup>1</sup> DOE held on the proposal, DOE has subsequently determined that the national energy savings data from the 57 energy conservation standards rulemakings mentioned in the NOPR are a mixture of source and full-fuel-cycle energy savings. Since publication of the Process Rule NOPR, DOE has re-examined its use of source and full-fuel-cycle energy savings data in proposing 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 is providing national site energy savings data from its past rulemakings for public comment as it will help inform DOE’s decision regarding whether (and how) to define a threshold for significant energy savings.

DOE notes that the rules reported and the data analyzed in the information provided with this NODA are identical to those provided with DOE’s original proposal and discussed at the public meeting. However, DOE has now restated the results of each rulemaking on a site energy basis 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. DOE is not at this time making any determination regarding whether the use of full-fuel-cycle energy measures are an appropriate measure of the benefits of any prior rulemaking.

**II. Site National Energy Savings From Prior DOE Rulemakings**

As discussed in the Process Rule NOPR, DOE focused its analysis of national energy savings on energy conservation standards rulemakings conducted starting after the U.S. Court of Appeals for the District of Columbia Circuit’s decision in *Natural Resources Defense Council v. Herrington*, 768 F.2d 1355 (D.C. Cir. 1985) through a final

rule establishing energy conservation standards for walk-in coolers and freezers on July 10, 2017. 84 FR 3910, 3923 (Feb. 13, 2019). After excluding instances where DOE set no-standard standards or adopted standard levels from the American National Standards Institute (“ANSI”)/American Society of Heating, Refrigerating, and Air-Conditioning Engineers (“ASHRAE”)/Illuminating Engineering Society of North America (“IESNA”) Standard 90.1 (“ASHRAE Standard 90.1”), DOE set standards for covered products and equipment a total of 57 times. These 57 rules are listed in a document available in the docket at <https://www.regulations.gov/document?D=EERE-2017-BT-STD-0062-0144>.

The document lists, among others things, the analysis period for each rule, the national site energy savings over the analysis period (converted as necessary from source energy savings estimates<sup>2</sup>), and the corresponding percentage reduction in energy use over the analysis period. In total, the 57 rules resulted in national site energy savings of 54.64 quads.<sup>3</sup> The average national site energy savings for these rules is 0.959 quad, while the median is 0.32 quad. The average percent reduction in national site energy use for these rules is 13.1%, while the median is 8.0%. Table II.1 contains the results of applying a variety of significant energy savings thresholds to these 57 rules.

TABLE II.1—APPLICATION OF VARIOUS SIGNIFICANT ENERGY SAVINGS THRESHOLDS

Significant energy savings threshold	No additional percentage threshold	10% Reduction in energy use over analysis period	7.5% Reduction in energy use over analysis period	5% Reduction in energy use over analysis period
1.00 Quad .....	21 of 57 rules meet this threshold for significance. These 21 rules account for 83.77% of the total energy savings from the 57 rules.	32 of 57 rules meet this threshold for significance. These 32 rules account for 90.71% of the total energy savings from the 57 rules.	35 of 57 rules meet this threshold for significance. These 35 rules account for 91.47% of the total energy savings from the 57 rules.	41 of 57 rules meet this threshold for significance. These 41 rules account for 94.77% of the total energy savings from the 57 rules.
0.75 Quad .....	24 of 57 rules meet this threshold for significance. These 24 rules account for 88.55% of the total energy savings from the 57 rules.	34 of 57 rules meet this threshold for significance. These 34 rules account for 93.87% of the total energy savings from the 57 rules.	37 of 57 rules meet this threshold for significance. These 37 rules account for 94.64% of the total energy savings from the 57 rules.	42 of 57 rules meet this threshold for significance. These 42 rules account for 96.29% of the total energy savings from the 57 rules.
0.50 Quad .....	26 of 57 rules meet this threshold for significance. These 26 rules account for 90.89% of the total energy savings from the 57 rules.	34 of 57 rules meet this threshold for significance. These 34 rules account for 93.87% of the total energy savings from the 57 rules.	37 of 57 rules meet this threshold for significance. These 37 rules account for 94.64% of the total energy savings from the 57 rules.	42 of 57 rules meet this threshold for significance. These 42 rules account for 96.29% of the total energy savings from the 57 rules.
0.40 Quad .....	27 of 57 rules meet this threshold for significance. These 27 rules account for 91.71% of the total energy savings from the 57 rules.	34 of 57 rules meet this threshold for significance. These 34 rules account for 93.87% of the total energy savings from the 57 rules.	37 of 57 rules meet this threshold for significance. These 37 rules account for 94.64% of the total energy savings from the 57 rules.	42 of 57 rules meet this threshold for significance. These 42 rules account for 96.29% of the total energy savings from the 57 rules.
0.30 Quad .....	31 of 57 rules meet this threshold for significance. These 31 rules account for 94.09% of the total energy savings from the 57 rules.	36 of 57 rules meet this threshold for significance. These 36 rules account for 95.01% of the total energy savings from the 57 rules.	39 of 57 rules meet this threshold for significance. These 39 rules account for 95.77% of the total energy savings from the 57 rules.	43 of 57 rules meet this threshold for significance. These 43 rules account for 96.84% of the total energy savings from the 57 rules.

