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Dated: August 9, 2011.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2011–20607 Filed 8–11–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Site-Wide Environmental Impact Statement (EIS) Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, August 17, 2011, 2 p.m.

ADDRESSES: Nevada Site Office, 232 Energy Way, North Las Vegas, Nevada 89030.

FOR FURTHER INFORMATION CONTACT: Denise Rupp, Board Administrator, 232 Energy Way, M/S 505, North Las Vegas, Nevada 89030. Phone: (702) 657–9088; Fax: (702) 295–5300 or e-mail: *ntscab@nv.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Committee: The purpose of the Committee is to review and prepare comments on the draft site-wide EIS.

Tentative Agenda: The Committee members will review and prepare comments on the draft site-wide EIS.

Public Participation: The EM SSAB, Nevada, welcomes the attendance of the public at its meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Denise Rupp at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Denise Rupp at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. This notice is being published less than 15 days prior to the meeting date due to programmatic issues that had to be resolved prior to the meeting date.

Minutes: Minutes will be available by writing to Denise Rupp at the address listed above or at the following *Web site: http://nv.energy.gov/nssab/MeetingMinutes.aspx.*

Issued at Washington, DC on August 9, 2011.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2011–20590 Filed 8–11–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. CAC–033]

Decision and Order Granting a Waiver to Fujitsu General Limited From the Department of Energy Commercial Package Air Conditioner and Heat Pump Test Procedures

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

ACTION: Decision and Order.

SUMMARY: This notice publishes the U.S. Department of Energy's (DOE) Decision and Order in Case No. CAC–033, which grants Fujitsu General Limited (Fujitsu) a waiver from the existing DOE test procedures applicable to commercial package air-source central air conditioners and heat pumps. The waiver is specific to the Fujitsu AIRSTAGE V–II Variable Refrigerant Flow (VRF) multi-split commercial heat pump models specified in Fujitsu's petition for waiver. As a condition of this waiver, Fujitsu must use the alternate test procedure set forth in this notice to test and rate these AIRSTAGE V–II VRF multi-split commercial heat pumps.

DATES: This Decision and Order is effective August 12, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. Michael G. Raymond, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–9611. E-mail: *Michael.Raymond@ee.doe.gov*.

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–71, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0103. Telephone: (202) 586–7796. E-mail: *Elizabeth.Kohl@hq.doe.govmailto:.*

SUPPLEMENTARY INFORMATION: In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 431.401(f)(4), DOE provides notice of the issuance of the Decision and Order set forth below. In this Decision and Order, DOE grants Fujitsu a waiver from the existing DOE commercial package air conditioner and heat pump test procedures for the basic models of AIRSTAGE V–II multi-splits set forth in its petition. DOE also requires the use of an alternate test procedure for this equipment. Fujitsu must use American National Standards Institute/Air-Conditioning, Heating and Refrigeration Institute (ANSI/AHRI) Standard 1230–2010, ''Performance Rating of VRF Multi-Split Air-Conditioning and Heat Pump Equipment'' to test and rate the models of AIRSTAGE V–II VRF multi-split commercial heat pumps identified below. The cooling capacities of these models range from 72,000 Btu/h to 288,000 Btu/h.

Today's decision prohibits Fujitsu from making any representations concerning the energy efficiency of these products unless the product has been tested consistent with the provisions and restrictions in the alternate test procedure set forth in the Decision and Order below, and the

representations fairly disclose the test results. (42 U.S.C. 6314(d)) Distributors, retailers, and private labelers are held to the same standard when making representations regarding the energy efficiency of these products. *Id.*

Issued in Washington, DC, on August 5, 2011.

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.

Decision and Order

In the Matter of: Fujitsu General Limited (Fujitsu) (Case No. CAC–033).

