

Rules and Regulations

Federal Register

Vol. 76, No. 164

Wednesday, August 24, 2011

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

7 CFR Part 2

RIN 0503-AA48

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture to the Under Secretary for Research, Education, and Economics (REE) and the Under Secretary for Rural Development (RD), and from the Under Secretary for REE to the Director of the National Institute of Food and Agriculture (NIFA), to reflect the division of responsibilities for carrying out the biomass research and development authorities in section 9008 of the Farm Security and Rural Investment Act of 2002 (FSRIA) (7 U.S.C. 8108).

DATES: *Effective Date:* August 24, 2011.

FOR FURTHER INFORMATION CONTACT: Chavonda Jacobs-Young, Acting Director, NIFA, REE, USDA at (202) 720-4423 or William F. Hagy, Director of Alternative Energy Policy, RD, USDA, at (202) 720-4581.

SUPPLEMENTARY INFORMATION: This final rule revises the delegations of authority within the Department of Agriculture to carry out the various authorities of the Secretary of Agriculture in section 9008 of FSRIA (formerly the Biomass Research and Development Act of 2000) (7 U.S.C. 8108), as added by section 9001(a) of the Food, Conservation, and Energy Act of 2008, Public Law 110-246.

Currently, the authority to carry out section 9008 of FSRIA is delegated to the Under Secretary for REE, as reflected in 7 CFR 2.21(a)(1)(cci). The authority to administer the grants program known as the Biomass Research and Development Initiative (7 U.S.C. 8108(e)) is further

delegated to the Director of NIFA within the REE mission area, as reflected in 7 CFR 2.66(a)(156).

This final rule divides responsibilities for carrying out section 9008 of FSRIA between the REE and RD mission areas, as follows. The Under Secretary for REE will continue to exercise delegated authority to administer the Biomass Research and Development Initiative program, as well as consult and coordinate, as appropriate, with the Under Secretary for RD and other mission areas of the Department as necessary in carrying out this authority. These authorities are further delegated to the Director of NIFA. The delegations in 7 CFR 2.21(a)(1)(cci) and 2.66(a)(156) are revised accordingly.

The Under Secretary for RD is delegated the responsibility to carry out all other authorities of the Secretary in 7 U.S.C. 8108, including administration of the Biomass Research and Development Board and Biomass Research and Development Technical Advisory Committee, and submission of reports to Congress. The Under Secretary for RD will consult and coordinate, as appropriate, with the Under Secretary for REE and other mission areas of the Department in carrying out these authorities. A new delegation is added to 7 CFR 2.17(a)(30) to reflect the delegation of these authorities.

Finally, the Under Secretary for RD will serve as the designated "point of contact" referenced in 7 U.S.C. 8108 for the Department, except that the point of contact for purposes of administering the Biomass Research and Development Initiative program will continue to be the Under Secretary for REE.

Classification

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Orders 12866 and 12988. This action is not a rule as defined by the Regulatory Flexibility Act, Public Law 96-354, and the Small Business Regulatory Fairness Enforcement Act, 5 U.S.C. 801 *et seq.*, and thus is exempt from the provisions of those Acts. This rule contains no information collection or recordkeeping

requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

Accordingly, Title 7 of the Code of Federal Regulations is amended as set forth below:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

■ 1. The authority for part 2 continues to read as follows:

Authority: 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949-1953 Comp., p. 1024.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretaries, and Assistant Secretaries for Congressional Relations and Administration

■ 2. Amend § 2.17 by adding a new paragraph (a)(30) to read as follows:

§ 2.17 Under Secretary for Rural Development.

(a) * * *

(30) *Related to biomass research and development.*

Administer section 9008 of FSRIA (7 U.S.C. 8108) with respect to biomass research and development, including administration of the Biomass Research and Development Board and Biomass Research and Development Technical Advisory Committee, and submission of reports to Congress, except for the authority delegated to the Under Secretary for REE in § 2.21(a)(1)(cci) to carry out the Biomass Research and Development Initiative; consult and coordinate, as appropriate, with the Under Secretary for REE and other mission areas within the Department as deemed necessary in carrying out the authorities delegated herein; and serve as the designated point of contact referenced in 7 U.S.C. 8108 for the Department, except for purposes of administering the Biomass Research and Development Initiative as provided in § 2.21(a)(1)(cci).

* * * * *

■ 3. Amend § 2.21 by revising paragraph (a)(1)(cci) to read as follows:

§ 2.21 Under Secretary for Research, Education, and Economics.

(a) * * *

(1) * * *

(cci) Administer the Biomass

Research and Development Initiative (7 U.S.C. 8108(e)); consult and coordinate, as appropriate, with the Under Secretary for RD and other mission areas of the Department as deemed necessary in carrying the authorities delegated herein; serve as the designated point of contact referenced in 7 U.S.C. 8108 for the Department for purposes of administering the Biomass Research and Development Initiative.

