

Implementation Report:
Energy Conservation Standards Activities

Submitted Pursuant to:
Section 141 of the Energy Policy Act of 2005
&
Section 305 of the Energy Independence and
Security Act of 2007

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List of Acronyms

ANOPR – Advance Notice of Proposed Rulemaking
ASHRAE – American Society of Heating, Refrigerating and Air-Conditioning Engineers
DOE – U.S. Department of Energy
EISA 2007– Energy Independence and Security Act of 2007
EPACT 2005 – Energy Policy Act of 2005
EPCA – Energy Policy and Conservation Act
HID – High-Intensity Discharge (lamps)
NODA – Notice of Data Availability
NOPR – Notice of Proposed Rulemaking
SNOPR – Supplemental Notice of Proposed Rulemaking

Introduction

This report was prepared in response to section 141 of the Energy Policy Act of 2005 (EPACT 2005), Pub. L. 109-58, which pertains to the Department of Energy's (DOE's) past noncompliance with statutory deadlines for the issuance of new or amended energy conservation standards, and in response to section 305 of the Energy Independence and Security Act of 2007 (EISA 2007), Pub. L. 110-140.

Section 141 of EPACT 2005 requires both an initial report and semi-annual implementation reports, until such time as DOE has promulgated all of the overdue standards. This document represents the fifth such semi-annual implementation report.

Section 305 of EISA 2007 expands DOE's existing reporting requirements to include progress reports on all rulemaking activities required by EISA 2007. Because the topics and reporting intervals in section 141 of EPACT 2005 and section 305 of EISA 2007 are substantially similar, DOE began consolidating the reports starting with the first EISA 2007 implementation report in February 2008. This report constitutes the second semi-annual EISA 2007 implementation report.

Backlog and EPACT 2005

DOE submitted its initial report to Congress on January 31, 2006. In the initial report, DOE documented the history of the Appliance Standards Program which is the program responsible for the development of test procedures and minimum efficiency standards for residential appliances and commercial equipment subject to regulation. The initial report provided a description of the rulemaking process and detailed the statutory requirements applicable to the Appliance Standards Program. The initial report explained the historical reasons for DOE's failure to meet identified statutory deadlines and described current and planned productivity enhancements that DOE began to implement in order to expedite the standards rulemaking process. Finally, the initial report set an aggressive rulemaking schedule, designed to permit DOE to both address the backlog of rulemakings and to meet deadlines associated with the new requirements of EPACT 2005.

In the first semi-annual implementation report (submitted in August 2006), DOE described the execution of the productivity enhancements ("bundling" and "valley-filling"¹) that were discussed in the initial report. DOE also provided an update on its improved document review and clearance process, identifying the newly established intra-agency Crosscutting Review Team as the cornerstone of this process. As a result of the productivity enhancements and improved document review and clearance process, DOE was able to report in its first semi-annual implementation report that it was meeting all obligations as scheduled in the initial report to Congress, and DOE reached a similar conclusion in subsequent implementation reports (submitted in February 2007, August 2007, and February 2008) that it has met all commitments in its previous reports.

DOE remains committed to complying with future deadlines and, once again, is currently on schedule. In this report, DOE provides an update of its progress toward meeting the schedule set forth in the January 2006 report to Congress, as well as the schedule agreed to in the consent decree in the case of *State of New York, et al. v. Bodman* (discussed subsequently). DOE is expediting its activities to the extent practicable in order to complete rulemakings as soon as possible. However, given the aggressive schedule for the rulemaking requirements established in EISA 2007, DOE is working on a greater number of contemporaneous rulemaking proceedings than had been contemplated at the time the consent decree order schedule was submitted to the Court.

State of New York, et al. v. Bodman; and NRDC, Inc. et al. v. Bodman

DOE notes that the separate court proceedings (*State of New York, et al. v. Bodman* and *NRDC, Inc. et al. v. Bodman*) mentioned in the August 2006 report resulted in a consent decree between the plaintiffs and DOE (filed November 6, 2006). The consent decree largely adopts the schedule DOE published in its January 31, 2006, initial report to Congress under section 141 of EPACT 2005. However, the consent decree's rulemaking schedule adds the following two additional items:

¹ "Bundling" refers to the combination of two or more products within a single rulemaking. "Valley-filling" is a management technique where an analytical team can divert its resources from one rulemaking to another while documents are being reviewed.

