

DEPARTMENT OF ENERGY (DOE)

Statement of Regulatory and Deregulatory Priorities

The Department of Energy (Department or DOE) makes vital contributions to the Nation's welfare through its activities focused on improving national security, energy supply, energy efficiency, environmental remediation, and energy research. The Department's mission is to:

- Promote dependable, affordable and environmentally sound production and distribution of energy;
- Advance energy efficiency and conservation;
- Provide responsible stewardship of the Nation's nuclear weapons;
- Provide a responsible resolution to the environmental legacy of nuclear weapons production;
- Strengthen U.S. scientific discovery, economic competitiveness, and improving quality of life through innovations in science and technology.

The Department's regulatory activities are essential to achieving its critical mission and to implementing major initiatives of the President's National Energy Policy. Among other things, the Regulatory Plan and the Unified Agenda contain the rulemakings the Department will be engaged in during the coming year to fulfill the Department's commitment to meeting deadlines for issuance of energy conservation standards and related test procedures. The Regulatory Plan and Unified Agenda also reflect the Department's continuing commitment to cut costs, reduce regulatory burden, and increase responsiveness to the public.

Energy Efficiency Program for Consumer Products and Commercial Equipment

The Energy Policy and Conservation Act (EPCA) requires DOE to set appliance efficiency standards at levels that achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. The standards already issued in 2009 have a net benefit to the nation of up to \$84 billion over 30 years. By 2042, these standards will have saved enough energy to operate all U.S. homes for over two years.

On February 5, 2009, the President issued a memorandum noting that the Department is subject to a consent decree as a result of litigation in which

14 States and various other entities brought suit alleging that the Department had failed to comply with deadlines and other requirements in the EPCA. The President noted further that the Department remained subject to outstanding deadlines with respect to 15 of the 22 product categories covered by the consent decree, as well as statutory deadlines for a number of additional product categories. As a result, the President requested that the Department take all necessary steps, consistent with the consent decree and applicable law, to finalize legally required efficiency standards as expeditiously as possible and consistent with all applicable judicial and statutory deadlines. Most immediate were the five energy efficiency rules with deadlines prior to and including August 8, 2009; with respect to standards subject to judicial and statutory deadlines later than August 8, 2009, the President requested that the Department work to complete prior to the applicable deadline those standards that will result in the greatest energy savings.

On August 5, 2009, DOE issued a final rule establishing energy conservation standards for bottled or canned beverage vending machines. Issuance of this rulemaking marked the completion, either on or prior to the required deadline, of the five energy efficiency rules with legal deadlines prior to and including August 8, 2009, as set forth in the President's February 2009 memorandum.

In response to the President's request regarding rulemakings with deadlines later than August 8, 2009, the Department continues to follow its schedule for setting new appliance efficiency standards. These rulemakings are expected to save American consumers billions of dollars in energy costs. The five-year plan to implement the schedule outlines how DOE will address the appliance standards rulemaking backlog and meet the statutory requirements established in EPCA and the Energy Policy Act of 2005 (EPACT 2005). The five-year plan, which was developed considering the public comments received on the appliance standards program, provides for the issuance of one rulemaking for each of the 20 products in the backlog. The plan also provides for setting appliance standards for products required under EPACT 2005.

The overall plan for implementing the schedule is contained in the Report to Congress under section 141 of EPACT 2005 that was released on January 31, 2006. This plan was last updated in the

August 2009 report to Congress and now includes the requirements of the Energy Independence and Security Act of 2007 (EISA 2007). The reports to Congress are posted at: http://www.eere.energy.gov/buildings/appliance_standards/schedule_setting.html.

The August 2009 report identifies all products for which DOE has complied with or missed the deadlines established in EPCA (42 U.S.C. § 6291 *et seq.*). It also describes the reasons for such delays and the Department's plan for expeditiously prescribing new or amended standards. Information and timetables concerning these actions can also be found in the Department's Regulatory Agenda, which is posted online at: www.reginfo.gov.