<sup>1</sup> DOE convened public meetings to discuss the Process Rule NOPR on March 21, 2019 and April 11, 2019.

<sup>2</sup> For rules prior to 2001, the national site energy savings were not reported. For these rules, the national site energy savings are estimated using a

single average national site-to-source energy savings multiplier of 2.78 for electricity, 1.09 for gas, or an average of the two for rules with mixed fuels. For all other rules, the national site energy savings are available in the technical support documents and/or the analytical tools.

<sup>3</sup> Six of the rules listed in the table identify a range of energy savings. For the purposes of this NODA, DOE assumes the maximum value for the energy savings in each of these six rules.

TABLE II.1—APPLICATION OF VARIOUS SIGNIFICANT ENERGY SAVINGS THRESHOLDS—Continued

Significant energy savings threshold	No additional percentage threshold	10% Reduction in energy use over analysis period	7.5% Reduction in energy use over analysis period	5% Reduction in energy use over analysis period
0.25 Quad .....	34 of 57 rules meet this threshold for significance. These 34 rules account for 95.61% of the total energy savings from the 57 rules.	38 of 57 rules meet this threshold for significance. These 38 rules account for 96.07% of the total energy savings from the 57 rules.	40 of 57 rules meet this threshold for significance. These 40 rules account for 96.30% of the total energy savings from the 57 rules.	43 of 57 rules meet this threshold for significance. These 43 rules account for 96.84% of the total energy savings from the 57 rules.
0.20 Quad .....	37 of 57 rules meet this threshold for significance. These 37 rules account for 96.78% of the total energy savings from the 57 rules.	41 of 57 rules meet this threshold for significance. These 41 rules account for 97.24% of the total energy savings from the 57 rules.	43 of 57 rules meet this threshold for significance. These 43 rules account for 97.48% of the total energy savings from the 57 rules.	46 of 57 rules meet this threshold for significance. These 46 rules account for 98.01% of the total energy savings from the 57 rules.
0.10 Quad .....	45 of 57 rules meet this threshold for significance. These 45 rules account for 98.93% of the total energy savings from the 57 rules.	49 of 57 rules meet this threshold for significance. These 49 rules account for 99.39% of the total energy savings from the 57 rules.	51 of 57 rules meet this threshold for significance. These 51 rules account for 99.62% of the total energy savings from the 57 rules.	52 of 57 rules meet this threshold for significance. These 52 rules account for 99.70% of the total energy savings from the 57 rules.

DOE seeks comment on the data presented in the docket and in Table II.1.

### III. Submission of Comments

DOE invites all interested parties to submit in writing by the date listed in the **DATES** section at the beginning of this document, comments and information on matters addressed in this notice and on other matters relevant to DOE's consideration of the data related to this NODA. These comments and information will aid in DOE's decision with respect to its consideration of potentially setting a threshold for significant energy savings.

*Submitting comments via <http://www.regulations.gov>.* The <http://www.regulations.gov> web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to <http://www.regulations.gov> information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information ("CBI")). Comments submitted through <http://www.regulations.gov> cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through <http://www.regulations.gov> before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that <http://www.regulations.gov> provides after you have successfully uploaded your comment.

*Submitting comments via email, hand delivery/courier, or postal mail.* Comments and documents submitted via email, hand delivery/courier, or postal mail 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 on 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. If you submit via postal mail or hand delivery/courier, please provide all items on a

CD, if feasible, in which case it is not necessary to submit printed copies. 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, postal mail, or hand delivery 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 or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the

information has previously been made available to others without obligation concerning its confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

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. DOE actively encourages the participation and interaction of the public during the comment period in each stage of the rulemaking process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the rulemaking 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 [Process.Rule@ee.doe.gov](mailto:Process.Rule@ee.doe.gov).

