

Dated: June 1, 2011.

D. J. Werner,

*Lieutenant Commander, Judge Advocate
General's Corps, U.S. Navy, Federal Register
Liaison Officer.*

[FR Doc. 2011-14066 Filed 6-7-11; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. CD-006]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver to BSH Home Appliances Corporation from the Department of Energy Residential Clothes Dryer Test Procedure

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

ACTION: Decision and Order.

SUMMARY: The U.S. Department of
Energy (DOE) gives notice of the
decision and order (Case No. CD-006)
that grants to BSH Home Appliances
Corporation (BSH) a waiver from the
DOE clothes dryer test procedure. The
waiver pertains to the specified models
of condensing residential clothes dryer
specified in BSH's petition. Condensing
clothes dryers cannot be tested using the
currently applicable DOE test
procedure. Under today's decision and
order, BSH shall be not be required to
test and rate its specified models of
residential condensing clothes dryer
pursuant to this test procedure.

DATES: This Decision and Order is
effective June 8, 2011.

FOR FURTHER INFORMATION CONTACT: Dr.
Michael G. Raymond, U.S. Department
of Energy, Building Technologies
Program, Mailstop EE-2J, 1000
Independence Avenue, SW.,
Washington, DC 20585-0121.
Telephone: (202) 586-9611; *E-mail:*
AS_Waiver_Requests@ee.doe.gov.

Ms. Elizabeth Kohl, U.S. Department
of Energy, Office of General Counsel,
Mail Stop GC-71, 1000 Independence
Avenue, SW., Washington, DC 20585-
0103, (202) 586-7796; *E-mail:*
Elizabeth.Kohl@hq.doe.gov.

SUPPLEMENTARY INFORMATION: In
accordance with Title 10 of the Code of
Federal Regulations (10 CFR), Section
430.27(l), DOE gives notice of the
issuance of its decision and order as set
forth below. The decision and order
grants BSH a waiver from the applicable
residential clothes dryer test procedure
at 10 CFR part 430 subpart B, appendix

D, for the two models of condensing
clothes dryer specified in its petition.

DOE notes that it has promulgated a
final test procedure for clothes dryers
that provides a mechanism for testing
condensing clothes dryers. (76 FR 972,
January 6, 2011). Use of this test
procedure will be required on the
compliance date of any amended
standards for clothes dryers. DOE has
also published a direct final rule
establishing amended standards for
clothes dryers, which establishes
standards for condensing clothes dryers.
(76 FR 22454, April 21, 2011). Absent
adverse comment that the Secretary
determines may provide a reasonable
basis for withdrawal of the direct final
rule, DOE has proposed that the
standards would become effective on
January 1, 2015. (76 FR 26656, May 9,
2011). Use of the final test procedure
would also be required on that date.

Issued in Washington, DC, on May 31,
2011.

Kathleen Hogan,

*Deputy Assistant Secretary for Energy
Efficiency, Office of Technology
Development, Energy Efficiency and
Renewable Energy.*

Decision and Order

In the Matter of: BSH Home
Appliances Corporation (Case No. CD-
006).

Background

Title III, Part B of the Energy Policy
and Conservation Act of 1975 (EPCA),
Public Law 94-163 (42 U.S.C. 6291-
6309, as codified) established the
Energy Conservation Program for
Consumer Products Other Than
Automobiles, a program covering most
major household appliances, which
includes the residential clothes washers
that are the focus of this notice.¹ Part B
includes definitions, test procedures,
labeling provisions, energy conservation
standards, and the authority to require
information and reports from
manufacturers. Further, Part B
authorizes the Secretary of Energy to
prescribe test procedures that are
reasonably designed to produce results
which measure energy efficiency,
energy use, or estimated operating costs,
and that are not unduly burdensome to
conduct. (42 U.S.C. 6293(b)(3)) The test
procedure for clothes dryers is
contained in 10 CFR part 430, subpart
B, appendix D.

