

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on March 29, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE proposes to amend part 430 of chapter II of title 10 of the Code of Federal Regulations, to read 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. Appendix N to subpart B of part 430 is amended by revising section 10.1 to read as follows:

Appendix N to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers

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10.1 Annual fuel utilization efficiency and integrated annual fuel utilization efficiency. The annual fuel utilization efficiency (AFUE) is as defined in sections 11.2.12 (non-condensing systems), 11.3.12 (condensing systems), 11.4.12 (non-condensing modulating systems) and 11.5.12 (condensing modulating systems) of ANSI/ASHRAE Standard 103–1993, (incorporated by reference; see § 430.3) except for the definition for the term Eff_{HS} in the defining equation for AFUE. Eff_{HS} is defined as: Eff_{HS} =heating seasonal efficiency as defined in sections 11.2.11 (non-condensing systems), 11.3.11 (condensing systems), 11.4.11 (non-condensing modulating systems) and 11.5.11 (condensing modulating systems) of ANSI/ASHRAE Standard 103–1993 and is based on the assumptions that all weatherized warm air furnaces or boilers are located out-of-doors, that warm air furnaces which are not weatherized are installed as isolated combustion systems, and that boilers which are not weatherized are installed indoors.

The integrated annual fuel utilization efficiency (AFUE_I) is defined as follows:

For fossil fueled furnaces and boilers:

$$\text{AFUE}_I = (\text{AFUE} * E_F) / (E_F + (3412 * E_{\text{SO}}))$$

Where:

AFUE = as defined above in this section.
 E_F = Average annual fuel consumption defined in section 10.2.2.

3412 = conversion factor to express energy in Btu's instead of KWh.

E_{SO} = Average annual electrical standby and off mode energy consumption as defined in section 10.9.

For electric furnaces and boilers:

$$\text{AFUE}_I = (\text{AFUE} * (E_E - (P_{\text{OFF}} * 4600))) / (E_E)$$

Where:

AFUE = as defined in section 10.3.

$(E_E - (P_{\text{OFF}} * 4600))$ = Average annual total electric consumption as defined in section 10.3 minus the average annual off mode electrical energy consumption defined as the product of the measured off mode power (P_{OFF}) from section 8.6 and the average number of non-heating season hours per year defined in section 10.9.

E_E = Average annual total electrical consumption including standby mode and off mode consumption as defined in section 10.3.

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DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket No. EERE–2007–BT–CRT–0009]

Agency Information Collection: Energy Conservation Program: Compliance and Certification Information Collection for Electric Motors

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

ACTION: Notice and request for comment.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, has initiated through the Office of Management and Budget (OMB) the mandatory Compliance Certification information collection request for certain 1 through 200 horsepower electric motors covered under the Energy Policy and Conservation Act (EPCA), as amended, Public Law 94–163, codified at, 42 U.S.C. 6291 *et seq.* Under EPCA, a manufacturer or private labeler must certify its compliance with energy efficiency standards for certain commercial and industrial electric motors. 42 U.S.C. 6316(c) and 10 CFR 431.36.

DATES: Comments regarding this collection must be received on or before May 5, 2010.

ADDRESSES: Comments must identify the information collection for electric motors and provide the docket number EERE–2007–BT–CRT–0009. In addition, comments must be submitted to: DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102,

735 17th Street, NW., Washington, DC 20503, and to DOE. Comments to DOE may be submitted using any of the following methods:

- Mr. James Raba, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Ave., SW., Washington, DC 20585–0121 (submit one signed copy) or by fax at (202) 586–4617 or by e-mail at jim.raba@ee.doe.gov.

- E-mail:

appliance.information@ee.doe.gov.

Include the docket number in the subject line of the message.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza, SW., Suite 600, Washington, DC 20024–2123.

Telephone: (202) 586–2945. Please submit one signed original paper copy.

- *Federal eRulemaking Portal:* www.regulations.gov. Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information or copies of the information collection instrument and instructions to Mr. James Raba, U.S. Department of Energy, Building Technologies Program (EE–2J), 950 L'Enfant Plaza, Washington, DC 20024–2123, (202) 586–8654, jim.raba@ee.doe.gov.

In the Office of the General Counsel, contact Ms. Francine Pinto or Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–72, 1000 Independence Avenue, SW., Washington, DC 20085. Telephone: (202) 586–9507. E-mail: Francine.Pinto@hq.doe.gov or Michael.Kido@hq.doe.gov.

Background: EPCA establishes energy efficiency standards and test procedures for certain commercial and industrial equipment, including electric motors, 42 U.S.C. 6291 *et seq.*, and states in relevant part that, “the Secretary [of Energy] shall require manufacturers to certify” that each electric motor meets the applicable efficiency standards. (42 U.S.C. 6316(c)) To achieve this end, EPCA authorizes the Secretary to issue the necessary rules requiring each manufacturer or private labeler of covered electric motors to submit information and reports to ensure compliance. (42 U.S.C. 6316(a)) This directive is carried out under 10 CFR 431.36, Compliance Certification, which requires a manufacturer or private labeler to submit a compliance statement, as well as a certification report that provides energy efficiency information for each basic model of electric motor that it distributes in commerce in the United States.