1. The consent decree requires DOE to publish a small electric motors test procedure by June 30, 2009, and an energy conservation standard final rule (for the same product) by February 28, 2010. These two actions were not included in the initial report to Congress because DOE was conducting the determination analysis for small electric motors at the time the initial report was written (*i.e.*, DOE had not yet determined whether a rulemaking and test procedure were necessary).
2. The consent decree puts into place a binding schedule for DOE action in response to future amendments of Standard 90.1 by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE). Specifically, within six months of an ASHRAE amendment, DOE must publish an analysis of the energy savings potential of amended energy efficiency standards. DOE must either adopt ASHRAE's amendment within 18 months of ASHRAE's adoption or establish a more stringent standard within 30 months. Under the consent decree, DOE will publish a final rule for packaged terminal air conditioners and heat pumps by September 30, 2008.

Energy Independence and Security Act of 2007

On December 19, 2007, the President signed into law the Energy Independence and Security Act of 2007 (EISA 2007), Pub. L. 110-140. This statute, in part, amends the Energy Policy and Conservation Act of 1975, Pub. L. 94-163 (42 U.S.C. 6291 *et seq.*), and increases the number of rulemakings DOE must issue beyond the obligations set forth in EPACT 2005 and the backlogged products mentioned in previous implementation reports. The enactment of EISA 2007 has substantially elevated the level of activity within the Appliance Standards Program. The statute requires DOE to develop several new test procedures and energy efficiency standards, as discussed below. In addition, EISA 2007 prescribes new efficiency standards and test procedures for certain products, which DOE must also implement.

EISA 2007 prescribes energy efficiency standards for a number of products which were already the subject of an active rulemaking. By prescribing standards for these products, EISA 2007 eliminated or modified DOE's obligation to develop these standards. As a result, some rulemakings underway were significantly impacted. For example, the Electric Motors (1-200 hp) rulemaking was scheduled to be initiated in the first quarter of fiscal year 2008. This rule was superseded by standards set in section 313 of EISA 2007, and, therefore, the work underway was terminated.

For some rulemakings in which products were bundled, EISA 2007 altered the rulemaking scope by setting standards for some products. Examples of this include the Lamps rulemaking and the Home Appliances, Group 1 rulemaking. In these cases, DOE is moving forward with the rulemaking with the remaining products. By modifying the scope of coverage for certain lamp categories and home appliances, EISA 2007 mandated additional, resource-intensive analyses for these rulemakings. Particularly because of these modifications, DOE will be challenged to maintain the original schedule set forth in the initial report to Congress for this rulemaking but will strive to do so.

EISA 2007 introduces new standby power requirements for residential products. All test procedures for covered residential products are required to be amended to include test procedures for standby and off-mode energy consumption (section 310 of EISA 2007). However, EISA 2007 specifies deadlines for the incorporation of standby power consumption into the test procedures of certain enumerated products including clothes dryers, room air conditioners, fluorescent lamp ballasts, residential clothes washers, residential furnaces and boilers, residential water heaters, direct heating equipment, pool heaters, dishwashers, ranges and ovens and microwave ovens, and residential dehumidifiers. The amendments are required to be implemented as early as December 31, 2008 (for battery chargers and external power supplies). In addition, all energy conservation standards for covered products adopted after July 1, 2010 must incorporate standby mode and off mode power consumption.

Furthermore, some of the new standards required by EISA 2007 have deadlines that necessitate swift action. For instance, a final rule determining whether to amend standards for residential refrigerators is due December 31, 2010 (section 311 of EISA 2007). This leaves DOE less than three years to publish the rule. DOE's compressed rulemaking schedule, first published in the January 31, 2006 report to Congress, calls for a 36-month schedule starting at the Framework public meeting. Because of the short amount of time remaining and the highly detailed analyses required, DOE will need to add this complex rulemaking to other high-priority activities.

