

# Proposed Rules

Federal Register

Vol. 86, No. 183

Friday, September 24, 2021

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 430

[EERE-2019-BT-TP-0021]

RIN 1904-AE75

#### Energy Conservation Program: Test Procedures for Consumer Products; Early Assessment Review; Faucets and Showerheads

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

**ACTION:** Request for information; extension of public comment period.

**SUMMARY:** The U.S. Department of Energy (“DOE”) is extending the public comment period for the early assessment request for information (“RFI”) regarding proposals to amend the test procedures for faucets and showerheads. DOE published the RFI in the **Federal Register** on September 2, 2021, establishing a 32-day public comment period ending October 4, 2021. On September 9, 2021, DOE received a comment requesting extension of the comment period to at least 30 days. DOE is extending the public comment period for submitting comments and data on the RFI document by an additional 15 days, to October 19, 2021, for a total of a 47 day comment period.

**DATES:** The comment period for the RFI published on September 2, 2021 (86 FR 49261), is extended. DOE will accept comments, data, and information regarding this RFI received no later than October 19, 2021.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments. Alternatively, interested persons may submit comments by email to the following address: [FaucetShowerhead2019TP0021@ee.doe.gov](mailto:FaucetShowerhead2019TP0021@ee.doe.gov). Include “Energy Conservation Program: Test Procedures for Consumer Products; Early

Assessment Review; Faucets and Showerheads” and docket number EERE-2019-BT-TP-0021 and/or RIN number 1904-AE75 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing corona virus (COVID-19) pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586-1445 to discuss the need for alternative arrangements. Once the COVID-19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

No telefacsimilies (faxes) will be accepted.

**Docket:** The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at [www.regulations.gov](http://www.regulations.gov). All documents in the docket are listed in the [www.regulations.gov](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 [www.regulations.gov/docket?D=EERE-2019-BT-TP-0021](http://www.regulations.gov/docket?D=EERE-2019-BT-TP-0021). The docket web page contains instructions on how to access all documents, including public comments in the docket.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC, 20585-0121. Telephone: (202) 586-0371. Email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

Ms. Amelia Whiting, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW,

Washington, DC 20585-0121. Telephone: (202) 586-2588. Email: [Amelia.Whiting@hq.doe.gov](mailto:Amelia.Whiting@hq.doe.gov).

For further information on how to submit a comment or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email:

[ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** On September 2, 2021, DOE published a RFI in the **Federal Register** soliciting public comment on its test procedures for faucets and showerheads. 86 FR 49261. Comments were originally due on October 4, 2021. On September 9, 2021, DOE received a comment from Plumbing Manufacturers International (PMI) to extend at least 30 days the DOE comment period for the RFI for faucets and showerheads test procedure, extending the comment submission deadline from October 4, 2021 up to November 3, 2021.<sup>1</sup>

DOE has reviewed the request and considered the benefit to stakeholders in providing additional time to review the RFI, and gather information/data that DOE is seeking. As noted, the RFI was issued as part of the preliminary stage of a rulemaking to consider amendments to the energy conservation standards for faucets and showerheads. If DOE determines that amended energy conservation standards may be appropriate, additional notices will be published (e.g., a notice of proposed rulemaking), providing interested parties additional opportunity to submit comments. Accordingly, DOE has determined that an extension of the comment period is appropriate, and is hereby extending the comment period by an additional 15 days, until October 19, 2021 for a total of a 47-day comment period.

#### Signing Authority

This document of the Department of Energy was signed on September 19, 2021, by Kelly Speakes Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature

<sup>1</sup> DOE has posted this comment to the docket at [www.regulations.gov/document/EERE-2019-BT-TP-0021-0002](http://www.regulations.gov/document/EERE-2019-BT-TP-0021-0002).

and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 21, 2021.

**Treana V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2021-20756 Filed 9-23-21; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### 10 CFR Parts 430 and 431

[EERE-2018-BT-STD-0018]

RIN 1904-AE39

#### Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters: Notification of Proposed Interpretive Rule

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

**ACTION:** Notification of proposed interpretive rule; extension of public comment period.

**SUMMARY:** On January 15, 2021, the U.S. Department of Energy (DOE or the Department) published in the **Federal Register** a final interpretive rule determining that, in the context of residential furnaces, commercial water heaters, and similarly-situated products or equipment, use of non-condensing technology (and associated venting) constitutes a performance-related “feature” under the Energy Policy and Conservation Act, as amended (EPCA), that cannot be eliminated through the adoption of an energy conservation standard. On August 27, 2021, DOE published in the **Federal Register** a notification of proposed interpretive rule (NOPIR) that proposes to return to its previous and long-standing interpretation, under which the technology used to supply heated air or hot water is not a performance related “feature” that provides a distinct consumer utility under EPCA. The NOPIR provided an opportunity for submission of written comments, data,

and information to the DOE no later than September 27, 2021. Prior to the end of that comment period, several stakeholders submitted a joint request seeking additional time to consider the issues raised in the NOPIR. In light of this request, DOE is extending the comment period on the subject NOPIR for an additional 15 days.

**DATES:** The comment period for the NOPIR published in the **Federal Register** on August 27, 2021 (86 FR 48049) is extended to October 12, 2021. Written comments, data, and information are requested and will be accepted on and before October 12, 2021.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments. Alternatively, interested persons may submit comments by email to the following address: *Email: ResFurnaceCommWaterHeater2018STD0018@ee.doe.gov*. Include docket number EERE-2018-BT-STD-0018 and/or RIN 1904-AE39 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption. No telefacsimiles (faxes) will be accepted.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing COVID-19 pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586-1445 to discuss the need for alternative arrangements. Once the COVID-19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

**Docket:** The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at [www.regulations.gov](http://www.regulations.gov). All documents in the docket are listed in the [www.regulations.gov](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: [www.regulations.gov/#!docketDetail;D=EERE-2018-BT-STD-0018](http://www.regulations.gov/#!docketDetail;D=EERE-2018-BT-STD-0018). The docket web page contains instructions on how to access all documents, including public comments, in the docket.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Catherine Rivest, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-7335. Email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-5827. Email: [Eric.Stas@hq.doe.gov](mailto:Eric.Stas@hq.doe.gov).

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** On January 15, 2021, the U.S. Department of Energy (DOE or the Department) published in the **Federal Register** a final interpretive rule determining that, in the context of residential furnaces, commercial water heaters, and similarly-situated products or equipment, use of non-condensing technology (and associated venting) constitutes a performance-related “feature” under EPCA (42 U.S.C. 6291 *et seq.*), as amended, that cannot be eliminated through the adoption of an energy conservation standard. 86 FR 4776. On August 27, 2021, DOE published in the **Federal Register** a NOPIR that proposes to return to its previous and long-standing interpretation (in effect prior to the January 2021 final interpretive rule), under which the technology used to supply heated air or hot water is not a performance related “feature” that provides a distinct consumer utility under EPCA. 86 FR 48049. The NOPIR provided an opportunity for submission of written comments, data, and information to the Department no later than September 27, 2021.

Prior to the end of the comment period for the NOPIR, DOE received a joint comment from the American Gas Association (AGA), the American Public Gas Association (APGA), Spire Inc. and Spire Missouri (Spire), and the National Propane Gas Association (NPGA),