DOE's regulations contain provisions
allowing a person to seek a waiver from
the test procedure requirements for
covered consumer products if at least

one of the following conditions is met:

(1) The petitioner's basic model
contains one or more design
characteristics that prevent testing
according to the prescribed test
procedure, or (2) when the prescribed
test procedures may evaluate the basic
model in a manner so unrepresentative
of its true energy consumption
characteristics as to provide materially
inaccurate comparative data. 10 CFR
430.27(a)(1). Petitioners must include in
their petition any alternate test
procedures known to the petitioner to
evaluate the basic model in a manner
representative of its energy
consumption characteristics. 10 CFR
430.27(b)(1)(iii).

The Assistant Secretary for Energy
Efficiency and Renewable Energy (the
Assistant Secretary) may grant a waiver
subject to conditions, including
adherence to alternate test procedures.
10 CFR 430.27(l). Waivers remain in
effect pursuant to the provisions of 10
CFR 430.27(m).

The waiver process also allows any
interested person who has submitted a
petition for waiver to file an application
for an interim waiver of the applicable
test procedure requirements. 10 CFR
430.27(a)(2). The Assistant Secretary
will grant an interim waiver request if
it is determined that the applicant will
experience economic hardship if the
interim waiver is denied, if it appears
likely that the petition for waiver will be
granted, and/or the Assistant Secretary
determines that it would be desirable for
public policy reasons to grant
immediate relief pending a
determination on the petition for
waiver. 10 CFR 430.27(g).

On December 28, 2009, BSH filed a
petition for waiver from the test
procedures applicable to its Bosch
WTC82100US and Bosch WTE86300US
product models of condensing clothes
dryer. The applicable test procedures
are contained in 10 CFR part 430,
subpart B, appendix D—Uniform Test
Method for Measuring the Energy
Consumption of Clothes Dryers. BSH
seeks a waiver from the applicable test
procedure for its Bosch WTC82100US
and Bosch WTE86300US product
models because, BSH asserts, design
characteristics of these models prevent
testing according to the currently
prescribed test procedure, as described
in greater detail in the following
paragraph.

In support of its petition, BSH claims
that the current clothes dryer test
procedures apply only to vented clothes
dryers because the test procedures
require the use of an exhaust restrictor
on the exhaust port of the clothes dryer
during testing. Because condenser

¹ For editorial reasons, upon codification in the
U.S. Code, Part B was re-designated Part A.

clothes dryers operate by blowing air through the wet clothes, condensing the water vapor in the airstream, and pumping the collected water into either a drain line or an in-unit container, these products do not use an exhaust port like a vented dryer does. BSH plans to market a condensing clothes dryer for situations in which a conventional vented clothes dryer cannot be used, such as high-rise apartments and condominiums, where construction does not permit the use of external venting.

Assertions and Determinations

BSH's Petition for Waiver

On December 28, 2009, BSH filed a petition for waiver from the test procedure applicable to residential clothes dryers set forth in 10 CFR part 430, subpart B, appendix D for particular models of condensing clothes dryer. On April 6, 2011, DOE published BSH's petition for waiver and granted BSH an interim waiver from the current test procedure. 76 FR 19087. DOE did not receive any comments on the BSH petition. DOE previously granted Miele Appliance, Inc. (Miele) a waiver from test procedures for two similar condenser clothes dryer models). 60 FR 9330 (Feb. 17, 1995). DOE also granted waivers for the same type of clothes dryer to LG Electronics (73 FR 66641, Nov. 10, 2008), Whirlpool Corporation (74 FR 66334, Dec. 15, 2009), General Electric (75 FR 13122, Mar. 18, 2010) and Miele (76 FR 17637, March 30, 2011). BSH claims that its condenser clothes dryers cannot be tested pursuant to the DOE procedure and requests that the same waiver granted to other manufacturers be granted for BSH's Bosch WTC82100US and Bosch WTE86300US models.

