

actuarial documents where the Coverage Enhancement Option (CEO) is available and selected by you. This percentage is applicable under the combined MPC/CEO policy when losses under the MPC policy exceed the deductible and an indemnity is owed.

CEO dollar amount of insurance—The value of the additional insurance coverage for each unit provided by the CEO, which is determined by multiplying the CEO coverage level by the total value of the insured crop and subtracting the MPC dollar amount of insurance.

MPC—Multiple Peril Crop Insurance, the plan of insurance offered by the Federal Crop Insurance Corporation as published at 7 CFR part 457.

MPC coverage level—The coverage level percentage you selected in the underlying MPC policy to which CEO is attached.

MPC dollar amount of insurance—The value of the insurance coverage for each unit provided under the MPC policy (the amount of insurance selected by you for dollar or similar plans of insurance, multiplied by the number of acres in the unit if such amount of insurance is on a per acre basis, or the amount determined by multiplying your production guarantee (per acre), times the price election, times the number of acres in the unit).

MPC indemnity—The indemnity determined for each unit under the MPC policy to which CEO is attached, not including replant and prevented planting payments or any indemnity payable under CEO.

MPC indemnity factor—A factor determined by dividing the MPC indemnity by the MPC dollar amount of insurance for each unit. This factor is used to ensure that the indemnity paid under the CEO is proportional to the amount of loss and indemnity paid under the MPC policy.

Total value of the insured crop—The value of the crop that is determined by dividing the MPC dollar amount of insurance for each unit by the MPC coverage level, and summing the total for all units.

2. CEO is only available for insured crops where the actuarial documents contain a CEO coverage level. If there is a conflict between the terms of CEO and any other provision of your policy, the terms of the CEO will control.

3. To be eligible for CEO coverage on the insured crop, you must:

(a) Have an MPC policy in force for the insured crop (or for citrus fruit, citrus trees, and stone fruit or other crops, as applicable, the insured type) and comply with all terms and conditions of such policy.

(b) Elect CEO in writing and choose a CEO coverage level (at least 5 percent higher than the MPC coverage level), by the sales closing date for the insured crop.

(c) Elect a level of coverage greater than the Catastrophic Risk Protection (CAT) coverage level and a 100 percent price election. CEO is not available for the CAT level of coverage.

4. CEO is continuous and will remain in effect for as long as you continue to have a MPC policy in effect for the insured crop, the actuarial documents contain a CEO coverage level, or until it is canceled by you or terminated by us on or before the cancellation or termination date, as applicable.

5. The premium for your policy will be determined by:

(a) Totaling the MPC dollar amount of insurance and the CEO dollar amount of insurance; and

(b) Multiplying the result of section 5(a) by the premium rate for the insured crop applicable to your MPC coverage level

6. With respect to the coverage provided under CEO:

(a) All acreage of the insured crop insured under your MPC policy will be covered under the CEO;

(b) The amount of any replant or prevented planting payment that is payable under the MPC policy will not be affected by the CEO;

(c) An indemnity will be payable under the CEO only after the underlying MPC deductible is met and an MPC indemnity is paid; and

(d) The total indemnity for each unit (MPC coverage plus CEO) cannot exceed the combination of both the MPC and CEO dollar amounts of insurance.

7. If you elect CEO and a MPC indemnity is paid on any unit, CEO will pay a portion of the loss not paid under the deductible of the MPC policy depending on the CEO coverage level you select (For example, if you selected a 50 percent MPC coverage level, selected an 85 percent CEO coverage level, and had 60 percent loss of the insured crop, the total amount of indemnity paid under both the MPC policy and the CEO would be equal to approximately 51 percent of the total value of the insured crop). See the example in section 8.

8. In addition to the settlement of claim section for the applicable Crop Provisions, your indemnity will be computed for each unit as follows:

(a) Determine the MPC indemnity factor;

(b) Determine the total value of the insured crop;

(c) Determine the CEO dollar amount of insurance; and

(d) Multiply the MPC indemnity factor times the CEO dollar amount of insurance to determine the indemnity under the CEO.

Example:

Assume a policy with one unit; an MPC coverage level of 50 percent and a CEO coverage level of 85 percent; 100% share; a \$120,000 MPC dollar amount of insurance; and a \$72,000 payable indemnity under the MPC portion of the policy.

Your indemnity would be calculated as follows:

(a) \$72,000 MPC loss ÷ by \$120,000 MPC dollar amount of insurance = .60 MPC indemnity factor;

(b) \$120,000 MPC dollar amount of insurance, divided by the MPC coverage level of .50 results in \$240,000 total value of the insured crop;

(c) \$240,000 total value of the insured crop multiplied by the CEO coverage level .85, equals \$204,000, and subtracting \$120,000 MPC dollar amount of insurance equals \$84,000 CEO dollar amount of insurance;

(d) .60 MPC indemnity factor × \$84,000 CEO dollar amount of insurance = \$50,400 unit indemnity under the CEO.

Note: The total unit indemnity is \$122,400 (\$72,000 MPC indemnity plus \$50,400 CEO indemnity).

