

evaluate CITY MULTI VRFZ system products in a manner so unrepresentative of their true energy consumption characteristics as to provide materially inaccurate comparative data." However, they do support the other waiver criterion, that "the basic model contains one or more design characteristics which * * * prevent testing of the basic model according to the prescribed test procedures. * * *"

In its comments on the waiver petition, Carrier addressed the first problem, stating that testing units with two or three indoor sections would be a good check on the rating accuracy. Lennox addressed the second problem, suggesting that the Petitioner present engineering analysis to establish a method of sampling a range of performance. The Department does not believe that the solutions embodied in either comment are a sufficient answer to the difficulties. These solutions would not provide a rating comparable in accuracy with the current test procedure as applied to a typical commercial system with one indoor and one outdoor unit. Furthermore, neither commenter addressed the problem of the test procedure's not having been designed to cover zoned systems.

The remainder of MEUS' assertions, and the comments upon them, relate to the energy efficiency descriptor, the energy efficiency ratio (EER). MEUS asserts: (1) The test procedure does not accommodate infinite variability in compressor speeds; (2) full load EER measurements are not representative of customer usage at part loads; and (3) the test procedure does not account for simultaneous heating and cooling. In short, MEUS asserts the test procedure for EER does not capture the energy savings of VFRZ products. While this assertion is true, it is irrelevant because the full load EER energy efficiency descriptor is the one mandated by EPCA for these products (42 U.S.C. 6313(a)(1)(c)), and the relevant energy performance is the peak load efficiency, not the seasonal energy savings. Therefore, a waiver can only be granted if a test procedure does not fairly represent the peak load energy consumption characteristics which EER measures. The Department is not convinced that the test procedures do not fairly represent the true (peak load) energy consumption characteristics as measured by EER. However, the two testing problems discussed above, (test laboratories cannot test products with so many indoor units, and there are too many possible combinations of indoor and outdoor units to test), do prevent

testing of the basic model according to the prescribed test procedures.

The Department consulted with The Federal Trade Commission (FTC) concerning the MEUS Petition. The FTC did not have any objections to the issuance of the waiver to MEUS. The Department also consulted with the National Institute of Standards & Technology (NIST), who agreed that many VFRZ systems could not be tested in the laboratory.

Conclusion

After careful consideration of all the material that was submitted by MEUS, the comments received, the review by NIST, and consultation with the FTC, it is ordered that:

(1) The "Petition for Waiver" filed by Mitsubishi Electric and Electronics USA, Inc. (MEUS) (Case No. CAC-008) is hereby granted as set forth in paragraph (2) below.

(2) MEUS shall be not be required to test or rate its CITY MULTI Variable Refrigerant Flow Zoning System (VFRZ) products listed below on the basis of the currently applicable test procedure:

CITY MULTI Variable Refrigerant Flow Zoning System R-2 Series Outdoor Equipment:

PURY-80TMU, 80,000 Btu/h, 208/230-3-60 split-system variable-speed heat pump.

PURY-100TMU, 100,000 Btu/h, 208/230-3-60 split-system variable-speed heat pump.

CITY MULTI Variable Refrigerant Flow Zoning System Y Series Outdoor Equipment:

PUHY-80TMU, 80,000 Btu/h, 208/230-3-60 split-system variable-speed heat pump.

PUHY-100TMU, 100,000 Btu/h, 208/230-3-60 split-system variable-speed heat pump.

PUY-80TMU, 80,000 Btu/h, 208/230-3-60 split-system variable-speed air conditioner.

PUY-100TMU, 100,000 Btu/h, 208/230-3-60 split-system variable-speed air conditioner.

CITY MULTI Variable Refrigerant Flow Zoning System Indoor Equipment^a:

PCFY Series—Ceiling Suspended—PCFY-16/24/40/48***-.*.

PDFY Series—Ceiling Concealed Ducted—PDFY-08/10/12/16/20/24/28/32/40/48***-.*.

