

Rules and Regulations

Federal Register

Vol. 87, No. 246

Friday, December 23, 2022

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DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE-2016-BT-TP-0011]

RIN 1904-AD95

Energy Conservation Program: Test Procedures for Residential and Commercial Clothes Washers; Correction

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

ACTION: Correcting amendments.

SUMMARY: On June 1, 2022, the U.S. Department of Energy (“DOE” or “the Department”) published a final rule amending DOE’s clothes washer test procedures. This document corrects formatting and typographical errors and omissions in the regulatory text of that final rule. Neither the errors and omissions nor the corrections in this document affect the substance of the rulemaking or any conclusions reached in support of the final rule.

DATES: Effective December 23, 2022.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background

On June 1, 2022, DOE published a final rule amending DOE’s clothes washer test procedures (“June 2022

Final Rule”). 87 FR 33316. The June 2022 Final Rule amended provisions in DOE’s test procedure prescribed at title 10 of the Code of Federal Regulations (“CFR”) part 430, subpart B, appendix J2 (“appendix J2”); established a new test procedure at 10 CFR part 430, subpart B, appendix J (“appendix J”); and amended provisions in DOE’s test method for measuring the moisture absorption and retention characteristics of new lots of energy test cloth, which is used in testing clothes washers, at 10 CFR part 430, subpart B, appendix J3 (“appendix J3”). DOE is issuing this rule to correct certain technical errors and omissions in the June 2022 Final Rule, specifically appendices J, J2, and J3 of 10 CFR part 430, and to assist regulated entities with compliance efforts.

II. Discussion

As established in the June 2022 Final Rule, section 4 of appendix J defines the four energy components (HE_T , ME_T , DE_T , and E_{TLP})¹ comprising the energy efficiency metric. For clothes washers with multiple water fill control systems, each of these four components yields a different result for each type of water fill control system and therefore must be calculated separately for each control type and then averaged, with the average value used for the final calculations in section 4, as directed by section 3.2.3.5 of appendix J. Specifically, section 3.2.3.5 of appendix J specifies that if a clothes washer allows user selection among multiple water fill control systems, all water fill control systems must be tested and, for each one, each energy consumption and water consumption value as set forth in section 4 of appendix J must be calculated and averaged across the water fill control systems. The average value is then used in the final calculations in section 4 of appendix J. But, in the June 2022 Final Rule, the Department inadvertently omitted E_{TLP} from the list of variables used to calculate energy consumption in section 3.2.3.5 of appendix J. DOE is correcting that omission by adding E_{TLP} to the parenthetical list of energy consumption

parameters in section 3.2.3.5 of appendix J.

In the June 2022 Final Rule, DOE made a typographical error in section 3.3 of appendix J, stating that testing is to be performed “on each wash/rinse temperature selection available in the energy test cycle was [*sic*] defined in section 2.12.1 of this appendix.” 87 FR 33390. In this document, DOE corrects the word “was” to “as” in section 3.3 of appendix J.

In the June 2022 Final Rule, DOE expanded Table 5.1 of appendix J2; however, the expanded table did not re-print with the two established notes² at the end of the table. 87 FR 33402–33403. These two notes have been incorporated in Table 5.1 since the table’s inclusion in appendix J2. Additionally, DOE did not propose their removal during the rulemaking process. The regulatory instruction provided for this amendment in the June 2022 Final Rule resulted in the inadvertent removal of the notes from Table 5.1 of appendix J2. This document corrects the omission by adding the two notes at end of the revised table.

In the regulatory text of the June 2022 Final Rule, the title and the column headings of new Table 8.7 of appendix J3 were mis-printed. The title of Table 8.7 inadvertently included an extra line break before the variable name provided in parentheses, *i.e.*, “(RMC_{standard}).” To simplify the table heading, DOE is removing the variable name in parentheses in the title of Table 8.7. Additionally, the column headers for Table 8.7 list the water soak temperature and the spin times used to develop the values presented in the table. In the regulatory text of the June 2022 Final Rule, the spin time column headers were listed in the wrong order. 87 FR 33405. This document corrects the order of the headings in Table 8.7 of appendix J3.