Background

Title III, Part C of the Energy Policy and Conservation Act of 1975 (EPCA), Pub. L. 94–163 (42 U.S.C. 6311–6317, as codified) established the Energy Conservation Program for Certain Industrial Equipment, a program covering certain industrial equipment, which includes the AIRSTAGE V–II VRF commercial multi-split heat pumps (''AIRSTAGE V–II multi-split heat pumps'') that are the focus of this notice.[1] Part C specifically includes definitions (42 U.S.C. 6311), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), energy conservation standards (42 U.S.C 6313), and the authority to require information and reports from manufacturers. 42 U.S.C. 6316. With respect to test procedures, Part C authorizes the Secretary of Energy (the Secretary) to prescribe test procedures that are reasonably designed to produce results that measure energy efficiency, energy use, and estimated annual operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

For commercial package air-conditioning and heating equipment, EPCA provides that ''the test procedures shall be those generally accepted industry testing procedures or rating procedures developed or recognized by the Air-Conditioning and Refrigeration Institute [ARI] or by the American Society of Heating, Refrigerating and Air-Conditioning Engineers [ASHRAE], as referenced in ASHRAE/IES Standard 90.1 and in effect on June 30, 1992.'' (42 U.S.C. 6314(a)(4)(A)) Under 42 U.S.C. 6314(a)(4)(B), the statute further directs the Secretary to amend the test procedure for a covered commercial product if the industry test procedure is amended, unless the Secretary determines, by rule and based on clear and convincing evidence, that such a modified test procedure does not meet the statutory criteria set forth in 42 U.S.C. 6314(a)(2) and (3).

On December 8, 2006, DOE published a final rule adopting test procedures for commercial package air-conditioning and heating equipment, effective January 8, 2007. 71 FR 71340. For commercial air-source heat pumps, DOE adopted ARI Standard 340/360–2004. Table 1 to Title 10 of the Code of Federal Regulations (10 CFR) 431.96 directs manufacturers of commercial package air conditioning and heating equipment to use the appropriate procedure when measuring energy efficiency of those products. The cooling capacities of Fujitsu's AIRSTAGE V–II multi-split heat pumps in its waiver petition range from 72,000 Btu/h to 288,000 Btu/h. The current test procedure for this equipment is ARI Standard 340/360–2004, which includes units with capacities greater than 65,000 Btu/hour.

DOE's regulations for covered products permit a person to seek a waiver from the test procedure requirements for covered commercial equipment if at least one of the following conditions is met: (1) The petitioner's basic model contains one or more design characteristics that prevent testing according to the prescribed test procedures; or (2) the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. 10 CFR 431.401(a)(1). Petitioners must include in their petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption. 10 CFR 431.401(b)(1)(iii). The Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) may grant a waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 431.401(f)(4). Waivers remain in effect pursuant to the provisions of 10 CFR 431.401(g).

The waiver process also permits parties submitting a petition for waiver to file an application for interim waiver of the applicable test procedure requirements. 10 CFR 431.401(a)(2). The Assistant Secretary will grant an interim waiver request if it is determined that the applicant will experience economic hardship if the application for interim waiver is denied, if it appears likely that the petition for waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 431.401(e)(3). An interim waiver remains in effect for 180 days or until DOE issues its determination on the petition for waiver, whichever occurs first. It may be extended by DOE for an additional 180 days. 10 CFR 431.401(e)(4).

On April 25, 2011, Fujitsu filed a petition for waiver from the test procedure at 10 CFR 431.96 applicable to commercial package air source central air conditioners and heat pumps, as well as an application for interim waiver. The capacities of the AIRSTAGE V–II multi-split heat pumps in Fujitsu's waiver petition range from 72,000 Btu/h to 288,000 Btu/h. The applicable test procedure for these commercial air-source heat pumps is ARI 340/360–2004. Manufacturers are directed to use these test procedures pursuant to Table 1 of 10 CFR 431.96.

Fujitsu seeks a waiver from the applicable test procedures under 10 CFR 431.96 on the grounds that the AIRSTAGE V–II multi-split heat pumps specified in its petition contain design characteristics that prevent testing according to the current DOE test procedures. Specifically, Fujitsu asserts that the two primary factors that prevent testing of these multi-split variable speed products are the same factors stated in the waivers that DOE granted to Mitsubishi Electric & Electronics USA, Inc. (Mitsubishi) and other manufacturers for similar lines of commercial multi-split air-conditioning systems:

- Testing laboratories cannot test products with so many indoor units; and
- There are too many possible combinations of indoor and outdoor units to test. *See, e.g.,* 72 FR 17528 (April 9, 2007) (Mitsubishi); 76 FR 19069 (April 6, 2011) (Fujitsu); 76 FR 19078 (April 6, 2011) (Mitsubishi).