DOE is also studying how to initiate three standards rulemakings (residential clothes washers, walk-in coolers and freezers, and metal halide lamp fixtures) that are all due to be completed by the end of 2011 and nine test procedures rulemakings (furnaces and boilers, fluorescent lamp ballasts, metal halide lamp ballasts², clothes dryers, room air conditioners, clothes washers, battery chargers, external power supplies, and walk-in coolers and freezers) that are due to be completed between December 31, 2008 and January 1, 2010. Moreover, the statute directs DOE to undertake other standards rulemakings for battery chargers, external power supplies, furnace fans, dishwashers, and general service incandescent lamps.

In addition, all test procedures and efficiency standards established by DOE will now be subject to regular periodic review. DOE will review all test procedures on a seven-year cycle (42 U.S.C. 6293(b)(1)(A) and 6314(a)(1)). Six years after issuance of a final rule establishing a standard, DOE must also either publish a NOPR to amend the standard or a notice of determination that an amended standard is not warranted (42 U.S.C. 6295(m)(1) and 6313(a)(6)(C)(i)). For example, the first standards final rule is scheduled for completion under EISA 2007 for residential refrigerators on December 31, 2010. A NOPR to amend the standard or determination that an amended standard is not warranted for this product is therefore scheduled for not later than December 31, 2016.

Multi-Year Schedule and Implementation Update

This section provides an inclusive schedule of DOE rulemakings along with a detailed description of activities and progress to date.

Multi-Year Schedule

Table 1 presents DOE's revised multi-year schedule. It is based on the schedule to which DOE committed in its initial report to Congress, modified to now also include a standards rulemaking and a test procedure rulemaking for small electric motors (added pursuant to the November 2006 consent decree discussed above) as well as the requirements of EISA 2007 and progress to date. Rulemakings completed by DOE and standards prescribed by EISA 2007 were removed from the schedule.

The original multi-year schedule developed by DOE in the January 31, 2006 report to Congress contained firm and achievable schedules for the efficiency standards of 18 backlogged products. Since that time, DOE has issued efficiency standard final rules for four of the backlogged products (residential furnaces and boilers; mobile home furnaces; small furnaces; and distribution transformers, medium voltage dry-type and liquid immersed). EISA 2007 then prescribed standards for another three backlogged products (electric motors, 1-200hp; general service incandescent lamps; and dishwashers). These seven products have been removed from the schedule. As discussed above, the consent decree also added small electric motors to the list of backlogged standards DOE must issue. Thus, the current multi-year schedule (Table 1) will result in the issuance of one standard for each of the remaining 12 backlogged products.

² The test procedure for metal halide ballasts must be complete before the standards prescribed by EISA 2007, which will apply to metal halide lamp fixtures manufactured on or after the later of January 1, 2009 or the date that is 270 days after December 19, 2007. (42 USC 6295 (hh)(1)(C))

Furthermore, the current schedule addresses the first cycle³ of standards that DOE must develop to comply with EPACT 2005 and EISA 2007. The inclusion of EPACT 2005 and EISA 2007 requirements adds 14 products to the schedule for which DOE shall establish standards. In addition, the multi-year schedule also addresses the following:

- Determination analyses for high-intensity discharge (HID) lamps.
- Efficiency standards for certain commercial heating, air-conditioning, and water heating equipment contained in ASHRAE Standard 90.1-2007.

³ For some products, EPACT 2005 requires DOE to develop multiple standards over time.