Signed in Washington, DC, on July 22, 2008.

Eldon Gould,

Manager, Federal Crop Insurance Corporation.

[FR Doc. E8-17187 Filed 7-25-08; 8:45 am]

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DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EE-RM/STD-01-350]

RIN 1904-AA78

Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces and Boilers

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

ACTION: Final rule; technical amendment.

SUMMARY: This final rule clarifies the standards that are applicable to residential furnaces and boilers that were not subject to a final rule published by the Department of Energy

on November 19, 2007. Additionally, today's final rule codifies in the Department's regulations the requirements that are applicable to residential boilers as established in the Energy Independence and Security Act of 2007.

DATES: This technical amendment is effective August 27, 2008.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On November 19, 2007, DOE published a final rule in which it amended the energy conservation standards for non-weatherized gas furnaces, weatherized gas furnaces, mobile home gas furnaces, oil-fired furnaces, gas-fired hot-water boilers, and oil-fired hot-water boilers. (72 FR 65136.) The November 19, 2007 final rule established a compliance date of November 19, 2015, for the amended standards.

In the notice of proposed rulemaking, DOE noted that gas steam boilers, oil-fired steam boilers, weatherized oil-fired furnaces, and mobile home oil-fired furnaces were not subject to the rulemaking. (71 FR 59204, 59214; October 6, 2006.) Standards applicable to gas steam boilers, oil-fired steam boilers, weatherized oil-fired furnaces, and mobile home oil-fired furnaces in effect prior to the November 19, 2007 final rule remained in effect following the November 19, 2007 final rule.

In the November 19, 2007 final rule, DOE amended the regulatory text that specifies the energy conservation standards for residential furnaces and boilers (10 CFR 430.32(e)) by adding a table containing amended standards applicable to non-weatherized gas furnaces, weatherized gas furnaces, mobile home gas furnaces, non-weatherized oil-fired furnaces, gas-fired hot-water boilers, and oil-fired hot-water boilers, manufactured on or after November 19, 2015. The regulatory text as amended by the November 19, 2007 final rule presented the required standards for residential furnaces and boilers in two tables. The first table presented the standards for all subject residential furnaces and boilers. The

second table presented only the standards amended by the November 19, 2007 final rule, which as established, are applicable to the specified products that are manufactured on and after November 19, 2015. (72 FR 65169.)

Subsequently, on December 19, 2007, the Energy Independence and Security Act of 2007 (EISA 2007) was signed into law and included amended energy conservation standards and design requirements for residential boilers. (Pub. L. 110-140) Specifically, section 303 of EISA 2007 amended section 325(f)(3)(A)-(B) of the Energy Policy and Conservation Act (EPCA) to establish energy conservation standards and design requirements for gas-fired hot water boilers, gas-fired steam boilers, oil-fired hot water boilers, oil-fired steam boilers, and electric hot water boilers. (42 U.S.C. 6295(f)(3)(A)-(B)) EISA 2007 includes minimum annual fuel utilization efficiency (AFUE) requirements for gas-fired hot water and oil-fired hot water boilers, which supersede those established in the November 19, 2007, final rule. The minimum AFUE requirements for gas-fired hot water boilers are the same as those in the November 19, 2007, final rule.

The design requirements added by EISA 2007 prohibit constant burning pilot lights for gas-fired hot water boilers and gas-fired steam boilers and require an automatic means for adjusting the water temperature for gas-fired hot water boilers, oil-fired hot water boilers, and electric hot water boilers. Both the energy conservation standards and the design requirements for these five classes of residential boilers are applicable to residential boilers manufacturers on or after September 1, 2012. DOE notes this effective date supersedes the later effective date specified by the November 19, 2007 final rule.

In order to clarify the applicability of standards for residential furnaces and boilers following the November 19, 2007 final rule and EISA 2007, DOE is amending the regulatory text. Today's final rule presents the standards grouped by product (i.e., furnaces or boilers), and by compliance date. Today's final rule will allow manufacturers to reference an applicable standard by product and compliance date, and should make it easier for a manufacturer to determine the appropriate standard for a product. Today's final rule does not amend the standards applicable to residential furnaces and boilers as established in the November 19, 2007 final rule, except

to the extent that standards were amended by EISA 2007.

Additionally, DOE notes that in the preamble of the November 19, 2007, final rule, DOE indicated that the Environmental Protection Agency (EPA) is mandating a phase-out of hydrofluorocarbon (HFC) refrigerants and hydrochlorofluorocarbon (HCFC) refrigerants. (72 FR 65149) This statement was in error. The EPA is mandating a phase-out of HCFC refrigerants, but not HFC refrigerants. (58 FR 65018; December 10, 1993) DOE realizes this inadvertent statement may have caused confusion within the industry. DOE notes that HFC refrigerants are the choice of the residential air conditioning industry to replace HCFC refrigerants that will be phased out.¹ This error did not impact the final analyses relied on in establishing the standards for the final rule.