Therefore, for the reasons discussed above, and in light of the previous waivers to other manufacturers, DOE grants BSH's petition for waiver from testing of its Bosch WTC82100US and Bosch WTE86300US condenser clothes dryers.

Consultations With Other Agencies

DOE consulted with the Federal Trade Commission (FTC) staff concerning the BSH petition for waiver. The FTC staff did not have any objections to granting a waiver to BSH.

Conclusion

After careful consideration of all the material that was submitted by BSH and consultation with the FTC staff, it is ordered that:

(1) The petition for waiver submitted by BSH, Inc. (Case No. CD-006) is

hereby granted as set forth in the paragraphs below.

(2) BSH shall not be required to test or rate its Bosch WTC82100US and Bosch WTE86300US condensing clothes dryer models on the basis of the test procedures at 10 CFR part 430, subpart B, appendix D.

(3) This waiver shall remain in effect from the date this decision and order consistent with the provisions of 10 CFR 430.27(m).

(4) This waiver is issued on the condition that the statements, representations, and documentary materials provided by the petitioner are valid. DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect.

(5) This waiver applies to only those models specifically set out in BSH's petition. BSH may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional models of clothes dryers for which it seeks a waiver from the DOE test procedure. Grant of this petition for waiver also does not release a petitioner from any applicable certification requirements set forth at 10 CFR Part 429.

Issued in Washington, DC, on May 31, 2011.

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9317-2]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Rick Westlund (202) 566-1682, or e-mail at

westlund.rick@epa.gov and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR Number 2409.01; Production Outlook Reports for Un-Registered Renewable Fuel Producers (New Collection); was approved on 05/05/2011; OMB Number 2060-0660; expires on 05/31/2014; Approved without change.

EPA ICR Number 0783.59; Motor Vehicle Emissions (Final Rule for Revisions to Certification of Alternative Fuels); 40 CFR part 85, subparts E and F; 40 CFR 85.1901—85.1908; 40 CFR parts 85 and 86; 40 CFR part 86.1845—86.1848; and 40 CFR part 600; was approved on 05/05/2011; OMB Number 2060-0104; expires on 05/31/2014; Approved without change.

EPA ICR Number 2382.02; Identification of Non-Hazardous Secondary Materials That Are Solid Waste (Final Rule); 40 CFR 260.22 and 260.31(c); was approved on 05/25/2011; OMB Number 2050-0205; expires on 05/31/2014; Approved without change.

EPA ICR Number 2403.02; EG for Sewage Sludge Incinerators; 40 CFR part 60, subparts M and M; was approved on 05/25/2011; OMB Number 2060-0661; expires on 05/31/2014; Approved without change.

EPA ICR Number 2384.02; NSPS for Commercial and Industrial Solid Waste Incineration (CISWI) units; 40 CFR part 60, subpart CCCC; was approved on 05/25/2011; OMB Number 2060-0662; expires on 05/31/2014; Approved without change.

EPA ICR Number 2265.01; SmartWay Transport Partnership (New Collection); was approved on 05/27/2011; OMB Number 2060-0663; expires on 05/31/2014; Approved without change.

EPA ICR Number 1365.09; Asbestos-Containing Materials in Schools and Asbestos Model Accreditation Plans; 40 CFR part 763, subpart E, Appendix C; was approved on 05/31/2011; OMB Number 2070-0091; expires on 05/31/2014; Approved without change.

EPA ICR Number 0616.10; Compliance Requirement for Child Resistant Packaging (Renewal); 40 CFR part 157; was approved on 05/31/2011; OMB Number 2070-0052; expires on 05/31/2014; Approved without change.

EPA ICR Number 1246.11; Reporting and Recordkeeping for Asbestos Abatement Worker Protection; 40 CFR part 763, subpart G; was approved on 05/31/2011; OMB Number 2070-0072;