On June 2, 2011, DOE published Fujitsu's petition for waiver in the **Federal Register**, seeking public comment pursuant to 10 CFR 431.401(b)(1)(iv), and granted the application for interim waiver. 76 FR 31946. DOE received no comments on the Fujitsu petition.

Assertions and Determinations

Fujitsu's Petition for Waiver

Fujitsu seeks a waiver from the DOE test procedures for the equipment specified in its petition on the grounds that its AIRSTAGE V–II VRF multi-split commercial heat pumps contain design characteristics that prevent them from being tested using the current DOE test

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

procedures. As stated above, Fujitsu asserts that the two primary factors that prevent testing these multi-split variable speed models are the same factors stated in the waivers that DOE granted to Mitsubishi, Daikin AC Americas (Daikin), Samsung Air Conditioning (Samsung), Carrier, Sanyo, and LG for similar lines of commercial multi-split air-conditioning systems: (1) Testing laboratories cannot test products with so many indoor units; and (2) there are too many possible combinations of indoor and outdoor units to test.

The AIRSTAGE V–II system consists of multiple indoor units connected to one or multiple outdoor units. They have the capability of connecting the outdoor unit with up to 45 indoor units selected from 10 chassis types with 43 basic models, giving these systems more than a million installation combinations. Consequently, Fujitsu requested that DOE grant a waiver from the applicable test procedures for its AIRSTAGE V–II product designs.

In responses to two petitions for waiver from Mitsubishi, DOE specified an alternate test procedure to provide a basis upon which Mitsubishi could test and make valid energy efficiency representations for its R410A CITY MULTI equipment, as well as for its R22 multi-split equipment. Alternate test procedures related to the Mitsubishi petitions were published in the **Federal Register** on April 9, 2007. *See* 72 FR 17528 and 72 FR 17533. The Fujitsu AIRSTAGE V–II systems have operational characteristics similar to the commercial multi-split products manufactured by Mitsubishi, Samsung, Daikin, Carrier, LG, and Sanyo. DOE granted waivers for these products, prescribing an alternate test procedure similar to the alternate test procedure prescribed for Mitsubishi. For reasons similar to those published in these prior notices, DOE believes that an alternate test procedure is appropriate in this instance.

After DOE granted a waiver for Mitsubishi's R22 multi-split products, ARI formed a committee to discuss testing issues and to develop a testing protocol for variable refrigerant flow systems. The committee has developed a test procedure which has been adopted by the American National Standards Institute (AHRI)—''American National Standards Institute (ANSI)/AHRI 1230–2010: Performance Rating of Variable Refrigerant Flow (VRF) Multi-Split Air-Conditioning and Heat Pump Equipment.'' This test procedure has been incorporated into ASHRAE 90.1–2010. DOE is currently assessing AHRI 1230–2010 with respect to the requirements for test procedures specified by EPCA (42 U.S.C. 6314(a)(4)(B)), and will provide a preliminary determination regarding those test procedures in a future notice of proposed rulemaking.

Fujitsu's petition proposed that DOE apply ANSI/AHRI Standard 1230–2010 as the alternate test procedure to apply to its AIRSTAGE V–II multi-split heat pump equipment as a condition of its requested waiver. As stated above, no comments were received by DOE regarding the Fujitsu petition. As described below, the alternate test procedure in the commercial multi-split waivers that DOE granted to Mitsubishi and the other manufacturers listed above is similar to ANSI/AHRI 1230–2010.

DOE issues today's Decision and Order granting Fujitsu a test procedure waiver for its commercial AIRSTAGE V–II multi-split heat pumps. As a condition of this waiver, Fujitsu must use ANSI/AHRI 1230–2010, the alternate test procedure specified by DOE, to test the Fujitsu AIRSTAGE V–II models listed in its petition.

