

# Proposed Rules

Federal Register

Vol. 78, No. 35

Thursday, February 21, 2013

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 431

[Docket No. EERE-2011-BT-STD-0031]

RIN 1904-AC54

### Energy Efficiency Program for Commercial and Industrial Equipment: Commercial and Industrial Pumps

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

**ACTION:** Extension of public comment period.

**SUMMARY:** The comment period for the notice of public meeting and availability of the Framework Document pertaining to the development of energy conservation standards for commercial and industrial pumps published on February 1, 2013, is extended to May 2, 2013.

**DATES:** The comment period for the notice of public meeting and availability of the Framework Document relating to commercial and industrial pumps is extended to May 2, 2013.

**ADDRESSES:** Any comments submitted must identify the Framework Document for commercial and industrial pumps and provide docket number EERE-2011-BT-STD-0031 and/or RIN number 1904-AC54. Comments may be submitted using any of the following methods:

- *Federal eRulemaking Portal* at <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* to [Pumps2011STD0031@ee.doe.gov](mailto:Pumps2011STD0031@ee.doe.gov). Include EERE-2011-BT-STD-0031 in the subject line of the message.

- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, Framework Document for commercial and industrial pumps, EERE-2011-BT-STD-0031, 1000 Independence Avenue SW., Washington, DC 20585-0121. Phone: (202) 586-2945. Please submit one signed paper original.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: (202) 586-2945. Please submit one signed paper original.

*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:** Mr. Charles Llenza, 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) 586-2192. Email: [pumps@ee.doe.gov](mailto:pumps@ee.doe.gov).

In the office of the General Counsel, contact Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, GC-71, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 586-9507. Email: [Elizabeth.Kohl@hq.doe.gov](mailto:Elizabeth.Kohl@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Energy (DOE) published a request for information to solicit comments, data and information on, among other things, the energy use and potential means to improve the energy efficiency of commercial and industrial pumps. (76 FR 34192, June 13, 2011). DOE subsequently published a notice of public meeting and availability of the Framework Document in the **Federal Register** (78 FR 7304, Feb. 1, 2013) to solicit public input and facilitate the process of considering energy conservation standards for commercial and industrial pumps. The notice requested public comment from interested parties regarding specific as well as general questions and provided for the submission of comments by March 18, 2013. Thereafter, the Hydraulic Institute (HI) requested, on behalf of itself and its members, a 30-day extension of the public meeting and an additional 30-day extension of the comment period following the public meeting. HI stated that the additional time is necessary in order to review the 126 page document, gather the requisite information, and respond to the 110 questions DOE presented in the framework document. HI noted that the framework document addresses

“innumerable issues and complexities” and that “DOE is requesting well-informed and technical responses.” HI asserts that there is insufficient time before the February 20, 2013 hearing date to gather information and respond.

DOE declines to delay the public meeting. DOE notes that a public meeting on commercial and industrial fans is scheduled for February 21, 2013, the day after the meeting scheduled for pumps. Given the similarities in DOE's approach to and the issues presented by these equipment types, and in consideration of the travel schedules of participants who wish to attend the public meetings in person, DOE is retaining the scheduled February 20, 2013 public meeting date for pumps. However, based on HI's request, DOE believes that extending the comment period to allow additional time for interested parties to submit comments is appropriate. Therefore, DOE is extending the comment period until May 2, 2013 to provide interested parties additional time to prepare and submit comments. Accordingly, DOE will consider any comments received by May 2, 2013 to be timely submitted.

Issued in Washington, DC, on February 12, 2013.

**Kathleen B. Hogan,**

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

[FR Doc. 2013-03996 Filed 2-20-13; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2012-0371; Airspace Docket No. 12-ANM-11]

### Proposed Modification of Class D and Class E Airspace; Pueblo, CO

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

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

**SUMMARY:** This action proposes to modify Class D airspace and the Class E airspace areas at Pueblo Memorial Airport, Pueblo, CO. Controlled airspace is necessary to accommodate aircraft using VHF Omni-Directional Radio

Range/Distance Measuring Equipment (VOR/DME) standard instrument approach procedures at Pueblo Memorial Airport. The FAA is proposing this action to enhance the safety and management of Instrument Flight Rules (IFR) operations in the vicinity of the Pueblo Memorial Airport. This action also would make an adjustment to the geographic coordinates of the airport.

**DATES:** Comments must be received on or before April 8, 2013.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-9826. You must identify FAA Docket No. FAA-2012-0371; Airspace Docket No. 12-ANM-11, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203-4537.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2012-0371 and Airspace Docket No. 12-ANM-11) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2012-0371 and Airspace Docket No. 12-ANM-11". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for

comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### **Availability of NPRM's**

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **"ADDRESSES"** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

##### **The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class D airspace, Class E airspace designated as surface area, Class E airspace designated as an extension to Class D surface area, and Class E airspace extending upward from 700 feet above the surface, at Pueblo, CO. The additional airspace is necessary to accommodate aircraft using VOR/DME standard instrument approach procedures at Pueblo Memorial Airport, Pueblo, CO. The geographic coordinates of the airport for the Class D and Class E airspace areas also would be updated to coincide with the FAA's aeronautical database. This action would enhance the safety and management of aircraft operations at the airport.

