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 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 energy 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 Inc. (BSH), Alliance Laundry Systems (ALS), Viking Range, Sub-Zero Wolf, Friedrich A/C, U-Line, Samsung, etc.)
Petition''1 or ''Consensus Agreement''
This collective set of comments, which
Northeast Energy Efficiency
Conservation Council (NPCC), and
Efficiency (AWE), Northwest Power and
Energy (ASE), Alliance for Water
Appliance Standards Awareness Project
Energy Efficient Economy (ACEEE),
avocates (American Council for an
DeLonghi); energy and environmental
Indesit, Kuppersbusch, Kelon, and
Haier, Fagor America, Airwell Group,

As discussed in the direct final rule,
DOE determined that the relevant
criteria under 42 U.S.C. 6295(p)(4) were
satisfied and that it was appropriate to
adopt amended energy conservation
standards for residential
clothes dryers and room air conditioners
that, in the commenters’ view, would
satisfy the EPCA requirements in 42
U.S.C. 6295(o). The Joint Petition also
sets forth compliance dates for these
recommended standards. The
compliance dates are June 1, 2014 for
room air conditioners and January 1,
2015 for clothes dryers.

As discussed in the direct final rule,
DOE finds good cause to waive the
30-day delay in effective date under the
Administrative Procedure Act (5 U.S.C.
553(d)). A 30-day delay is unnecessary
because the compliance dates
established in today’s final rule are
intended merely to ensure that the
compliance dates for the energy
conservation standards set forth in
DOE’s direct final rule published on
April 21, 2011 are the same as those
recommended in the Joint Petition.
Further, as DOE also published a
document elsewhere in today’s Federal
Register confirming adoption of the
standards set forth in the direct final rule
and announcing the effective date of
the direct final rule.

Procedural Issues and Regulatory
Review
DOE finds good cause to waive the
30-day delay in effective date under the
Administrative Procedure Act (5 U.S.C.
553(d)). A 30-day delay is unnecessary
because the compliance dates
established in today’s final rule are
intended merely to ensure that the
compliance dates for the energy
conservation standards set forth in
DOE’s direct final rule published on
April 21, 2011 are the same as those
recommended in the Joint Petition.
Further, as DOE also published a
document elsewhere in today’s Federal
Register confirming adoption of the
standards set forth in the direct final rule
and announcing the effective date of
the direct final rule, any delay in the
effective date of this rule could cause
confusion among interested parties.

The regulatory reviews conducted for
this final rule remain unchanged from
those conducted for the direct final rule
establishing the amended energy
conservation standards. DOE does not
believe that the changes in the
compliance dates—approximately one
and a half months for room air
conditioners and eight and a half
months for clothes dryers—would result
in changes to those analyses. Please see
the direct final rule for further details.

List of Subjects in 10 CFR Part 430
Administrative practice and
procedure, Confidential business
information, Energy conservation,
Household appliances, Reporting and
recordkeeping requirements, Small
businesses.

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

Timothy Unruh,
Program Manager, Federal Energy
Management Program, Energy Efficiency and
Renewable Energy.

For the reasons set forth in the
preamble, DOE amends chapter II,
subchapter D, of title 10 of the Code of
Federal Regulations, as set forth below:

PART 430—ENERGY CONSERVATION
PROGRAM FOR CONSUMER
PRODUCTS

1. The authority citation for part 430
continues to read as follows:

2461 note.

2. In § 430.32, revise paragraphs (b)
and (h) to read as follows:

§ 430.32 Energy and water conservation
standards and their effective dates.

(b) Room air conditioners.