Table 1. Multi-Year Schedule to Issue One Standard for Each Product in the Backlog, and to Develop One Standard for Each Product per EPACK 2005 and EISA 2007

Rulemaking Team	Rule Type	Product(s)	EPACT 2005, EISA 2007, Other	Approx. Rule Initiation Date	Final Action Date
Heating Team	Standards	<ul style="list-style-type: none"> • Water Heaters (Residential) [Backlog Cycle 2] • Direct Heating Equipment [Backlog Cycle 1] • Pool Heaters [Backlog Cycle 1] 	Backlog Backlog Backlog	FY2006, Q4	March 2010
		<ul style="list-style-type: none"> • Furnace Fans 	EISA 2007	FY2009, Q2	December 2013
		<ul style="list-style-type: none"> • Certain Commercial Heating, Air-Conditioning and Water Heating Equipment Contained in ASHRAE Standard 90.1 	EISA 2007	FY2008, Q2	July 2009 / July 2011 ⁴
	Test Procedures	<ul style="list-style-type: none"> • Furnaces and Boilers, Standby Mode 	EISA 2007	FY2009, Q1	September 2009
		<ul style="list-style-type: none"> • Water Heaters (Residential), Standby Mode • Direct Heating Equipment, Standby Mode • Pool Heaters, Standby Mode 	EISA 2007 EISA 2007 EISA 2007	FY2009, Q1	March 2010
Transformers and Motors	Standards	<ul style="list-style-type: none"> • Small Electric Motors 	Backlog	FY2007, Q3	February 2010
		<ul style="list-style-type: none"> • Electric Motors, 1-200hp 	EISA 2007	FY2010, Q2	December 2012
	Test Procedure	<ul style="list-style-type: none"> • Small Electric Motors 	Backlog	FY2007, Q3	June 2009
Lighting Team	Determination Analysis	<ul style="list-style-type: none"> • High-Intensity Discharge Lamps 	Backlog	FY2007, Q3	June 2010
	Standards	<ul style="list-style-type: none"> • Incandescent Reflector Lamps [Backlog Cycle 1] • Fluorescent Lamps [Backlog Cycle 1] 	Backlog Backlog	FY2006, Q3	June 2009

⁴ DOE will adopt as uniform national energy standards the amendments in ASHRAE 90.1 within 18 months of the date of publication of ASHRAE Standard 90.1 or set more stringent standards not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product.

Rulemaking Team	Rule Type	Product(s)	EPACT 2005, Backlog, EISA 2007, Other	Approx. Rule Initiation Date	Final Action Date
		• Fluorescent Lamp Ballasts [Backlog Cycle 2]	Backlog	FY2008, Q1	June 2011
		• Metal Halide Lamp Fixtures	EISA 2007	FY2009, Q2	January 2012
		• General Service Incandescent Lamps	EISA 2007	FY2014, Q2	January 2017
	Test Procedure	• Metal Halide Lamp Ballasts	EISA 2007	FY2008, Q3	January 2009 ⁵
		• Fluorescent Lamp Ballasts, Standby Mode	EISA 2007	FY2008, Q2	March 2009
Home Appliance Team	Standards	• Ranges and Ovens (Electric and Gas) and Microwave Ovens [Backlog Cycle 1 for Gas, Backlog Cycle 2 for Electric] • Clothes Washers (Commercial) [Revision 1]	Backlog EPACT 2005	FY2006, Q2	March 2009
		• Clothes Dryers (Residential) [Backlog Cycle 2] • Room Air Conditioners [Backlog Cycle 2]	Backlog Backlog	FY2008, Q1	June 2011
		• Dishwashers	EISA 2007	FY2012, Q2	January 2015
		• Refrigerators (Residential)	EISA 2007	FY2008, Q2	December 2010
		• Clothes Washers (Residential)	EISA 2007	FY2009, Q1	December 2011
	Test Procedure	• Clothes Dryers, Standby Mode • Room Air Conditioners, Standby Mode	EISA 2007 EISA 2007	FY2008, Q2	March 2009
		• Microwave Ovens, Standby Mode	EISA 2007	FY2008, Q2	March 2011
		• Clothes Washers (Residential), Standby Mode	EISA 2007	FY2009, Q1	June 2009
		• Dishwashers (Residential), Standby Mode • Ranges and Ovens (Electric and Gas), Standby Mode • Dehumidifiers (Residential), Standby Mode	EISA 2007 EISA 2007 EISA 2007	FY2009, Q2	March 2011