Estimate of Combined Aggregate Costs and Benefits

The regulatory actions included in this Regulatory Plan for small electric motors and commercial clothes washers provide significant benefits to the Nation. DOE believes that the benefits to the Nation of the proposed energy standards for small electric motors (energy savings, consumer average life-cycle cost savings, national net present value increase, and emission reductions) outweigh the costs (loss of industry net present value and life-cycle cost increases for some consumers). DOE estimates that these regulations will produce an energy savings for polyphase motors between 0.08 quads (seven-percent discount rate) and 0.17 quads (three-percent discount rate) over thirty years and an energy savings for capacitor-start motors between 0.51 quads (seven-percent discount rate) and 1.11 quads (three-percent discount rate) over thirty years. The benefit to the Nation for polyphase motors will be between \$60 million (seven-percent discount rate) and \$560 million (three-percent discount rate). The benefit to the Nation for capacitor-start motors will be between \$1.47 billion (seven-percent discount rate) and \$13.59 billion (three-percent discount rate).

DOE believes that the benefits to the Nation of the proposed energy standards for commercial clothes washers (energy and water savings, consumer average life-cycle cost savings, national net present value increase, and emission reductions) also outweigh the costs (loss of industry net present value and life-cycle cost increases for some consumers). DOE estimates that these regulations will produce an energy savings up to 0.15 quads over thirty years and national water savings up to

190 billion gallons of water consumption over thirty years. The benefit to the Nation will be between \$500 million (seven-percent discount rate) and \$1.2 billion (three-percent discount rate).

DOE—Energy Efficiency and Renewable Energy (EE)

PROPOSED RULE STAGE

40. ENERGY CONSERVATION STANDARDS FOR SMALL ELECTRIC MOTORS

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 6291 to 6309; 41 USC 6311 to 6317

CFR Citation:

10 CFR 431

Legal Deadline:

Final, Judicial, February 28, 2010, Consent Decree.

Abstract:

The Energy Policy Act of 1992 amended the Energy Policy and Conservation Act to provide that the Secretary of Energy prescribe testing requirements and energy conservation standards for those small electric motors for which the Secretary determines that standards would be technologically feasible and economically justified, and would result in significant energy savings. As a result of DOE's analysis, on July 10, 2006 (71 FR 38799), the Secretary made such a determination for small electric motors. This rulemaking will determine whether it is appropriate to establish energy conservation standards for small electric motors.

Statement of Need:

The Energy Policy and Conservation Act requires minimum energy efficiency standards for appliances, which has the effect of eliminating inefficient appliances and equipment from the market.

Summary of Legal Basis:

Title III of EPCA sets forth a variety of provisions designed to improve energy efficiency. Part A of Title III (42 U.S.C. 6291-6309) provides for the Energy Conservation Program for

Consumer Products Other Than Automobiles. Part A-1 of Title III (42 U.S.C. 6311—6317) establishes a similar program for certain types of commercial and industrial equipment, which includes small electric motors. Currently, no mandatory Federal energy conservation standards apply to small electric motors.

Alternatives:

The statute requires the Department to conduct rulemakings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination, the Department conducts a thorough analysis of the alternative standard levels, including the existing standard, based on the criteria specified by the statute.

Anticipated Cost and Benefits:

DOE believes that the benefits to the Nation of the proposed energy standards for small electric motors (energy savings, consumer average life-cycle cost (LCC) savings, national net present value (NPV) increase, and emission reductions) outweigh the burdens (loss of INPV and LCC increases for some small electric motor users). DOE estimates that energy savings from electricity will be between 0.59 quads and 1.23 quads over 30 years and the benefit to the Nation will be between \$1.53 billion and \$14.15 billion.

Timetable:

Action	Date	FR Cite
Notice: Public Meeting, Framework Document Availability	08/10/07	72 FR 44990
Notice: Public Meeting, Data Availability	12/30/08	73 FR 79723
NPRM	12/00/09	
Final Action	02/00/10	

Regulatory Flexibility Analysis Required:

No

Government Levels Affected:

Local, State

Additional Information:

Comments pertaining to this rule may be submitted electronically to small_electric_motors_std.rulemaking@ee.doe.gov.