Alternate Test Procedure

The alternate test procedure prescribed by DOE in earlier multi-split waivers, including the interim waiver granted to Fujitsu in response to the current petition, consisted of a definition of a ''tested combination'' and a prescription for representations. ANSI/AHRI 1230–2010 also includes a definition of ''tested combination,'' and the two definitions are identical in all relevant respects.

The earlier alternate test procedure provides for efficiency rating of a non-tested combination in one of two ways: (1) At an energy efficiency level determined using a DOE-approved alternative rating method; or (2) at the efficiency level of the tested combination utilizing the same outdoor unit. ANSI/AHRI 1230–2010 requires an additional test and in this respect is similar to the residential test procedure set forth in 10 CFR part 430, subpart B, appendix M. Multi-split manufacturers must test two or more combinations of indoor units with each outdoor unit. The first system combination is tested using only non-ducted indoor units that meet the definition of a tested combination. The rating given to any untested multi-split system combination having the same outdoor unit and all non-ducted indoor units is set equal to the rating of the tested system having all non-ducted indoor units. The second system combination is tested using only ducted indoor units that meet the definition of a tested combination. The rating given to any untested multi-split system combination having the same outdoor unit and all ducted indoor units is set equal to the rating of the tested system having all ducted indoor units. The rating given to any untested multi-split system combination having the same outdoor unit and a mix of non-ducted and ducted indoor units is set equal to the average of the ratings for the two required tested combinations.

With regard to the laboratory testing of commercial products, some of the difficulties associated with the existing test procedure are avoided by the alternate test procedure's requirements for choosing the indoor units to be used in the manufacturer-specified tested combination. For example, in addition to limiting the number of indoor units that need to be tested, ANSI 1230–2010 requires that all the indoor units must be subjected the same minimum external static pressure so that the test lab can manifold the outlets from each indoor unit into a common plenum that supplies air to a single airflow measuring apparatus. This eliminates situations in which some of the indoor units are ducted and some are non-ducted. Without this requirement, the laboratory must evaluate the capacity of a subgroup of indoor coils separately and then sum the separate capacities to obtain the overall system capacity. Measuring capacity in this way would require that the test laboratory be equipped with multiple airflow measuring apparatuses. It is unlikely that any test laboratory would be equipped with the necessary number of such apparatuses. Alternatively, the test laboratory could connect its one airflow measuring apparatus to one or more common indoor units until the contribution of each indoor unit had been measured. However, that approach would be so time-consuming as to be impractical.

For the reasons discussed above, DOE believes Fujitsu's AIRSTAGE V–II multi-split heat pumps cannot be tested using the procedure prescribed in 10 CFR 431.96 (ARI Standard 340/360–2004) and incorporated by reference in DOE's regulations at 10 CFR 431.95(b)(2)-(3). After careful consideration, DOE has decided to prescribe ANSI/AHRI 1230–2010 as the alternate test procedure for Fujitsu's commercial multi-split products.

Consultations With Other Agencies

DOE consulted with the Federal Trade Commission (FTC) staff concerning the Fujitsu petition for waiver. The FTC staff did not have any objections to issuing a waiver to Fujitsu.

Conclusion

After careful consideration of all the materials submitted by Fujitsu, the absence of any comments, and consultation with the FTC staff, it is ordered that:

(1) The petition for waiver filed by Fujitsu (Case No. CAC–033) is hereby granted as set forth in the paragraphs below.

(2) Fujitsu shall not be required to test or rate its AIRSTAGE V–II multi-split heat pump models listed below on the basis of the test procedures cited in 10 CFR 431.96, specifically ARI Standard 340/360–2004 (incorporated by reference in 10 CFR 431.95(b)(2)). Instead, it shall be required to test and rate such products according to the alternate test procedure as set forth in paragraph (3).

Outdoor units, 208/230Vac, 3-phase, 60Hz, Air-Source Heat pump models:

Standalone models:

AOUA72RLBV and AOUA96RLBV with nominal cooling capacities of 72,000 and 96,000 Btu/hr respectively.

