

**§ 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.*

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**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](http://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](http://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](mailto: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](mailto: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](mailto: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,

Sharp Electronics, Miele, Heat Controller, AGA Marvel, Brown Stove, Haier, Fagor America, Airwell Group, Arcelik, Fisher & Paykel, Scotsman Ice, Indesit, Kuppersbusch, Kelon, and DeLonghi); energy and environmental advocates (American Council for an Energy Efficient Economy (ACEEE), Appliance Standards Awareness Project (ASAP), Natural Resources Defense Council (NRDC), Alliance to Save Energy (ASE), Alliance for Water Efficiency (AWE), Northwest Power and Conservation Council (NPCC), and Northeast Energy Efficiency Partnerships (NEEP)); and consumer groups (Consumer Federation of America (CFA) and the National Consumer Law Center (NCLC)) (collectively, the “Joint Petitioners”). This collective set of comments, which DOE refers to in this notice as the “Joint Petition”<sup>1</sup> or “Consensus Agreement” recommends specific 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 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 clothes dryers and room air conditioners through the direct final rule. In publishing the direct final rule, however, DOE inadvertently specified a compliance date 3 years after publication of the direct final rule in the

**Federal Register**, rather than specifying the compliance dates set forth in the Joint Petition. DOE proposed to amend the compliance dates in a proposed rule published in the **Federal Register** on May 9, 2011. 76 FR 26656. DOE received two comments in support of the amended compliance dates, and no commenters objected to those dates. In today’s rule, DOE adopts those compliance dates. Specifically, for room air conditioners, DOE adopts a compliance date of June 1, 2014, and for clothes dryers, DOE adopts a compliance date of January 1, 2015. In addition, elsewhere in today’s **Federal Register**, DOE published a document 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:

**Authority:** 42 U.S.C. 6291–6309; 28 U.S.C. 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

<sup>1</sup> DOE Docket No. EERE–2007–BT–STD–0010, Comment 35.

Product class	Energy efficiency ratio, effective from Oct. 1, 2000 to May 31, 2014	Combined energy efficiency ratio, effective as of June 1, 2014
16. Casement-Slider .....	9.5	10.4

\* \* \* \* \*

(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:

Product class	Energy factor (lbs/kWh)
i. Electric, Standard (4.4 ft <sup>3</sup> or greater capacity) .....	3.01
ii. Electric, Compact (120V) (less than 4.4 ft <sup>3</sup> capacity) ....	3.13
iii. Electric, Compact (240V) (less than 4.4 ft <sup>3</sup> capacity) ....	2.90
iv. Gas .....	2.67

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

Product class	Combined energy factor (lbs/kWh)
i. Vented Electric, Standard (4.4 ft <sup>3</sup> or greater capacity) ...	3.73
ii. Vented Electric, Compact (120V) (less than 4.4 ft <sup>3</sup> capacity) .....	3.61
iii. Vented Electric, Compact (240V) (less than 4.4 ft <sup>3</sup> capacity) .....	3.27
iv. Vented Gas .....	3.30
v. Ventless Electric, Compact (240V) (less than 4.4 ft <sup>3</sup> capacity) .....	2.55
vi. Ventless Electric, Combination Washer-Dryer .....	2.08

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**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:** 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 CONTACT:** Mr. 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; telephone: (202) 586-7463; e-mail: [Stephen.Witkowski@ee.doe.gov](mailto:Stephen.Witkowski@ee.doe.gov).

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) 586-7796; e-mail: [Elizabeth.Kohl@hq.doe.gov](mailto: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](mailto: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