⁵ The test procedure for metal halide ballasts must be complete before the standards prescribed by EISA 2007, which will apply to metal halide lamp fixtures manufactured on or after the later of January 1, 2009 or the date that is 270 days after December 19, 2007. (42 USC 6295 (hh)(1)(C))

Rulemaking Team	Rule Type	Product(s)	EPACT 2005, EISA 2007, Other	Approx. Rule Initiation Date	Final Action Date
Space Cooling Team	Standards	• Packaged Terminal Air Conditioners and Heat Pumps	Backlog	FY2006, Q4	September 2008
		• Central Air Conditioners and Heat Pumps (Residential) [Backlog Cycle 2]	Backlog	FY2008, Q2	June 2011
Commercial Refrigeration Team	Standards	• Refrigerated Bottle or Canned Beverage Vending Machines	EPACT 2005	FY2006, Q3	August 2009
		• Ice-Cream Freezers, Self-Contained Commercial Refrigerators, Freezers, and Refrigerator-Freezers without Doors, and Remote-Condensing Commercial Refrigerators, Freezers and Refrigerator-Freezers (initial)	EPACT 2005	FY2006, Q2	January 2009
		• Automatic Ice Makers (Commercial) [Revision 1]	EPACT 2005	FY2011, Q3	January 2015
		• Walk-In Coolers and Freezers	EISA 2007	FY2009, Q1	January 2012
	Test Procedure	• Walk-In Coolers and Freezers	EISA 2007	FY2009, Q1	January 2010
Battery Chargers and External Power Supplies Team	Determination Analysis	• External Power Supplies (non-Class A)	EPACT 2005, EISA 2007	FY2007, Q1	December 2009
	Standards	• Battery Chargers • External Power Supplies (Class A)	EISA 2007 EISA 2007	FY2008, Q2	July 2011
	Test Procedure	• Battery Chargers, External Power Supplies, Standby Mode	EISA 2007	FY2008, Q2	December 2008

Implementation Update

Published Rulemaking Documents Since the Last Implementation Report

During the six months since the February 2008 semi-annual implementation report, DOE has continued to meet its commitments in terms of the schedule presented to Congress. Since publication of the February 2008 report, DOE has:

- Published a NOPR for the lamps test procedure. This rulemaking includes general service fluorescent lamps, incandescent reflector lamps, and general service incandescent lamps. The NOPR was issued on February 21, 2008 and was published in the *Federal Register* on March 13, 2008 (73 Fed. Reg. 13465).
- Published an ANOPR for the lamps energy efficiency standard. The rulemaking includes general service fluorescent lamps and incandescent reflector lamps. The ANOPR was issued on February 21, 2008 and was published in the *Federal Register* on March 13, 2008 (73 Fed. Reg. 13620).
- Published a NOPR for the packaged terminal air-conditioner and packaged terminal heat pump energy conservation standard. The NOPR was issued on March 28, 2008 and was published in the *Federal Register* on April 7, 2008 (73 Fed. Reg. 18858).
- Published a notice of availability of the Framework Document for the residential central air-conditioners and heat pumps rulemaking. This notice was issued June 2, 2008 and was published in the *Federal Register* on June 6, 2008 (73 Fed. Reg. 32243).
- Published an ANOPR for the beverage vending machines energy conservation standard. The ANOPR was issued on June 9, 2008 and was published in the *Federal Register* on June 16, 2008 (73 Fed. Reg. 34094).
- Published a NODA for certain commercial heating, air-conditioning, and water heating equipment contained in ASHRAE Standard 90.1-2007. The NODA was issued on July 9, 2008 and was published in the *Federal Register* on July 16, 2008 (73 Fed. Reg. 40770).

Progress Reports of Appliance Product Teams (By Product)

HEATING TEAM

Heating Products. The final rule establishing energy conservation standards for heating products (residential water heaters, direct heating equipment, and pool heaters) is on schedule for issuance in March 2010. DOE published the notice of availability of the Framework Document in the *Federal Register* on November 24, 2006 (71 Fed. Reg. 67825). A public meeting to discuss the Framework Document was held on January 16, 2007 at DOE headquarters in Washington, DC. DOE is preparing the ANOPR.

