

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]

**BILLING CODE 3810-FF-P**

## 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  
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Washington, DC 20585-0121.  
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Ms. Elizabeth Kohl, U.S. Department  
of Energy, Office of General Counsel,  
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**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.<sup>1</sup> 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

<sup>1</sup> 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](mailto: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;