

"[AHAM] unanimously supports the position that Miele's condenser clothes dryer provides separate functions and utilities which affect energy use and, therefore, justify creation of a separate class for condenser clothes dryers. A separate clothes dryer standard and modified test procedure applicable to that product class should be promulgated."

The Department agrees with Miele and AHAM that the condenser clothes dryer offers the consumer additional utility, and is justified to consume more energy (lower energy factor) versus non-condenser clothes dryers. Furthermore, the Department believes that the existing clothes dryer test procedure is not applicable to the Miele condenser clothes dryers. This assertion is based on the fact that the existing test procedure requires the use of an exhaust restrictor and does not provide any definition or mention of condenser clothes dryers. The Department agrees with Miele that the current clothes dryer minimum energy conservation standard does not apply to Miele's condenser clothes dryers. Today's Decision and Order exempts Miele from testing its condenser clothes dryer and determining an Energy Factor.

The Department is not publishing an amended test procedure for Miele at this time because there is not any reason to. The existing minimum energy conservation standard for clothes dryers is not applicable to the Miele condenser clothes dryer. Furthermore, the FTC does not have a labeling program for clothes dryers, therefore, Miele is not required to test its condenser clothes dryers.

Presently, the Department is conducting a rulemaking to review the minimum energy conservation standard levels for clothes dryers, clothes washers, and dishwashers, entitled the "Three Cleaning Products Rulemaking" (Docket No. EE-RM-94-403). The Department will consider adding a new product class for condenser clothes dryers in the above mentioned rulemaking. The Department will initiate a clothes dryers test procedure rulemaking to add the capability of testing condenser clothes dryers to the existing test procedure for any potential future use.

Miele and AHAM provided the Department with an agreed upon version of definitions for "condenser clothes dryers" and "electric clothes dryer". The Department will consider these definitions when drafting a revised test procedure.

Miele also voluntarily provided the Department with a statement that it plans on maintaining its condenser

clothes dryer energy Factor within 82.5 percent of the existing non-condenser clothes dryer standard. The Department supports this effort, although, this measure will have no bearing on future condenser clothes dryer standards.

#### Conclusion

(1) The Petition for Waiver filed by Miele (Case CD-001), as modified by Miele's letter of December 22, 1994, is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3) and (4).

(2) Miele is not required to test its condenser clothes dryers, models T1565CA and T1570C. The existing 1994 minimum energy conservation standard for clothes dryers is not applicable to these Miele condenser clothes dryers.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures and minimum energy conservation standards appropriate to Miele's condenser clothes dryers, model T1565CA and T1570C.

(4) This waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This exemption may be revoked or modified at any time upon a determination that the factual basis underlying the submitted data is incorrect.

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-4720-4]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 16, 1995 Through January 20, 1995 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1994 (59 FR 16807).

#### Draft EISs

ERP No. D-AFS-J65225-MT Rating EC2, Crane Mountain Salvage Project, Resource Management, Implementation, Flathead National Forest, Swan Lake Ranger District, Flathead County, MT.

#### Summary

EPA expressed environmental concerns about the inadequate/identification, delineation and assessment level of wetlands, potential impacts to water quality in Flathead lake; and the inadequacy of the monitoring and evaluation plans.

ERP No. D-NOA-A91061-00 Rating LO, Atlantic Mackerel, Squid and Butterfish Fisheries, Fishery Management Plan, Amendment No. 5, Implementation, Exclusive Economic Zone (EEZ) off the US Atlantic Coast.

#### Summary

EPA offered suggestions on various aspects to improve the EIS, particularly including more analysis on the possible use of economic forces in limiting catch size.

ERP No. DS-AFS-J65183-UT Rating LO, East Fork Black Forks Multiple Use Management Project, Updated Information, Implementation, Wasatch-Cache National Forest, Evanston Ranger District, Summit County, UT.

#### Summary

EPA recommends that the Final Supplement include discussion of monitoring data and analyses to support the Forest Service's conclusions regarding water quality impacts.

#### Final EISs

ERP No. F-MMS-G02004-00 1995 Central and Western Gulf of Mexico Outer Continental Shelf (OCS) Oil and Gas Sales 152 (April 1995) and 155 (August 1995), Lease Offering, Offshore Marine Environment and coastal counties, AL, MS, LA and TX.

#### Summary

EPA had no objection to the proposed action.

ERP No. F1-NOA-A90061-00 Deep Seabed Hard Mining Exploration Project, License Issuance for the former Kenecott Mining Site (USA-4) to Ocean Minerals Mining, Pacific Ocean, Central America to HI.

#### Summary

EPA had no objections to the proposed action. EPA encouraged NOAA to prepare supplemental NEPA documentation when at-sea activities are finally proposed by applicants.