ASHRAE 90.1-2007. As discussed above, the consent decree contains provisions requiring action should ASHRAE amend ASHRAE Standard 90.1 with respect to any product covered by the consent decree. These products include commercial packaged air-conditioners, commercial packaged boilers, and instantaneous water heaters. Specifically, within six months of an ASHRAE amendment, DOE must publish an analysis of the energy savings potential of amended energy efficiency standards. DOE must either adopt the amended ASHRAE standard as a new national standard within 18 months of ASHRAE's adoption or establish a more stringent standard within 30 months.

Section 305(b) of EISA 2007 amends EPCA to include identical requirements to those described in the consent decree. However compared to the consent decree, EISA 2007 also addresses commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks (42 USC 6313(a)(6)(A)(i)).

On January 9, 2008, ASHRAE's Board of Directors gave final approval to ANSI/ASHRAE/IESNA Standard 90.1-2007, which ASHRAE released on January 10, 2008. Because of the provisions in the consent decree and EISA 2007 discussed above, the release of ASHRAE Standard 90.1-2007 triggered DOE to act. On July 9, 2008 DOE issued a notice of data availability which was published in the *Federal Register* on July 16, 2008 (73 Fed. Reg. 40770). The NODA discusses the results of DOE's analysis of the energy savings potential of amended energy conservation standards for certain commercial equipment covered by ASHRAE Standard 90.1. In the NODA, DOE first assessed whether the efficiency levels in ASHRAE Standard 90.1-2007 for a given piece of equipment represented an increase in efficiency from the Federal energy conservation standards for such equipment. For the equipment where it was determined that ASHRAE increased the efficiency of the equipment, DOE assessed the potential energy savings of a national standard set at the ASHRAE efficiency level or at a more stringent level.

TRANSFORMERS AND MOTORS TEAM

Small Electric Motors. The final rule for small electric motors is on schedule for issuance not later than February 2010. DOE published an announcement of the availability of the energy conservation standard Framework Document in the *Federal Register* on August 10, 2007 (72 Fed. Reg. 44990). A public meeting to discuss the Framework Document was held on September 13, 2007 at DOE headquarters in Washington, DC. DOE has been doing the analytical work necessary to prepare for the ANOPR, including preparation of draft analyses and draft documentation for all requisite portions of the ANOPR.

DOE is also currently preparing the test procedure NOPR for small electric motors with a corresponding final rule scheduled for issuance not later than June 2009.

Electric Motors (1-200 hp). DOE planned to initiate the standards rulemaking for electric motors (1-200 hp) during the first quarter of fiscal year 2008. This rulemaking, covered by the consent decree, was scheduled for issuance of the final rule not later than June 30, 2011. As the Framework Document was being prepared, EISA 2007 was enacted. EISA 2007 contains prescriptive standards for the same group of motors covered in DOE's rulemaking. The EISA 2007 standards for these motors become effective well before the final rule for motors was scheduled to be completed under the consent decree. Accordingly, DOE is evaluating the effects of these statutory amendments on its current regulatory obligations.

LIGHTING TEAM

High-Intensity Discharge Lamps. DOE has begun work on the determination analysis for high-intensity discharge lamps. DOE is currently assessing the market and gathering recent, publicly available technology and pricing data in preparation for the engineering analysis. The determination notice is scheduled for June 2010 (although DOE anticipates earlier issuance).

Lamps. The final rule regarding energy conservation standards for two categories of lamps (general service fluorescent lamps (GSFL), incandescent reflector lamps (IRL)) is scheduled for June 2009. DOE published a notice of availability of the Framework Document on May 31, 2006 (71 Fed. Reg. 30834). This rulemaking initially considered a third type of lamp, general service incandescent lamps (GSIL). However, EISA 2007 prescribed standards for GSILs and eliminated DOE's authority to consider standards for such lamps, thereby significantly altering the scope of coverage for the standard which is one of the enumerated products covered under the consent decree. In parallel to the energy conservation standard, DOE was also progressing on a test procedure for GSFLs, IRLs, and GSILs. Accordingly, substantial revisions were required to the analysis and to both the standards ANOPR and test procedure NOPR *Federal Register* notices. DOE made the necessary adjustments to be consistent with EISA 2007 and issued the energy

conservation standard ANOPR and test procedure NOPR on February 21, 2008. The notices appeared in the *Federal Register* on March 13, 2008 (73 Fed. Reg. 13620 and 73 Fed. Reg. 13465).