DOE has determined, pursuant to 5 U.S.C. 553(b)(B), that prior notice and an opportunity for public comment on this final rule are unnecessary. The reorganization of the tables in the CFR is not a substantive change, and the public would have no particular interest in providing comments. In addition, codification of standards for certain residential boilers established in law by EISA involves no exercise of discretion or interpretation by DOE for the public to comment upon. DOE, therefore, finds that good cause exists to waive prior notice and an opportunity to comment for this rulemaking. In addition, because there is no requirement for publication of a notice of proposed rulemaking, the analytical provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply to this rulemaking.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

Issued in Washington, DC, on July 15, 2008.

Alexander A. Karsner,

Assistant Secretary, Energy Efficiency and Renewable Energy.

■ For the reasons set forth in the preamble, part 430 of Title 10, Code of Federal Regulations, is amended to read as follows:

¹ See, Acceptable Substitutes in Household and Light Commercial Air Conditioning, The U.S. Environmental Protection Agency. <http://www.epa.gov/ozone/snap/refrigerants/lists/homeac.html>.

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. Section 430.32 is amended by revising paragraph (e) to read as follows:

§ 430.32 Energy and water conservation standards and their effective dates.

* * * * *

(e) *Furnaces and boilers.* (1) *Furnaces.* (i) The Annual Fuel Utilization Efficiency (AFUE) of residential furnaces manufactured before November 19, 2015, shall not be less than the following:

Product class	AFUE ¹ (percent)
(A) Furnaces (excluding classes noted below)	78
(B) Mobile Home furnaces	75

Product class	AFUE ¹ (percent)
(C) Small furnaces (other than those designed solely for installation in mobile homes) having an input rate of less than 45,000 Btu/hr	
(1) Weatherized (outdoor)	78
(2) Non-weatherized (indoor) ..	78

¹ Annual Fuel Utilization Efficiency, as determined in § 430.23(n)(2) of this part.

(ii) The AFUE of residential furnaces manufactured on or after November 19, 2015, shall not be less than the following:

Product class	AFUE ¹ (percent)
(A) Non-weatherized gas furnaces	80
(B) Weatherized gas furnaces	81
(C) Mobile home oil-fired furnaces	75
(D) Mobile home gas furnaces ...	80
(E) Non-weatherized oil-fired furnaces	82

Product class	AFUE ¹ (percent)
(F) Weatherized oil-fired furnaces	78

¹ Annual Fuel Utilization Efficiency, as determined in § 430.23(n)(2) of this part.

(2) *Boilers.* (i) The AFUE of residential boilers manufactured before September 1, 2012, shall not be less than the following:

Product class	AFUE ¹ (percent)
(A) Boilers (excluding gas steam)	80
(B) Gas steam boilers	75

¹ Annual Fuel Utilization Efficiency, as determined in § 430.22(n)(2) of this part.

(ii) Except as provided in paragraph (e)(2)(iv) of this section, the AFUE of residential boilers, manufactured on or after September 1, 2012, shall not be less than the following and must comply with the design requirements as follows:

Product class	AFUE ¹ (percent)	Design requirements
(A) Gas-fired hot water boiler	82	Constant burning pilot not permitted. Automatic means for adjusting water temperature required (except for boilers equipped with tankless domestic water heating coils).
(B) Gas-fired steam boiler	80	Constant burning pilot not permitted.
(C) Oil-fired hot water boiler	84	Automatic means for adjusting temperature required (except for boilers equipped with tankless domestic water heating coils).
(D) Oil-fired steam boiler	82	None.
(E) Electric hot water boiler	None	Automatic means for adjusting temperature required (except for boilers equipped with tankless domestic water heating coils).

¹ Annual Fuel Utilization Efficiency, as determined in § 430.22(n)(2) of this part.

(iii) *Automatic means for adjusting water temperature.* (A) The automatic means for adjusting water temperature as required under paragraph (e)(2)(ii) of this section must automatically adjust the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

(B) For boilers that fire at a single input rate, the automatic means for adjusting water temperature requirement may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

(C) When there is no inferred heat load with respect to a hot water boiler, the automatic means described in this paragraph shall limit the temperature of

the water in the boiler to not more than 140 degrees Fahrenheit.

(D) A boiler for which an automatic means for adjusting water temperature is required shall be operable only when the automatic means is installed.

(iv) A boiler that is manufactured to operate without any need for electricity or any electric connection, electric gauges, electric pumps, electric wires, or electric devices is not required to meet the AFUE or design requirements applicable to the boiler requirements of paragraph (e)(2)(ii) of this section, but must meet the requirements of paragraph (e)(2)(i) of this section, as applicable.

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DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 40**

[Docket No. RM08–7–000; Order No. 713]

Modification of Interchange and Transmission Loading Relief Reliability Standards; and Electric Reliability Organization Interpretation of Specific Requirements of Four Reliability Standards

Issued July 21, 2008.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: Pursuant to section 215 of the Federal Power Act, the Federal Energy Regulatory Commission (Commission) approves five of six modified Reliability Standards submitted to the Commission for approval by the North American