Signed in Washington, DC, on July 22, 2019.

**Daniel R. Simmons,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 2019-15916 Filed 7-25-19; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF STATE

### 22 CFR Parts 120, 121, 122, 123, 124, 125, 126, 127, 128, 129 and 130

[Public Notice: 10799]

RIN 1400-AE29

#### Consolidation of Exemptions in the International Traffic in Arms Regulations

**AGENCY:** Department of State.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** As part of an ongoing effort to better organize the International Traffic in Arms Regulations (ITAR), the Directorate of Defense Trade Controls (DDTC) seeks public comment on consolidating and clarifying the various exemptions located throughout the regulations. DDTC does not seek input

on whether individual exemptions in the ITAR should be expanded or eliminated, but rather requests comments regarding: Which exemptions, if any, are redundant or could be consolidated; and which exemptions, if any, contain language that introduces significant ambiguity or hinders the exemption's intended use.

**DATES:** The Department of State will accept comments in response to this notice until August 26, 2019.

**ADDRESSES:** Interested parties may submit comments by one of the following methods:

- *Email:* [DDTCPublicComments@state.gov](mailto:DDTCPublicComments@state.gov) with the subject line, "Request for Comments Regarding Consolidation of ITAR Exemptions."

- *Internet:* At [www.regulations.gov](http://www.regulations.gov), search for this notice using its docket number, DOS-2019-0022.

Comments submitted through [www.regulations.gov](http://www.regulations.gov) will be visible to other members of the public; the Department will publish responsive comments on the DDTC website ([www.pmdt.state.gov](http://www.pmdt.state.gov)). Therefore, commenters are cautioned not to include proprietary or other sensitive information in their comments.

**FOR FURTHER INFORMATION CONTACT:** John Foster, Regulatory and Multilateral Affairs, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663-2811 email [DDTCResponseTeam@state.gov](mailto:DDTCResponseTeam@state.gov). ATTN: Consolidation of ITAR Exemptions.

**SUPPLEMENTARY INFORMATION:** The Directorate of Defense Trade Controls (DDTC) of the Department of State regulates the export and temporary import of defense articles and services under the Arms Export Control Act (AECA) and its implementing regulations, the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120-130). DDTC is engaged in an ongoing effort to organize the ITAR more effectively in order to further streamline and clarify the subchapter. As part of that effort, DDTC seeks public comment on various exemptions located throughout the ITAR. Exemptions authorize the export, reexport, retransfer, temporary import, or brokering of a specific defense article or defense service without a license (as defined in the ITAR) or other written authorization.

DDTC does not seek to broaden or eliminate (unless determined to be redundant) existing exemptions in a rulemaking on this issue. Instead, its goal is to consolidate the various exemptions located throughout the ITAR in a single location and to organize them more effectively. All

commenters are encouraged to provide comments that are responsive specifically to the prompts set forth below.

The Department requests comment on the topics below. Excluding the exemptions currently located in Part 126 of the ITAR:

1. Which exemptions, if any, are redundant or could be consolidated?
2. Which exemptions, if any, contain language that introduces significant ambiguity or hinders the exemption's intended use?

If the Department issues a notice of proposed rulemaking on this topic, it will address responsive comments at that time.

**R. Clarke Cooper,**

*Assistant Secretary, Political-Military Affairs, Department of State.*

[FR Doc. 2019-15540 Filed 7-25-19; 8:45 am]

**BILLING CODE 4710-25-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 170

[190D0102  
DRDS5A30000DR.5A311.IA000118]

RIN 1076-AF45

#### Tribal Transportation Program; Inventory of Proposed Roads

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is proposing a change to a provision in the Tribal Transportation Program regulations affecting proposed roads that are currently in the National Tribal Transportation Facility Inventory (NTTFI). Specifically, this proposed rule would delete the requirement for Tribes to collect and submit certain data in order to keep those proposed roads in the NTTFI. The requirement to collect and submit data to add new proposed roads to the NTTFI would remain in place.

**DATES:** Comments are due by September 24, 2019.

**ADDRESSES:** You may send comments, identified by number 1076-AF45, by any of the following methods:

- Federal rulemaking portal:* <http://www.regulations.gov>. Follow the instructions for sending comments.
- Email:* [comments@bia.gov](mailto:comments@bia.gov). Include the number 1076-AF45 in the subject line of the message.
- Mail or hand-delivery:* Elizabeth Appel, Office of Regulatory Affairs &