

## ACCOUNTING STATEMENT CLASSIFICATION OF ESTIMATED EXPENDITURES

Category	Transfers
Annualized Monetized Transfers .....	\$200,000,000.
From Whom To Whom? .....	Federal Government to States.

The Race to the Top Phase 3 award process will provide approximately \$200 million in competitive grants to eligible States.

#### Paperwork Reduction Act of 1995

As we mentioned in the NPR, these final requirements contain information collection requirements. However, because the eligible applicants for Race to the Top Phase 3 awards are fewer than 10, these collections are not subject to approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3502(3)(A)(i)).

#### Waiver of Delayed Effective Date and Congressional Review Act

The Administrative Procedure Act requires that a substantive rule be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C. 553(d)(3)). The Secretary has determined that a delayed effective date for these final requirements is unnecessary and contrary to the public interest, and that good cause exists to waive the requirement for a delayed effective date.

These final requirements are needed to award the Race to the Top funds provided by the FY 2011 Appropriations Act to qualified applicants by December 31, 2011, or the funds will lapse. Even on an extremely expedited timeline, it is impracticable for the Department to adhere to a 30-day delayed effective date for the notice of final requirements and make grant awards to qualified applicants by the December 31, 2011 deadline. When the 30-day delayed effective date is added to the time the Department will need to receive applications (approximately 20 days), review the applications (approximately 20 days), and finally approve applications (approximately 21 days), the Department will not be able to award funds authorized under the FY 2011 Appropriations Act to applicants by December 31, 2011.

These requirements have been determined to be major for purposes of the Congressional Review Act (CRA) (5 U.S.C. 801, *et seq.*). However, for the reasons outlined in the preceding paragraph, the Department has determined that, pursuant to section 808(2) of the CRA, the delay in the effective date generally required for

congressional review is contrary to the public interest and waived for good cause.

#### Regulatory Flexibility Act Certification

The Secretary certifies that this regulatory action will not have a significant economic impact on a substantial number of small entities. The small entities that this regulatory action will affect are small LEAs receiving funds under this program.

This regulatory action will not have a significant economic impact on small LEAs because they will be able to meet the costs of compliance with this regulatory action using the funds provided under this program.

#### Effect on Other Levels of Government

We have also determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

#### Assessment of Educational Impact

In the NPR, in accordance with section 411 of the General Education Provisions Act, 20 U.S.C. 1221e-4, we requested comments on whether the proposed requirements would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPR and on our review, we have determined that these final requirements do not require transmission of information that any other agency or authority of the United States gathers or makes available.

#### Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (*e.g.*, braille, large print, audiotape, or computer diskette) on request to the program contact

person listed under **FOR FURTHER INFORMATION CONTACT.**

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Dated: November 9, 2011.

**Arne Duncan,**

*Secretary of Education.*

[FR Doc. 2011-29581 Filed 11-15-11; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Energy Efficiency and Renewable Energy

#### Proposed Agency Information Collection

**AGENCY:** Energy Efficiency and Renewable Energy, U.S. Department of Energy.

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The Department of Energy (DOE) is submitting to the Office of Management and Budget (OMB) for clearance a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The proposed collection will support a National Evaluation of DOE's State Energy Program (SEP) for the year 2008 (pre-American Recovery and Reinvestment Act of 2009 (ARRA) funding) and the years 2009-2011 (ARRA funding).

A 60-day notice and request for comments was published in the **Federal**

**Register** on July 7, 2011 (76 FR 39860). One set of comments was received in response that notice. Those comments noted the responding organization's concern with environmental issues, its past support for a long-term national energy strategy, and its belief that increased energy efficiency and use of alternative energy sources are important components of such a strategy. Because the information gained from the proposed information collection will help refine future State Energy Program energy efficiency and renewable energy initiatives, the commenting organization supports the Department of Energy's information collection request.

This subsequent 30-day notice allows public comment on the final version of this information collection request. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information shall have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Please note that in the final version of the information collection request, the estimated burden has remained essentially the same.

**DATES:** Comments regarding this proposed information collection must be received on or before December 16, 2011. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

**ADDRESSES:** Written comments may be sent to Martin Schweitzer, Environmental Sciences Division, Oak Ridge National Laboratory, One Bethel Valley Road, P.O. Box 2008, MS-6036, Oak Ridge, TN 37831-6036; [schweitzerm@ornl.gov](mailto:schweitzerm@ornl.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to: Martin Schweitzer, Environmental Sciences Division, Oak Ridge National Laboratory, One Bethel Valley Road, P.O. Box 2008, MS-6036, Oak Ridge, TN 37831-6036; [schweitzerm@ornl.gov](mailto:schweitzerm@ornl.gov).