Class D and Class E airspace designations are published in

paragraphs 5000, 6002, 6004 and 6005, respectively, of FAA Order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR Part 71.1. The Class D and Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify controlled airspace at Pueblo Memorial Airport, Pueblo, CO.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

##### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

##### **The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

# **PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

## **§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR Part 71.1 of the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

*Paragraph 5000 Class D airspace.*

\* \* \* \* \*

## **ANM CO D Pueblo, CO [Modified]**

Pueblo Memorial Airport, CO  
(Lat. 38°17'21" N., long. 104°29'47" W.)

That airspace extending upward from the surface to and including 7,200 feet MSL within a 5.6-mile radius of the Pueblo Memorial Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6002 Class E airspace designated as surface areas.*

\* \* \* \* \*

## **ANM CO E2 Pueblo, CO [Modified]**

Pueblo Memorial Airport, CO  
(Lat. 38°17'21" N., long. 104°29'47" W.)

Within a 5.6-mile radius of the Pueblo Memorial Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area.*

\* \* \* \* \*

## **ANM CO E4 Pueblo, CO [Modified]**

Pueblo Memorial Airport, CO  
(Lat. 38°17'21" N., long. 104°29'47" W.)

That airspace extending upward from the surface within 1.8 miles each side of the Pueblo Memorial Airport 269° bearing extending from the 5.6-mile radius of the airport to 7 miles west of the airport, and within 3.5 miles each side of the Pueblo Memorial Airport 080° bearing extending from the 5.6-mile radius of the airport to 11.4 miles east of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

## **ANM CO E5 Pueblo, CO [Modified]**

Pueblo Memorial Airport, CO  
(Lat. 38°17'21" N., long. 104°29'47" W.)

That airspace extending upward from 700 feet above the surface within 21.8-mile radius of the Pueblo Memorial Airport, and within the 28.8-mile radius of Pueblo Memorial Airport clockwise between the 070° and 133° bearing of the airport; that airspace extending upward from 1,200 feet above the surface within a 60-mile radius of Pueblo Memorial Airport.

Issued in Seattle, Washington, on February 1, 2013.

**Clark Desing,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2013–03982 Filed 2–20–13; 8:45 am]

**BILLING CODE 4910–13–P**

## **DEPARTMENT OF JUSTICE**

### **Parole Commission**

#### **28 CFR Part 2**

[Docket No. USPC–2013–01]

### **Paroling, Recommitting, and Supervising Federal Prisoners: Prisoners Serving Sentences Under the United States and District of Columbia Codes**

**AGENCY:** United States Parole Commission, Justice.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The United States Parole Commission proposes to revise its rules describing the conditions of release set for persons on supervision. The revision is part of our ongoing effort to make our rules easier to understand for those persons affected by the rules and other interested persons and organizations. We also propose to add new procedures for imposing special conditions for sex offenders, and to fill a gap left by an earlier rule change in 2003 regarding the administrative appeals that may be filed by District of Columbia offenders on supervised release.

**DATES:** Submit comments on or before April 22, 2013.

**ADDRESSES:** Submit your comments, identified by docket identification number USPC–2013–01 by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

2. *Mail:* Office of the General Counsel, U.S. Parole Commission, attention:

USPC Rules Group, 90 K Street, NE., Washington, DC 20530.

3. *Fax:* (202) 357–1083.

### **FOR FURTHER INFORMATION CONTACT:**

Office of the General Counsel, U.S. Parole Commission, 90 K Street, NE., Washington, DC 20530, telephone (202) 346–7030. Questions about this publication are welcome, but inquiries concerning individual cases cannot be answered over the telephone.

**SUPPLEMENTARY INFORMATION:** The Parole Commission is responsible for paroling those federal and District of Columbia offenders serving parole-eligible sentences and for monitoring the supervision of paroled offenders and DC offenders whose sentences require supervised release after serving their prison terms. We impose conditions of release for parolees and releasees pursuant to the authority granted by statutory law. For federal parolees, that authority is found at 18 U.S.C. 4209. For District of Columbia parolees, we are required to comply with the parole laws of the District of Columbia (DC Code 24–131(c)), and the parole law at DC Code 24–404(a) states that the Commission may parole a prisoner “upon such terms and conditions as the Commission shall from time to time prescribe.” For District of Columbia offenders on supervised release, our authority to impose release conditions is derived from both DC and federal law. DC Code 24–403.01(b)(6) (referencing 18 U.S.C. 3583(d)–(i)).

Through the conditions of release we provide guides for the offender’s conduct while under supervision. Some conditions are required by law. We impose other conditions based on policy determinations using the criteria set by the statutes cited above. We impose and enforce the release conditions primarily to protect the public from a recurrence of criminal activity by the offender and to encourage the offender’s successful re-entry into the community. The conditions are listed on a certificate of release given to the offender at the outset of the supervision term. If we change the conditions of release while the offender is on parole or supervised release, we advise the offender of the new condition by a notice of action. The offender’s supervision officer is responsible for the day-to-day implementation of the release conditions. If the offender violates the release conditions, the consequences may range from an informal reprimand from the supervision officer to the offender’s return to prison through the revocation process. Given the serious consequences that may follow from a violation of release conditions and the