In view of the above, the information to be collected is the same as the Compliance Certification information, at appendix C to subpart B of 10 CFR part 431, which provides a format for a manufacturer or private labeler to report the energy efficiency of its basic models of electric motors according to rated horsepower or kilowatts, number of poles, and open or enclosed construction. Further, it provides a means for a manufacturer or private labeler to certify compliance with the applicable energy efficiency standards prescribed under section 342(b)(1) of EPCA, codified at 42 U.S.C. 6313(b)(1), through an independent testing or certification program nationally recognized in the United States (section 345(c) of the EPCA, codified at 42 U.S.C. 6316(c)). The information contained in the Compliance Certification is a basis for the energy efficiency information marked on the permanent nameplate of an electric motor and thereby enables purchasers to compare the energy efficiencies of similar motors. 10 CFR 431.31. Compliance Certification information facilitates voluntary compliance with and enforcement of the energy efficiency standards established for electric motors under EPCA 342(b)(1), 42 U.S.C. 6313(b)(1).

SUPPLEMENTARY INFORMATION: (1) *OMB No.*: 1910–5104. (2) *Collection Title*: Title 10 of the Code of Federal Regulations, Part 431—Energy Efficiency Program for Certain Commercial and Industrial Equipment: Subpart B—Electric Motors: 10 CFR 431.36, Compliance Certification, “Certification of Compliance with Energy Efficiency Standards for Electric Motors.” Appendix C to Subpart B of Part 431—Compliance Certification. (3) *Type of Review*: Reinstatement, without change, of a previously approved collection for which approval has expired. (4) *Purpose*: The purpose of the collection is two-fold: (a) To require the manufacturer or private labeler of certain commercial or industrial electric motors subject to energy efficiency standards prescribed under section 342(b) of EPCA to establish, maintain, and retain records of its test data and subsequent verification of any alternative efficiency determination method used under part 431, *et seq.*; and (b) to preclude distribution in commerce of any basic model of commercial or industrial electric motor that is subject to an energy efficiency standard set forth under subpart B of part 431, unless the manufacturer or private labeler of that motor has submitted a Compliance Certification to DOE according to the provisions under

10 CFR 431.36, certifying that the basic model meets the requirements of the applicable standard. This information ensures compliance with the energy efficiency standards for certain commercial and industrial electric motors. (5) *Estimated Number of Respondents*: There are approximately 100 manufacturers and private labelers that distribute in commerce in the United States electric motors covered under 10 CFR part 431, *et seq.* (6) *Estimated Total Burden Hours*: There are approximately 300 total recordkeeping and reporting hours (3 hours per manufacturer or private labeler) at a total annualized cost of approximately \$20,000 (\$200 per manufacturer or private labeler). (7) *Number of Collections*: The request contains one information and recordkeeping requirement for all manufacturers or private labelers.

Statutory Authority: Part B of Title III of EPCA, Energy Conservation Program for Consumer Products Other than Automobiles, Public Law 94–163, as amended, and section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, DC on March 29, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

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DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket No. EERE–2009–BT–CRT–0029]

Agency Information Collection: Energy Conservation Program: Compliance and Certification Information Collection for Distribution Transformers

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

ACTION: Notice and request for comment.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, has initiated through the Office of Management and Budget (OMB) a three-year extension of its compliance certification information collection: Certification Report for Distribution Transformers, OMB Control Number 1910–5130. The information collection is used by manufacturers or private labelers to report on and certify compliance with energy efficiency standards for distribution transformers. The collection covers information

necessary for the DOE and United States Customs Service officials to facilitate compliance with and enforcement of the energy conservation standards established for certain low-voltage dry-type, medium-voltage type, and liquid immersed distribution transformers.

DATES: Comments regarding this collection must be received on or before June 4, 2010.

ADDRESSES: Comments must identify the information collection for distribution transformers and provide the docket number EERE–2009–BT–CRT–0029. Comments may be submitted to DOE using any of the following methods:

- Mr. James Raba, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Ave., SW., Washington, DC 20585–0121 (submit one signed copy) or by fax at (202) 586–4617 or by e-mail at jim.raba@ee.doe.gov.

- *E-mail:* appliance.information@ee.doe.gov. Include the docket number in the subject line of the message.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L’Enfant Plaza, SW., Suite 600, Washington, DC 20024–2123. Telephone: (202) 586–2945. Please submit one signed original paper copy.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Ms. Brenda Edwards and Mr. James Raba at the address listed above in **ADDRESSES**.

In the Office of the General Counsel, contact Ms. Francine Pinto, U.S. Department of Energy, Office of the General Counsel, GC–762, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone: (202) 586–9507. E-mail: Francine.Pinto@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Background: Section 325(y) of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6295(y), establishes energy conservation standards for certain distribution transformers. On July 25, 2006, DOE published a Notice of Proposed Rulemaking (71 FR 42216) to set forth Compliance Certification requirements under 10 CFR 431.371(a)(6)(ii), (b)(1), and appendix C to subpart T. These requirements were finalized on January 5, 2010 (75 FR 652) and became effective February 4, 2010. The Compliance Certification reports on and certifies compliance with the