Fluorescent Lamp Ballasts. The final rule for fluorescent lamp ballasts is on schedule for issuance not later than June 2011. DOE completed the Framework Document and published a NODA in the *Federal Register* on January 22, 2008 (73 Fed. Reg. 3653). DOE held a framework public meeting at its Washington D.C. headquarters on February 6, 2008. DOE is compiling comments from the public meeting and constructing a database of fluorescent lamp ballasts for use in the engineering analysis and market and technology assessments.

In addition to the energy conservation standard, DOE is developing a test procedure for fluorescent lamp ballasts. EPCA as amended by Section 310 of EISA 2007 directs DOE to develop a test procedure for fluorescent lamp ballasts that accounts for standby mode and off mode energy consumption (42 U.S.C. 6295(gg)(2)(A)(B)). The draft test procedure NOPR is now under review.

Metal Halide Lamp Ballasts. Section 324 of EISA 2007 sets efficiency standards for metal halide lamp fixtures (42 U.S.C. 6295(hh)(1)) which become effective on January 1, 2009. EISA 2007 also amends EPCA by requiring that test procedures for metal halide lamp ballasts be based on ANSI Standard C82.6-2005 (42 U.S.C. 6293(b)(18)). Because the standards for metal halide lamp fixtures include metal halide lamp ballast efficiencies (42 U.S.C. 6295(hh)(1)), the test procedure for those products must be in place before the effective date (January 1, 2009). DOE is working on the test procedure required for this standard.

HOME APPLIANCE TEAM

Home Appliances, Group 1. The final rule regarding energy conservation standards for two home appliances (ranges and ovens and commercial clothes washers) is scheduled to be published no later than March 2009. Originally, this rule also included dishwashers and dehumidifiers. All four products were part of the ANOPR which was published in the *Federal Register* on November 15, 2007 (72 Fed. Reg. 64432). This rulemaking was subsequently affected by EISA 2007. The new legislation prescribed standards for both dehumidifiers and dishwashers. Of the latter two products, only dishwashers are covered by the consent decree. DOE is evaluating the effects of these statutory standards on its current regulatory obligations.

Related to the standards rulemaking above, DOE is simultaneously developing a test procedure for residential microwave ovens. This test procedure will include standby and off-mode energy consumption. EISA 2007 requirements dictate that a revised test procedure for microwave ovens that includes standby and off-mode energy consumption shall be complete no later than March 2011. DOE is including standby consumption in

this revision of the test procedure in advance of the EISA 2007 deadline in hopes that it can be completed in tandem with the efficiency standard.

Home Appliances, Group 2. The rulemaking for clothes dryers and room air conditioners is underway and scheduled to be completed in June 2011. DOE published a notice of availability for the Framework Document in the *Federal Register* on October 9, 2007 (72 Fed. Reg. 57254). DOE held the Framework Document Public Meeting in Washington, DC on October 24, 2007. DOE is continuing to do the analytical work necessary to prepare the ANOPR for these products.

A test procedure revision to clothes dryers and room air conditioners to account for standby and off-mode energy consumption is scheduled for completion in March 2009.

SPACE COOLING TEAM

Packaged Terminal Air-Conditioners and Heat Pumps. The final rule regarding energy conservation standards for packaged terminal air conditioners and heat pumps is scheduled for issuance by September 30, 2008. DOE issued the NOPR on March 28, 2008, which was published in the *Federal Register* on April 7, 2008 (73 Fed. Reg. 18858). DOE then hosted a public meeting to discuss the NOPR and receive comments on May 1, 2008 in Washington DC. DOE is now preparing the final rule including revising its analyses based on public comment and drafting the *Federal Register* notice.

