

encourage consumers to enroll with a particular participating provider (as defined in § 54.1800(r)(1) through (4)) or among a specific group of participating providers (including, but not limited to, broadband industry groups, such as trade associations) when conducting grant-funded outreach activities.

Grantees, Pass-through Entities, and Subrecipients shall also make clear that eligible households may enroll with the participating provider of their choice.

(b) *Prohibition against use of ACP participating provider-branded items.* Grantees, Pass-through Entities, and Subrecipients shall not use participating-provider (as defined in § 54.1800(r)(1) through (4)) branded items such as outreach materials, gifts, or incentives when conducting grant-funded outreach activities.

(c) *Prohibition against ACP participating provider gifts, incentives, and funding.* Grantees, Pass-through Entities, and Subrecipients shall not:

(1) Offer or provide consumers gifts or incentives provided by or funded by a participating provider (as defined in § 54.1800(r)(1) through (4)) or a specific group of participating providers (including, but not limited to, broadband industry groups, such as trade associations) to encourage consumers to learn about, apply for, or enroll in the Affordable Connectivity Program (ACP) when conducting grant-funded outreach activities; or

(2) Otherwise accept funding in any form, including in-kind contributions, from a participating provider or a specific group of participating providers for the purpose of conducting grant-funded outreach activities.

(d) *Prohibition against using grant funds for gifts and incentives.* Grantees, Pass-through Entities, and Subrecipients may not use grant funds to obtain or support gifts or incentives to offer or provide to consumers to encourage consumers to learn about, apply for, or enroll in the Affordable Connectivity Program or otherwise engage with the Grantee, Pass-through Entity, or Subrecipient concerning the Affordable Connectivity Program when conducting grant-funded outreach activities.

(e) *Prohibition of certain compensation for individuals engaged in outreach.* Grantees, Pass-through Entities, and Subrecipients shall not offer or provide any form of compensation that is based on the number of consumers or households that learn about, apply for, or enroll in the Affordable Connectivity Program to individuals conducting grant-funded outreach activities, including but not limited to their personnel, their representatives, their contractors, or

others acting on behalf of the entity to conduct grant-funded outreach.

#### § 54.1903 Ineligible entities.

(a) In addition to any participant restrictions in 2 CFR part 200, as adopted at 2 CFR 6000.1, the following entities may not receive awards, either as Grantees, Pass-through Entities, or Subrecipients under the Outreach Grant Program:

(1) Broadband providers (including municipal broadband providers), their affiliates, subsidiaries, contractors, agents, or representatives; and

(2) Broadband industry groups and trade associations that represent broadband providers.

(b) For municipal broadband providers, the exclusion of broadband providers and their affiliates, subsidiaries, or representatives from eligibility does not extend to separate arms of the municipality that do not maintain, manage, or operate the municipal broadband network.

#### § 54.1904 Recordkeeping and audits.

Participants in the Affordable Connectivity Outreach Grant Program must maintain records to document compliance with the rules and requirements for the Outreach Grant Program in accordance with 2 CFR 200.334, 200.335, 200.336, and 200.338, as adopted at 2 CFR 6000.1, and shall provide that documentation to the Office of the Managing Director or any other FCC Bureau or Office, or their assigns, upon request in accordance with 2 CFR 200.337, as adopted at 2 CFR 6000.1.

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## DEPARTMENT OF ENERGY

### 10 CFR Part 429

[EERE-2012-BT-STD-0045]

RIN 1904-AE90

#### **Energy Conservation Program for Appliance Standards: Certification for Ceiling Fan Light Kits, General Service Incandescent Lamps, Incandescent Reflector Lamps, Ceiling Fans, Consumer Furnaces and Boilers, Consumer Water Heaters, Dishwashers, and Commercial Clothes Washers, Battery Chargers, and Dedicated-Purpose Pool Pumps; Correction**

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

**ACTION:** Correcting amendments.

**SUMMARY:** On July 22, 2022, the U.S. Department of Energy (“DOE”) published a final rule that amended the certification provisions for ceiling fan light kits (“CFLKs”), in addition to several other covered products. This document corrects an error in the amended regulatory text for CFLKs as it appeared in the final rule. Neither the error nor the correction in this document affect the substance of the rulemaking or any conclusions reached in support of the final rule.