Product class | Energy efficiency ratio, effective from Oct. 1, 2000 to May 31, 2014 | Combined energy efficiency ratio, effective as of June 1, 2014
--- | --- | ---
1. Without reverse cycle, with louvered sides, and less than 6,000 Btu/h | 9.7 | 11.0
2. Without reverse cycle, with louvered sides, and 6,000 to 7,999 Btu/h | 9.7 | 11.0
3. Without reverse cycle, with louvered sides, and 8,000 to 13,999 Btu/h | 9.8 | 10.9
4. Without reverse cycle, with louvered sides, and 14,000 to 19,999 Btu/h | 9.7 | 10.7
5a. Without reverse cycle, with louvered sides, and 20,000 to 24,999 Btu/h | 8.5 | 9.4
5b. Without reverse cycle, with louvered sides, and 25,000 Btu/h or more | | 9.0
6. Without reverse cycle, without louvered sides, and less than 6,000 Btu/h | 9.0 | 10.0
7. Without reverse cycle, without louvered sides, and 6,000 to 7,999 Btu/h | 9.0 | 10.0
8a. Without reverse cycle, without louvered sides, and 8,000 to 10,999 Btu/h | 8.5 | 9.6
8b. Without reverse cycle, without louvered sides, and 11,000 to 13,999 Btu/h | | 9.5
9. Without reverse cycle, without louvered sides, and 14,000 to 19,999 Btu/h | 8.5 | 9.3
10. Without reverse cycle, without louvered sides, and 20,000 Btu/h or more | 8.5 | 9.4
11. With reverse cycle, with louvered sides, and less than 20,000 Btu/h | 9.0 | 9.8
12. With reverse cycle, without louvered sides, and less than 14,000 Btu/h | 8.5 | 9.3
13. With reverse cycle, with louvered sides, and 20,000 Btu/h or more | 8.5 | 9.3
14. With reverse cycle, without louvered sides, and 14,000 Btu/h or more | 8.0 | 8.7
15. Casement-Only | 8.7 | 9.5

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* * * * *

(h) Clothes dryers. (1) Gas clothes dryers manufactured after January 1, 1988 shall not be equipped with a constant burning pilot.

(2) Clothes dryers manufactured on or after May 14, 1994 and before January 1, 2015, shall have an energy factor no less than:

<table>
<thead>
<tr>
<th>Product class</th>
<th>Energy factor (lbs/kWh)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Electric, Standard (4.4 ft³ or greater capacity)</td>
<td>3.01</td>
</tr>
<tr>
<td>ii. Electric, Compact (120V) (less than 4.4 ft³ capacity)</td>
<td>3.13</td>
</tr>
<tr>
<td>iii. Electric, Compact (240V) (less than 4.4 ft³ capacity)</td>
<td>2.90</td>
</tr>
<tr>
<td>iv. Gas</td>
<td>2.67</td>
</tr>
</tbody>
</table>

(3) Clothes dryers manufactured on or after January 1, 2015, shall have a combined energy factor no less than:

<table>
<thead>
<tr>
<th>Product class</th>
<th>Combined energy factor (lbs/kWh)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Vented Electric, Standard (4.4 ft³ or greater capacity)</td>
<td>3.73</td>
</tr>
<tr>
<td>ii. Vented Electric, Compact (120V) (less than 4.4 ft³ capacity)</td>
<td>3.61</td>
</tr>
<tr>
<td>iii. Vented Electric, Compact (240V) (less than 4.4 ft³ capacity)</td>
<td>3.27</td>
</tr>
<tr>
<td>iv. Vented Gas</td>
<td>3.30</td>
</tr>
<tr>
<td>v. Ventless Electric, Compact (240V) (less than 4.4 ft³ capacity)</td>
<td>2.55</td>
</tr>
<tr>
<td>vi. Ventless Electric, Combination Washer-Dryer</td>
<td>2.08</td>
</tr>
</tbody>
</table>

DEPARTMENT OF ENERGY

10 CFR Part 430
RIN 1904–AA89

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


ACTION: Notice of effective date and compliance dates for direct final rule.

SUMMARY: DOE published a direct final rule to establish amended energy conservation standards for residential clothes dryers and room air conditioners in the Federal Register on April 21, 2011. DOE has determined that the adverse comments received in response to the direct final rule do not provide a reasonable basis for withdrawing the direct final rule. Therefore, DOE provides this document confirming adoption of the energy conservation standards established in the direct final rule and announcing the effective date of those standards. DOE also published a proposed rule to amend the compliance dates set forth in the direct final rule on May 9, 2011. Elsewhere in today’s Federal Register, DOE publishes a final rule which adopts the compliance dates set forth in its proposed rule published on May 9, 2011.

DATES: The direct final rule published on April 21, 2011 (76 FR 22454) was effective on August 19, 2011. Pursuant to the document published elsewhere in today’s Federal Register, compliance with the standards in the direct final rule will be required on June 1, 2014 for room air conditioners and on January 1, 2015 for clothes dryers.

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 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:

I. Authority and Rulemaking

Background

As amended by Energy Independence and Security Act of 2007 (EISA 2007; Pub. L. 110–140), the Energy Policy and Conservation Act authorizes DOE to issue 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 of Energy (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). A notice of proposed rulemaking (NPR) that proposes an identical energy conservation standard must be published simultaneously with the final rule, and DOE must provide a public comment period of at least 110 days on the direct final rule. 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