PEFY Series—Ceiling Concealed Ducted, Low External Static Pressure—PEFY-08/10/12***-.*.

PEFY Series—Ceiling Concealed Ducted, High External Static Pressure—PEFY-16/20/24/28/32/

40/48***-.*.

PPFY Series—Floor Standing—PPFY-08/10/12/16/20/24***-.*.

PKFY Series—Wall-Mounted—PKFY-08/10/12/16/20/24/32/40***-.*.

PLFY Series—4-Way Airflow Ceiling Cassette—PLFY-12/16/20/24/32/40/48***-.*.

PLFY Series—2-Way Airflow Ceiling Cassette—PLFY-08/10/12/16/20/24/32/40/48***-.*.

PMFY Series—1-Way Airflow Ceiling Cassette—PMFY-08/10/12/16***-.*.

(3) This waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the model series manufactured by MEUS and listed above.

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

Issued in Washington, DC, on August 18, 2004.

David K. Garman,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 04-19604 Filed 8-26-04; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Biomass Research and Development Technical Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under the Biomass Research and Development Act of 2000. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the meeting of the Biomass Research and Development Technical Advisory Committee.

DATES: September 29, 2004.

Time: 8:30 a.m.

ADDRESSES: Hilton Crystal City Hotel at National Airport, 2399 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Don Richardson, Designated Federal Officer for the Committee, Office of Energy

^aThe * denotes engineering differences in the models.

Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586-7766.

SUPPLEMENTARY INFORMATION: *Purpose of Meeting:* To provide advice and guidance that promotes research and development leading to the production of biobased industrial products.

Tentative Agenda: Agenda will include discussions on the following:

- The Biomass R&D Technical Advisory Committee will meet to develop the 2004 Recommendations to the Secretaries of Energy and Agriculture.

- The Biomass R&D Technical Advisory Committee will begin developing its 2005 Work Plan.

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you should contact Don Richardson at 202-586-7766 or the Biomass Initiative at laura.neal@ee.doe.gov (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chair of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Chair will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room; Room 1E-190; Forrestal Building; 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on August 23, 2004.

Carol A. Matthews,

Acting Advisory Committee Management Officer.

[FR Doc. 04-19605 Filed 8-26-04; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[ORD-2004-0013, FRL-7807-5]

Agency Information Collection Activities: Proposed Collection; Comment Request; Application for Reference or Equivalent Method Determination, EPA ICR Number 0559.08, OMB Control Number 2080.0005

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit a continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request to renew an existing approved collection. This ICR is scheduled to expire on February 28, 2005. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before October 26, 2004.

ADDRESSES: Submit your comments, referencing docket ID number ORD-2004-0013, to EPA online using EDOCKET (our preferred method), by e-mail to the Office of Environmental Information (OEI) Docket, oei.docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Office of Environmental Information Docket (28221T), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Elizabeth T. Hunike, U.S. Environmental Protection Agency, Human Exposure and Atmospheric Sciences Division, Process Modeling Research Branch, Mail Drop D205-03, Research Triangle Park, NC 27711; telephone number: (919) 541-3737; facsimile number: (919) 541-1153; e-mail: Hunike.Elizabeth@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number ORD-2004-0013, which is available for public viewing at the Office of Environmental Information Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and

the telephone number for the Office of Environmental Information Docket is (202) 566-1752. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

Affected entities: Entities potentially affected by this action are primarily manufacturers and vendors of ambient air quality monitoring instruments that are used by state and local air quality monitoring agencies in their federally required air surveillance monitoring networks, and agents acting for such instrument manufacturers or vendors. Other entities potentially affected may include state or local air monitoring agencies, other users of ambient air quality monitoring instruments, or any other applicant for a reference or equivalent method determination.

Title: Application for Reference and Equivalent Method Determination (OMB Control No. 2080-0005; EPA ICR No. 0559.08; expiring February 28, 2005).

Abstract: To determine compliance with the national ambient air quality standards (NAAQS), State air monitoring agencies are required to use, in their air quality monitoring networks,