**DATES:** Effective September 6, 2022.

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

Mr. Lucas Adin, 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) 287-5904. Email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

Ms. Amelia Whiting, U.S. Whiting, 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).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

DOE published a final rule in the **Federal Register** on July 22, 2022, amending certification requirements in part 429 of title 10 of the Code of Federal Regulations (10 CFR part 429) applicable to ceiling fan light kits (“CFLKs”), general service incandescent lamps, incandescent reflector lamps, ceiling fans, consumer furnaces and boilers, consumer water heaters, dishwashers, commercial clothes washers, battery chargers, and dedicated-purpose pool pumps. 87 FR 43952. Since publication of the final rule, DOE has learned of an error in the regulatory text for the CFLK certification provisions in 10 CFR 429.33. The regulatory text in this section contains provisions that apply to CFLKs based upon their date of manufacture. Specifically, the requirements in 10 CFR 429.33(b)(2)(ii) and (b)(3)(ii) apply to products manufactured on or after January 21, 2020, whereas those in 10 CFR 429.33(b)(2)(i) and (b)(3)(i) apply to products manufactured prior to January 21, 2020. However, the amended regulatory text as adopted by the July 22, 2022, final rule erroneously identified the compliance date in these paragraphs as January 1, 2020, rather than January 21, 2020.

**II. Need for Correction**

As published, the regulatory text in the July 2022 final rule may result in confusion as to the applicability of specific certification provisions that apply to CFLKs. The current regulatory text is also in conflict with the current compliance date for energy conservation standards for CFLKs in 10 CFR 430.32(s)(6). Because this final rule would simply correct an error in the text without making substantive changes in the July 2022 final rule, the changes addressed in this document are technical in nature.

**III. Procedural Issues and Regulatory Review**

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the July 2022 final rule remain unchanged for this final rule technical correction. These determinations are set forth in the July final rule. 87 FR 43952, 43973–43976.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), DOE finds that there is good cause to not issue a separate notice to solicit public comment on the changes contained in this document. Issuing a separate notice to solicit public comment would be impracticable, unnecessary, and contrary to the public interest. Neither the errors nor the corrections in this document affect the substance of the July 2022 final rule or any of the conclusions reached in support of the final rule. Providing prior notice and an opportunity for public comment on correcting objective, typographical errors that do not change the substance of the test procedure serves no useful purpose.

Further, this rule correcting a regulatory text error makes non-substantive changes to the test procedure. As such, this rule is not subject to the 30-day delay in effective date requirement of 5 U.S.C. 553(d) otherwise applicable to rules that make substantive changes.

**List of Subjects in 10 CFR Part 429**

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Reporting and recordkeeping requirements, Small businesses.

**Signing Authority**

This document of the Department of Energy was signed on August 26, 2022, by Dr. Geraldine L. Richmond, Undersecretary for Science and Innovation, pursuant to delegated

authority from the Secretary of Energy. That document with the original signature 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 August 26, 2022.

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

For the reasons stated in the preamble, DOE corrects part 429 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations by making the following correcting amendments:

**PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT**

- 1. The authority citation for part 429 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

- 2. Section 429.33 is amended by revising the introductory text of paragraphs (b)(2)(i) and (ii), paragraph (b)(3)(i), and paragraph (b)(3)(ii) introductory text to read as follows:

**§ 429.33 Ceiling fan light kits.**

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(i) For ceiling fan light kits manufactured prior to January 21, 2020:

\* \* \* \* \*

(ii) For ceiling fan light kits manufactured on or after January 21, 2020:

\* \* \* \* \*

(3) \* \* \*

(i) For ceiling fan light kits with any other socket type manufactured prior to January 21, 2020, a declaration that the basic model meets the applicable design requirement, and the features that have been incorporated into the ceiling fan light kit to meet the applicable design requirement (e.g., circuit breaker, fuse, ballast).

(ii) For ceiling fan light kits manufactured on or after January 21, 2020:

\* \* \* \* \*

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**DEPARTMENT OF ENERGY**

**10 CFR Part 430**

**[EERE–2021–BT–DET–0034]**

**RIN 1904–AF30**

**Energy Conservation Program: Final Determination of Miscellaneous Gas Products as a Covered Consumer Product**

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

**ACTION:** Final rule; final determination.

**SUMMARY:** The U.S. Department of Energy (“DOE”) has determined that miscellaneous gas products (“MGPs”), which are comprised of decorative hearths and outdoor heaters, qualify as covered products under Part A of Title III of the Energy Policy and Conservation Act, as amended (“EPCA”). DOE has determined that coverage of MGPs is necessary and appropriate to carry out the purposes of EPCA, and that the average U.S. household energy use for MGPs is likely to exceed 100 kilowatt-hours per year.

**DATES:** The effective date of this rule is October 6, 2022.

**ADDRESSES:** The docket for this rulemaking, which includes **Federal Register** notices, public meeting attendee lists and transcripts, 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, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at [www.regulations.gov/docket/EERE-2021-BT-DET-0034](http://www.regulations.gov/docket/EERE-2021-BT-DET-0034). The docket web page contains instructions on how to access all documents, including public comments, in the docket.

For further information on how to review 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).

**FOR FURTHER INFORMATION CONTACT:** Ms. Julia Hegarty, U.S. Department of Energy, Office of Energy Efficiency and