The detailed technical evaluation plan for this information collection can be found at [[http://weatherization.ornl.gov/evaluation\\_sep.shtml](http://weatherization.ornl.gov/evaluation_sep.shtml)]. The surveys and data collection forms that compose

this information collection request can also be found at this same Web site.

**SUPPLEMENTARY INFORMATION:** This information collection request contains:

(1) *OMB No.:* New.

(2) *Information Collection Request Title:* National Evaluation of the United States Department of Energy's State Energy Program.

(3) *Type of Request:* New.

(4) *Purpose:* The Department of Energy (DOE) is conducting an evaluation of the State Energy Program (SEP), a national program providing grants and technical support to the States, the District of Columbia, and the U.S. territories to implement energy efficiency and renewable energy activities that meet their unique energy needs, while also addressing DOE's national goals, such as energy security. The SEP was created in 1996 by Congress, when the State Energy Conservation Program and the Institutional Conservation Programs were consolidated. In February 2009, the American Recovery and Reinvestment Act (ARRA) provided a substantial increase in the funding available to support SEP activities. The additional \$3.1 billion of ARRA funds began to be disbursed in late 2009 and are required to be expended by mid-2012. Due to the large differences in volume, scope, and relative priority of policy goals between the pre-ARRA and ARRA-funded activities, this evaluation will assess the outcomes of SEP programmatic activities for one program year (2008) prior to distribution of the ARRA funding as well as for the ARRA-funded program years of 2009-2011.

The principal objective of the evaluation is to estimate four key program outcomes:

- Energy, cost, and demand savings;
- Increases in renewable energy capacity and generation;
- Carbon emissions reductions; and
- Direct and indirect job creation

The evaluation will require information to be collected from SEP State program managers, SEP program implementation staff in selected States, participants in selected SEP programs, and equipment vendors familiar with participants' purchases of qualifying equipment.

#### Scale of the Information Collection

The evaluation effort will focus on programmatic activities implemented in 2008 (prior to the ARRA funding) and in Program Years 2009-2011 (with ARRA funding). Programmatic activities will be organized into "Broad Program Area Categories" (BPACs) for purposes of conducting the research. For each evaluation period, DOE has determined

that those BPACs accounting for approximately 80 percent of the total SEP activity will be evaluated.

A sampling frame consisting of all relevant programmatic activities for Program Year 2008 and Program Years 2009-2011 will be compiled, assigning each programmatic activity to a single BPAC. A probability sample of 82 individual programmatic activities will be selected, using BPACs as strata, to represent the most heavily-funded activities in the portfolio of SEP's energy efficiency and renewable energy efforts. The total level of effort for the evaluation will be allocated to BPACs within each study period in proportion to their level of spending.

To use resources efficiently, the programmatic activities within the various BPACs will be studied at different levels of rigor, reflecting their relative size and expected contribution towards overall energy savings. Rigor level corresponds to both the statistical analysis and the quality of data necessary to support the analysis. High Rigor evaluation approaches will yield the most reliable impact estimates, using methods recognized by the California Evaluation Protocols, DOE's Impact Evaluation Framework for Technology Deployment Programs, and the International Performance Measurement and Verification Protocol (IPMVP). The high-rigor evaluation methods will be applied to BPACs that (a) Account for a large proportion of funds spent on State-level initiatives; (b) are believed to achieve substantial energy savings; (c) are considered important by the States; and (d) are expected to play a major role in future SEP efforts. Medium-high rigor methods will require verification of savings and outcomes with individual participants, but will use less intensive data collection methods than those prescribed for high-rigor. For example, data may be collected by telephone contact with participants, rather than a site visit. Sample sizes will also be smaller in the medium-high rigor evaluations. Medium-low rigor evaluation approaches will not include any data collection from individual program participants to estimate savings or outcomes. These evaluations will use data that can be obtained from program records and secondary sources, as well as engineering-based methods to produce energy savings and outcome estimates.

A range of qualitative, quantitative (survey), on-site inspection and verification, and secondary data will be used to support the evaluation. Different types of data will be required for each

of the four types of previously-identified outcomes.

For estimating *energy, cost, and demand savings*, the high and medium-high rigor evaluations require data such as pre- and post-participation energy use and demand, surveys of measure implementation or participation, and verification of installation of energy efficient equipment and operating conditions and schedule by interview and/or on-site inspection. The calculation of energy impacts will follow the IPMVP methods and will include estimation of gross and net savings, annualizing and normalizing results to post-participation levels to calculate impacts. Medium-high rigor evaluations will utilize telephone interview data, combined with engineering data and secondary data, such as published reports and program statistics to calculate energy impacts.