URL For More Information:

www1.eere.energy.gov/buildings/appliance_standards/commercial/small_electric_motors.html

URL For Public Comments:

www.regulations.gov

Agency Contact:

James Raba
Office of Building Technologies Program, EE-2J
Department of Energy
Energy Efficiency and Renewable Energy
1000 Independence Avenue SW.
Washington, DC 20585
Phone: 202 586-8654
Email: jim.raba@ee.doe.gov

Related RIN: Related to 1904-AB71

RIN: 1904-AB70

DOE—EE

FINAL RULE STAGE

41. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL CLOTHES WASHERS

Priority:

Economically Significant. Major under 5 USC 801.

Legal Authority:

42 USC 6313(e)(2)(A)

CFR Citation:

10 CFR 431

Legal Deadline:

Final, Statutory, January 1, 2010.

Abstract:

The Energy Policy and Conservation Act (EPCA) requires DOE to determine whether the existing standards for commercial clothes washers should be amended. Commercial clothes washers were previously included in a rulemaking with residential electric and gas ranges and ovens and Microwave ovens. On October 17, 2008, DOE published a NPRM for these products (73 FR 62034). Commenters subsequently alleged certain data problems affecting DOE's rulemaking analyses. DOE's preliminary assessment suggested that these concerns might be valid, thereby necessitating additional, supplemental rulemaking analyses. DOE is separating the commercial clothes washers energy conservation standard from the cooking products rulemaking and plans to issue

standards for commercial clothes washers by the statutory deadline.

Statement of Need:

EPCA requires minimum energy efficiency standards for appliances, which has the effect of eliminating inefficient appliances and equipment from the market.

Summary of Legal Basis:

Title III of EPCA sets forth a variety of provisions designed to improve energy efficiency. Part A-1 of Title III (42 U.S.C. 6311—6317) establishes an energy conservation program for a variety of commercial and industrial equipment including commercial clothes washers. (42 U.S.C. 6312; 6313(e)) EPCA sets both energy and water efficiency standards for commercial clothes washers, and authorizes DOE to amend both. (42 U.S.C. 6313(e)) Section 136(a) and (e) of the Energy Policy Act of 2005 (EPACT 2005) added commercial clothes washers as equipment covered under EPCA and established standards for such equipment that is manufactured on or after January 1, 2007. (42 U.S.C. 6311(1) and 6313(e)) These amendments to EPCA also require that DOE issue a final rule by January 1, 2010, to determine whether these standards should be amended. (EPACT 2005, section 136(e); 42 U.S.C. 6313(e)) If amended standards are justified, they would become effective no later than January, 2013.

Alternatives:

The statute requires the Department to conduct rulemakings to review standards and to revise standards to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. In making this determination, the Department conducts a thorough analysis of the alternative standard levels, including the existing standard, based on the criteria specified by statute.

Anticipated Cost and Benefits:

DOE believes that the benefits to the Nation of the proposed energy standards for commercial clothes washers (energy and water savings, consumer average life-cycle cost (LCC) savings, national net present value (NPV) increase, and emissions reductions) outweigh the costs (loss of INPV and LCC increases for some consumers). DOE estimates that energy savings from electricity and natural gas will be up to 0.15 quads over 30 years and the national water savings will range up to 190 billion gallons over 30 years. The benefit to the Nation will be between \$500 million and \$1.2 billion.

Timetable:

Action	Date	FR Cite
NPRM	10/17/08	73 FR 62033
NPRM Comment Period End	12/16/08	

Action	Date	FR Cite
Supplemental NPRM	11/09/09	74 FR 57738
Supplemental NPRM Comment Period End	12/09/09	
Final Action	01/00/10	

Regulatory Flexibility Analysis Required:

No

Government Levels Affected:

Undetermined

URL For More Information:

www1.eere.gov/buildings/appliance_standards/commercial/clothes_washers.html

URL For Public Comments:

<http://www.regulations.gov/>

Agency Contact:

Stephen Witkowski
Office of Building Technologies Program, EE-2J
Department of Energy
Energy Efficiency and Renewable Energy
1000 Independence Avenue SW.
Washington, DC 20585
Phone: 202 586-7463
Email: stephen.witkowski@ee.doe.gov

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RIN: 1904-AB93

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