Because this final rule simply corrects errors and omissions in the text without making substantive changes, the changes addressed in this document are technical in nature.

III. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the

¹ HE_T is the total weighted per-cycle hot water energy consumption, ME_T is the total weighted per-cycle machine electrical energy consumption, DE_T is the per-cycle energy consumption for removal of moisture content from test load, and E_{TLP} is the per-cycle combined low-power mode.

² Two notes indicate that (1) all test load weights are bone-dry weights; and (2) allowable tolerance on the test load weights is ± 0.10 lbs (0.05 kg).

various procedural requirements applicable to the June 2022 Final Rule remain unchanged for this final rule's technical corrections. These determinations are set forth in the June 2022 Final Rule and are adopted here. 87 FR 33316, 33375–33379.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), DOE finds that there is good cause to not issue a separate notice to solicit public comment on those technical corrections contained in this document. Issuing a separate notice to solicit public comment would be impracticable, unnecessary, and contrary to the public interest. As explained above, the corrections in this document do not affect the substance of the June 2022 Final Rule or any of the conclusions reached in support of the final rule. Additionally, given the final rule is a product of an extensive administrative record with numerous opportunities for public comment, DOE finds additional comment on the technical corrections is unnecessary. Therefore, providing prior notice and an opportunity for public comment on correcting objective, typographical errors and omissions that do not change the substance of the test procedure serves no useful purpose.

Further, this rule correcting typographical errors and omissions makes non-substantive changes to the test procedure in the June 2022 Final Rule. As such, this final rule is not subject to the 30-day delay in effective date requirement of 5 U.S.C. 553(d) otherwise applicable to rules that make substantive changes.

List of Subjects in 10 CFR Part 430

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

Signing Authority

This document of the Department of Energy was signed on December 16, 2022, by Francisco Alejandro Moreno, Acting Assistant Secretary for Energy Efficiency and Renewable Energy, U.S. Department of Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on December 19, 2022.

Treena V. Garrett,
Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons stated in the preamble, DOE corrects part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations by making the following correcting amendments:

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 J to subpart B of part 430 is amended by:

- a. Revising section 3.2.3.5; and
- b. In section 3.3, in the first sentence, removing the words “was defined” and adding in their place “as defined”.

The revision reads as follows:

TABLE 8.7—STANDARD RMC VALUES

“g Force”	RMC percentage			
	Warm soak		Cold soak	
	15 min. spin (percent)	4 min. spin (percent)	15 min. spin (percent)	4 min. spin (percent)
100	45.9	49.9	49.7	52.8
200	35.7	40.4	37.9	43.1
350	29.6	33.1	30.7	35.8
500	24.2	28.7	25.5	30.0
650	23.0	26.4	24.1	28.0

Appendix J to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Automatic and Semi-Automatic Clothes Washers

* * * * *

3. * * *

3.2.3.5 *Clothes washers with multiple water fill control systems.* If a clothes washer allows user selection among multiple water fill control systems, test all water fill control systems and, for each one, calculate the energy consumption (HE_T, ME_T, DE_T, and E_{TL,P}) and water consumption (Q_T) values as set forth in section 4 of this appendix. Then, calculate the average of the tested values (one from each water fill control system) for each variable (HE_T, ME_T, DE_T, E_{TL,P}, and Q_T) and use the average value for each variable in the final calculations in section 4 of this appendix.

* * * * *

■ 3. Appendix J2 to subpart B of part 430 is amended by adding notes 1 and 2 following Table 5.1 in section 5 to read as follows:

Appendix J2 to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Automatic and Semi-Automatic Clothes Washers

* * * * *

5. * * *

Table 5.1—Test Load Sizes

* * * * *

Notes: (1) All test load weights are bone-dry weights.

(2) Allowable tolerance on the test load weights is ±0.10 lbs (0.05 kg).