Add-on system models	(Module models)
AOUA144RLBVG	(AOUA72RLBV + AOUA72RLBV)
AOUA168RLBVG	(AOUA72RLBV + AOUA96RLBV)
AOUA192RLBVG	(AOUA96RLBV + AOUA96RLBV)
AOUA216RLBVG	(AOUA72RLBV + AOUA72RLBV + AOUA72RLBV)
AOUA240RLBVG	(AOUA72RLBV + AOUA72RLBV + AOUA96RLBV)
AOUA288RLBVG	(AOUA96RLBV + AOUA96RLBV + AOUA96RLBV)

with nominal cooling capacities of 144,000, 168,000, 192,000, 216,000, 240,000 and 288,000 Btu/hr respectively.

Compatible indoor units for the above listed outdoor units:

Compact cassette: AUUA7RLAV, AUUA9RLAV, AUUA12RLAV, AUUA14RLAV, AUUA18RLAV and AUUA24RLAV with nominal cooling capacities of 7,500, 9,500, 12,000, 14,000, 18,000 and 24,000 Btu/hr respectively.

Cassette: AUUB30RLAV and AUUB36RLAV with nominal cooling capacities of 30,000 and

36,000 Btu/hr respectively.

Slim cassette: AUUB18RLAV and AUUB24RLAV with nominal cooling capacities of 18,000 and 24,000 Btu/hr respectively.

Compact wall mounted: ASUA7RLAV, ASUE7RLAV, ASUA9RLAV, ASUE9RLAV, ASUA12RLAV, ASUE12RLAV, ASUA14RLAV and ASUE14RLAV with nominal cooling capacities of 7,500, 7,500, 9,500, 9,500, 12,000, 12,000, 14,000 and 14,000 Btu/hr respectively.

Wall mounted: ASUB18RLAV and ASUB24RLAV with nominal cooling capacities of 18,000 and 24,000 Btu/hr respectively.

Floor/Ceiling (Universal): ABUA12RLAV, ABUA14RLAV, ABUA18RLAV and ABUA24RLAV with nominal cooling capacities of 12,000, 14,000, 18,000, 24,000 Btu/hr respectively.

Ceiling: ABUA30RLAV and ABUA36RLAV with nominal cooling capacities of 30,000 and 36,000 Btu/hr respectively.

Slim duct: ARUL7RLAV, ARUL9RLAV, ARUL12RLAV, ARUL14RLAV and ARUL18RLAV with nominal cooling capacities of 7,500, 9,500, 12,000, 14,000 and 18,000 Btu/hr respectively.

Middle static pressure duct: ARUM24RLAV, ARUM30RLAV, ARUM36RLAV, ARUM48RLAV and ARUM54RLAV with nominal cooling capacities of 24,000, 30,000, 36,000, 48,000 and 54,000 Btu/hr respectively.

High static pressure duct: ARUH36RLAV, ARUH48RLAV, ARUH54RLAV, ARUH60RLAV, ARUH72RLAV, ARUH90RLAV and ARUH96RLAV with nominal cooling capacities of 36,000, 48,000, 60,000, 72,000, 90,000 and 96,000 Btu/hr respectively.

(3) *Alternate test procedure.* Fujitsu is not required to test the products listed in paragraph (2) above according to the test procedure for commercial package air conditioners and heat pumps prescribed by DOE at 10 CFR 431.96 (ARI Standard 340/360–2004 (incorporated by reference in 10 CFR 431.95(b)(2)), but instead shall use the alternate test procedure ANSI/AHRI 1230–2010.

(4) This waiver shall remain in effect from the date this Decision and Order is issued, consistent with the provisions of 10 CFR 431.401(g).

(5) This waiver is issued on the condition that the statements, representations, and documentary materials provided by the petitioner are valid. DOE may revoke or modify the waiver at any time if it determines that the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

(6) This waiver applies only to those basic models set out in Fujitsu's petition for waiver. Grant of this waiver does not release a petitioner from the certification requirements set forth at 10 CFR part 429.

Issued in Washington, DC, on August 5, 2011.

Kathleen B. Hogan,

Deputy Assistant Secretary, Office of Technology Development, Energy Efficiency and Renewable Energy.

[FR Doc. 2011–20539 Filed 8–11–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. CW–019]

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–019) 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 with larger clothes containers using an alternate test procedure that takes the larger capacities into account when measuring energy consumption.