The high and medium-high rigor evaluation of increases in *renewable energy capacity and generation* will require collection of meter data (where available from participants), on-site inspection and review of the system design and equipment used, interviews with project owners and operators, and review of project files. Medium-low rigor evaluations will utilize secondary data, such as published reports and statistics.

The high and medium-high rigor evaluations of *carbon emissions reductions* will require an assessment of annualized carbon dioxide reductions achieved as a result of SEP-funded activities. This assessment will require calculation of reductions in consumption of fossil fuel and replacement of fossil fuel generation with renewable energy generation. The data required for these assessments will include the types of data identified above for energy savings and for increases in renewable generation.

The high and medium-high rigor evaluations of *direct and indirect job impacts* will use a 51-region (State) Regional Economic Models, Inc. (REMI) Policy Insight simulation model. Data required for the job creation analysis will include the types of data identified above for energy, cost, and demand savings to calculate the dollar savings to households and businesses resulting from energy and electric demand plus surveys of additional expenditures on new energy-efficient equipment and systems. State economic data on patterns of spending and business sales among key sectors affecting the flow of dollars into, out of, and within the state will also be required.

The evaluation will utilize three distinct data collection methods. First,

the evaluation will employ a total of six computer-assisted telephone interviewing (CATI) survey instruments. With an average of approximately 669 respondents per telephone survey, 4,016 telephone survey respondents will be targeted for participation in the evaluation. Second, the study will utilize 28 individual in-depth interview guides targeting an average of approximately 31 respondents each, with a total target population of 881 interviewees. Third, a total of 152 on-site data collections will be conducted as part of the evaluation. Together, these three methods will involve 4,897 respondents and entail a total burden of 5,094 hours. (This calculation is based on assumptions that telephone surveys require 45 minutes on average, in-depth interviews 90 minutes, and on-site data collections 300 minutes.)

The above-described data collection methods will be supplemented by additional records research and database review activities applicable to all three methods across all participant categories. These general recordkeeping activities will require an estimated 1,072 hours. Combining the burden hours associated with telephone surveys, in-depth interviews, and on-site data collections (5,094 hours) with the burden hours associated with general records review (1,072 hours) produces a total estimated burden of 6,166 hours.

The evaluation protocols will provide BPAC-level estimates for each of the outcome measures. The results of the evaluations for all the BPACs studied will be expanded to produce cumulative estimates. Outcome measures will be calculated for the 2008 (pre-ARRA) and the 2009–2011 (ARRA funding) evaluation periods.

A number of steps are being taken to avoid duplicating the efforts of any concurrent evaluations of SEP activities sponsored by individual states. These include: (1) Coordinating with the National Association of State Energy Officials (NASEO) to share information on the programmatic activities being examined by specific states; (2) coordinating with regional DOE project officers to identify any State evaluation efforts with which they are associated; (3) meeting with selected State program managers to keep informed of ongoing evaluation efforts and the research approaches being employed; and (4) coordinating with evaluation contractors to learn of State evaluation efforts with which they are involved. These efforts will keep the national SEP evaluation informed of what States are doing so that the programmatic activities sampled for this study do not

overlap with any independent State evaluations. In addition to these efforts to avoid duplication, DOE has provided a set of evaluation guidelines to the States to help inform their evaluation efforts and ensure that the results are reliable enough to allow them to be used to support the national SEP evaluation without the need to study the same activities again.

The sample selection of BPACs and specific programmatic activities within each BPAC was completed in June 2011. Data collection and calculation of outcomes is scheduled to be completed by July 2012.

The detailed study design and work plan for the SEP evaluation has been available for public review since May, 2011 at [http://weatherization.ornl.gov/evaluation\\_sep.shtml](http://weatherization.ornl.gov/evaluation_sep.shtml).

(5) *Annual Estimated Number of Respondents*: 4,897.

(6) *Annual Estimated Number of Total Responses*: 5,049.

(7) *Annual Estimated Total Number of Burden Hours*: 6,166.

**Statutory Authority:** Title III of the Energy Policy and Conservation Act of 1975, (42 U.S.C. 6321 *et seq.*) as amended, authorizes DOE to administer the State Energy Program (SEP).

Issued in Washington, DC, on November 3, 2011.

**Henry C. Kelly,**

*Acting Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 2011–29603 Filed 11–15–11; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

[Case No. CW–020]

#### Decision and Order Granting a Waiver to Samsung From the Department of Energy Residential Clothes Washer 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. CW–020) that grants to Samsung Electronics America, Inc. (Samsung) a waiver from the DOE clothes washer test procedure for determining the energy consumption of clothes washers for the basic models set forth in its petition for waiver. Under today's decision and order, Samsung shall be required to test and rate these clothes washers using an alternate test