■ 4. Appendix J3 to subpart B of part 430 is amended by revising Table 8.7 in section 8.7 to read as follows:

Appendix J3 to Subpart B of Part 430—Energy Test Cloth Specifications and Procedures for Determining Correction Coefficients of New Energy Test Cloth Lots

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8. * * *

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[FR Doc. 2022-27877 Filed 12-22-22; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**10 CFR Part 431**

[EERE-2019-BT-STD-0042]

RIN 1905-AE59

Energy Conservation Program: Energy Conservation Standards for Commercial Warm Air Furnaces

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

ACTION: Final determination.

SUMMARY: The Energy Policy and Conservation Act, as amended (“EPCA”), prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including commercial warm air furnaces (“CWAFs”). EPCA also requires the U.S. Department of Energy (“DOE” or “the Department”) to periodically review standards to determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would result in significant additional energy savings. In the case of CWAFs, DOE has determined that it lacks clear and convincing evidence that amended energy conservation standards would be economically justified. As such, in this final determination, DOE has determined not to amend the energy conservation standards for CWAFs.

DATES: The final determination is effective January 23, 2023.

ADDRESSES: The docket for this activity, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at www.regulations.gov. All documents in the docket are listed in the www.regulations.gov index. However, some documents listed in the index, such as information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at www.regulations.gov/docket/EERE-2019-BT-STD-0042. The docket web page contains instructions on how to access all documents, including public comments, in the docket.

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For further information on how to review the docket, contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: ApplianceStandardsQuestions@ee.doe.gov.

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I. Synopsis of the Final Determination

The Energy Policy and Conservation Act, Public Law 94-163 (42 U.S.C. 6291-6317, as codified), as amended (“EPCA”),¹ authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. Title III, Part C²

¹ All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116-260 (Dec. 27, 2020), which reflect the last statutory amendments that impact Parts A and A-1 of EPCA.

² For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A-1.

of EPCA, established the Energy Conservation Program for Certain Industrial Equipment. (42 U.S.C. 6311-6317) Such equipment includes CWAFs, which are the subject of this final determination.³ (42 U.S.C. 6311(J))

Pursuant to EPCA, DOE is triggered to consider amending the energy efficiency standards for certain types of commercial and industrial equipment, including the equipment at issue in this document, whenever the American Society of Heating, Refrigerating, and Air Conditioning Engineers (“ASHRAE”) amends the standard levels or design requirements prescribed in ASHRAE Standard 90.1, “Energy Standard for Buildings Except Low-Rise Residential Buildings” (“ASHRAE Standard 90.1”). Under a separate provision of EPCA, DOE is required to review the existing energy conservation standards for those types of covered equipment subject to ASHRAE Standard 90.1, at a minimum, every six years after issuance of any final rule establishing or amending a standard (42 U.S.C. 6313(a)(6)(A)-(C)). DOE is conducting this review of the energy conservation standards for CWAFs under EPCA’s six-year-lookback authority. (42 U.S.C. 6313(a)(6)(C))

For this final determination, DOE considered CWAFs subject to the current Federal energy conservation standards specified in the Code of Federal Regulations (“CFR”) at 10 CFR 431.77. The current standards were adopted in a direct final rule published in the **Federal Register** on January 15, 2016 (“January 2016 final rule”), through which DOE, in relevant part, adopted amended CWAF standards for which compliance is required beginning on January 1, 2023. 81 FR 2420, 2529. DOE has determined that there is significant uncertainty regarding whether more-stringent CWAF standards would be economically justified at this time, a matter which the Department discusses in more detail in section III.D of this document. Therefore, DOE has determined that the energy conservation standards for CWAFs do not need to be amended because there is not clear and convincing evidence that amended standards would be economically justified, as required by EPCA to

³ Air-cooled commercial package air conditioning and heating equipment (referred to as “air-cooled unitary air conditioners and air-cooled unitary heat pumps” or “ACUACs and ACUHPs”) were also included in the scope of the request for information (“RFI”) published by DOE in the **Federal Register** on May 12, 2020 (“May 2020 RFI”) that preceded the NOPD for this rulemaking. 85 FR 27941. However, DOE only addresses CWAFs in this final determination. DOE will address ACUACs and ACUHPs in a separate proceeding.