* * * * *

Subpart K—Delegations of Authority by the Under Secretary for Research, Education, and Economics

■ 4. Amend § 2.66 by revising paragraph (a)(156) to read as follows:

§ 2.66 Director, National Institute of Food and Agriculture.

(a) * * *

(156) Administer the Biomass

Research and Development Initiative (7 U.S.C. 8108(e)); consult and coordinate, as appropriate, with the Under Secretary for Rural Development and other mission areas of the Department as deemed necessary in carrying out the authorities delegated herein.

* * * * *

Signed in Washington, DC, on August 18, 2011.

Pearlie S. Reed,*Assistant Secretary of Agriculture for Administration.*

[FR Doc. 2011-21597 Filed 8-23-11; 8:45 am]

BILLING CODE 3410-01-P

DEPARTMENT OF ENERGY**10 CFR Part 430**

[Docket Number EERE-2007-BT-STD-0010]

RIN 1904-AA89

Energy Conservation Program: Energy Conservation Standards for Residential Clothes Dryers and Room Air Conditioners

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

ACTION: Final rule.

SUMMARY: In a direct final rule published on April 21, 2011, the U.S. Department of Energy (DOE) adopted amended energy conservation standards for residential clothes dryers and room

air conditioners. As required by the Energy Policy and Conservation Act (EPCA), DOE also published simultaneously a notice of proposed rulemaking (NOPR) that proposed identical energy efficiency standards. The standards set forth in the direct final rule and NOPR were identical to the standards provided in the consensus agreement that served as the basis for those rulemaking actions. The consensus agreement also provided specific compliance dates for both products. In the direct final rule and NOPR, however, DOE provided for a compliance date 3 years after the date of publication in the **Federal Register**, or April 21, 2014. As such, the compliance date of the direct final rule and NOPR did not correspond with the consensus agreement. DOE now amends the compliance dates set forth in the direct final rule and corresponding NOPR to be consistent with the compliance dates set out in the consensus agreement. Elsewhere in today's **Federal Register**, DOE also published a document confirming adoption of the standards set forth in the direct final rule and confirming the effective date of the direct final rule.

DATES: *Effective Date:* This rule is effective on August 24, 2011.

Compliance dates: Compliance with the standards for room air conditioners is required on June 1, 2014. Compliance with the standards for residential clothes dryers is required on January 1, 2015.

ADDRESSES: The docket is available for review at regulations.gov, including **Federal Register** notices, framework documents, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the regulations.gov index. Not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

A link to the docket Web page can be found at: <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Witkowski, 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, (202) 586-7463, e-mail: stephen.witkowski@ee.doe.gov.

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of General Counsel, GC-71, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-7796, e-mail: Elizabeth.Kohl@hq.doe.gov.

For further information on how to submit or review public comments or view hard copies of the docket, contact Ms. Brenda Edwards at (202) 586-2945 or e-mail: Brenda.Edwards@ee.doe.gov.

SUPPLEMENTARY INFORMATION: DOE published a direct final rule to establish amended energy conservation standards for residential clothes dryers and room air conditioners on April 21, 2011. 76 FR 22454 (April 21, 2011).

EPCA (42 U.S.C. 6291 *et seq.*), as amended, grants DOE authority to issue a final rule (hereinafter referred to as a “direct final rule”) establishing an energy conservation standard on receipt of a statement submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates) as determined by the Secretary, that contains recommendations with respect to an energy conservation standard that are in accordance with the provisions of 42 U.S.C. 6295(o). EPCA also requires a NOPR that proposes an identical energy conservation standard to be published simultaneously with the final rule. A public comment period of at least 110 days must be provided. 42 U.S.C. 6295(p)(4). Not later than 120 days after issuance of the direct final rule, if one or more adverse comments or an alternative joint recommendation are received relating to the direct final rule, the Secretary must determine whether the comments or alternative recommendation may provide a reasonable basis for withdrawal under 42 U.S.C. 6295(o) or other applicable law. If the Secretary makes such a determination, DOE must withdraw the direct final rule and proceed with the simultaneously published notice of proposed rulemaking. DOE must publish in the **Federal Register** the reason why the direct final rule was withdrawn. *Id.*

During the rulemaking proceeding to develop amended standards for residential clothes dryers and room air conditioners, DOE received the “Agreement on Minimum Federal Efficiency Standards, Smart Appliances, Federal Incentives and Related Matters for Specified Appliances” (the “Joint Petition”), a comment submitted by groups representing manufacturers (the Association of Home Appliance Manufacturers (AHAM), Whirlpool Corporation (Whirlpool), General Electric Company (GE), Electrolux, LG Electronics, Inc. (LG), BSH Home Appliances (BSH), Alliance Laundry Systems (ALS), Viking Range, Sub-Zero Wolf, Friedrich A/C, U-Line, Samsung,