Residential Central Air Conditioners and Heat Pumps. The efficiency standard for residential central air conditioners and heat pumps is scheduled for issuance no later than June 2011. DOE published a notice of availability of the Framework Document in the *Federal Register* on June 6, 2008 (73 Fed. Reg. 32243) and held the Framework Document public meeting on June 12, 2008. DOE will now begin preparing for the ANOPR by conducting the engineering analysis and market and technology assessments.

COMMERCIAL REFRIGERATION TEAM

Beverage Vending Machines. The final rule regarding energy conservation standards for beverage vending machines is scheduled to be issued by August 2009. DOE published a notice of availability of the Framework Document for these products in the *Federal Register* on June 28, 2006 (71 Fed. Reg. 36715). A public meeting on the Framework Document was held at DOE headquarters in Washington, DC on July 11, 2006. Since the last implementation report, DOE completed the ANOPR for beverage vending machines. The ANOPR was published in the *Federal Register* on June 16, 2008 (73 Fed. Reg. 34094). A public meeting to discuss the ANOPR was held June 26, 2008.

Commercial Refrigeration Equipment. The final rule regarding energy conservation standards for commercial refrigeration equipment is scheduled to be issued no later than January 1, 2009. DOE published the standards ANOPR for commercial refrigeration equipment in the *Federal Register* on July 26, 2007 (72 Fed. Reg. 41162). The ANOPR public meeting was held on August 23, 2007, at the DOE headquarters in Washington, DC. Review of written and oral ANOPR comments from stakeholders was completed and the analytical work necessary to prepare for the NOPR has been conducted.

Walk-In Coolers and Freezers. EISA 2007 requires DOE to develop an energy conservation standard for walk-in coolers and freezers (42 U.S.C. 6313(f)(4)) which is scheduled for completion no later than January 2012. DOE is preparing the Framework Document for this rulemaking.

BATTERY CHARGERS AND EXTERNAL POWER SUPPLIES TEAM

Battery Chargers and External Power Supplies. As discussed in the February 2008 implementation report, EISA 2007 set efficiency standards for certain types of external power supplies (Class A) (42 U.S.C 6295(u)(1)(E)(i)(I)), which required DOE to modify its determination analysis that was already underway. Specifically, EISA 2007 removed battery chargers from the determination (leaving only external power supplies) and reduced the schedule for completing the determination to two years after the date of enactment (*i.e.*, by December 19, 2009).

In addition to the determination, EISA 2007 directs DOE to publish a final rule by July 1, 2011 to determine whether the standards set for Class A external power supplies (42 U.S.C. 6295(u)(3)) should be amended, and if such determination is positive, include any amended standards as part of that final rule. EISA 2007 also requires DOE to issue a final rule prescribing energy conservation standards for battery chargers, if technologically feasible and economically justified, by July 1, 2011. (42 U.S.C. 6295(u)(1)(E)(i)(II)) This rulemaking will be bundled with the rulemaking for Class A external power supplies, given the related nature of such products and the fact that these provisions share the same statutory deadline. DOE is currently preparing the Framework Document for this rulemaking.

Lastly, EISA 2007 requires DOE to complete a test procedure for battery chargers and external power supplies which includes standby and off mode energy consumption. (42 U.S.C. 6295(gg)(2)(A)) This activity is on schedule for completion no later than December 2008.

Process Changes

In the February 2007 implementation report, DOE asked Congress for fast track rulemaking authority to allow DOE to accelerate the rulemaking process where consensus among stakeholders and industry already exists. Section 308 of EISA 2007 now permits DOE to issue direct final rules in cases where a fairly representative group of stakeholders (including manufacturers, States, and efficiency advocates) jointly submit a recommended standard. This could eliminate approximately ten months from the timeline for each consensus rule, usually a three-year process. DOE has also implemented process improvements, such as “bundling” and “valley-filling,” to take advantage of economies of scale for related rulemakings and to maximize rulemaking capacity.