

accordance with HRF-1-1979, section 7.2 through section 7.4.3.3, except that the vertical ambient temperature gradient at locations 10 inches (25.4 cm) out from the centers of the two sides of the unit being tested is to be maintained during the test. Unless shields or baffles obstruct the area, the gradient is to be maintained from 2 inches (5.1 cm) above the floor or supporting platform to a height 1 foot (30.5 cm) above the unit under test. Defrost controls are to be operative. The anti-sweat heater switch is to be off during one test and on during the second test. In the case of an electric refrigerator-freezer equipped with variable anti-sweat heater control, the result of the second test will be derived by performing the calculation described in 6.2.3. Other exceptions are noted in 2.3, 2.4, and 5.1 below.

(C) New section 6.2.3 is inserted after section 6.2.2.2.

6.2.3 Variable anti-sweat heater control test. The energy consumption of an electric refrigerator-freezer with a variable anti-sweat heater control in the on position ( $E_{on}$ ), expressed in kilowatt-hours per day, shall be calculated equivalent to:

$$E_{ON} = E + (\text{Correction Factor})$$

where E is determined by sections 6.2.1.1, 6.2.1.2, 6.2.2.1, or 6.2.2.2, whichever is appropriate, with the anti-sweat heater switch in the off position.

$$\text{Correction Factor} = (\text{Anti-sweat Heater Power} \times \text{System-loss Factor}) \times (24 \text{ hrs}/1 \text{ day}) \times (1 \text{ kW}/1000 \text{ W})$$

where:

Anti-sweat Heater Power

$$\begin{aligned} &= A1 * (\text{Heater Watts at } 5\%RH) \\ &+ A2 * (\text{Heater Watts at } 15\%RH) \\ &+ A3 * (\text{Heater Watts at } 25\%RH) \\ &+ A4 * (\text{Heater Watts at } 35\%RH) \\ &+ A5 * (\text{Heater Watts at } 45\%RH) \\ &+ A6 * (\text{Heater Watts at } 55\%RH) \\ &+ A7 * (\text{Heater Watts at } 65\%RH) \\ &+ A8 * (\text{Heater Watts at } 75\%RH) \\ &+ A9 * (\text{Heater Watts at } 85\%RH) \\ &+ A10 * (\text{Heater Watts at } 95\%RH) \end{aligned}$$

where A1-A10 are defined in the following table:

A1 = 0.034	A6 = 0.119
A2 = 0.211	A7 = 0.069
A3 = 0.204	A8 = 0.047
A4 = 0.166	A9 = 0.008
A5 = 0.126	A10 = 0.015

Heater Watts at a specific relative humidity = the nominal watts used by all heaters at that specific relative humidity, 72 °F ambient, and DOE reference temperatures of fresh food (FF) average temperature of 45 °F and freezer (FZ) average temperature of 5 °F. System-loss Factor = 1.3

(4) Representations. Haier may make representations about the energy use of its adaptive control anti-sweat heater refrigerator-freezer products for compliance, marketing, or other

purposes only to the extent that such products have been tested in accordance with the provisions outlined above and such representations fairly disclose the results of such testing.

(5) This waiver shall remain in effect consistent with the provisions of 10 CFR 430.27(m).

(6) 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 this waiver at any time if it determines 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.

Issued in Washington, DC, on May 27, 2010.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 2010-13539 Filed 6-4-10; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

[Docket Number EERE-BT-PET-0024]

#### Energy Efficiency Program for Consumer Products: Commonwealth of Massachusetts Petition for Exemption From Federal Preemption of Massachusetts' Energy Efficiency Standard for Residential Non-Weatherized Gas Furnaces

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

**ACTION:** Notice of comments received on Petition for Exemption.

**SUMMARY:** This notice announces the availability of materials related to a petition filed by the Commonwealth of Massachusetts seeking an exemption from Federal preemption of certain energy efficiency standards. It also provides an opportunity for rebuttal to those comments that have already been received by the Department of Energy (DOE) in response to this petition.

**DATES:** DOE will accept rebuttal statements, from the Commonwealth of Massachusetts until, but no later than, July 7, 2010.

**ADDRESSES:** The January 28, 2010 **Federal Register** notice (75 FR 4548) is available for review on the Internet at: [http://www.eere.energy.gov/buildings/appliance\\_standards/pdfs/ma\\_exemption\\_012810.pdf](http://www.eere.energy.gov/buildings/appliance_standards/pdfs/ma_exemption_012810.pdf).

A document entitled "Massachusetts Petition for Exemption from

Preemption" is available for review on the Internet at: [http://www.eere.energy.gov/buildings/appliance\\_standards/pdfs/ma\\_state\\_petition.pdf](http://www.eere.energy.gov/buildings/appliance_standards/pdfs/ma_state_petition.pdf).

Comments received are available for review on the Internet at: [http://www.eere.energy.gov/buildings/appliance\\_standards/state\\_petitions.html](http://www.eere.energy.gov/buildings/appliance_standards/state_petitions.html).

Comments may also be obtained from Ms. Brenda Edwards-Jones, U.S. Department of Energy, Building Technologies Program, EE-2J, Room 1J-018, 1000 Independence Avenue, SW., Washington, DC 20585-0121, or by telephone (202) 586-2945.

Please submit comments, identified by docket number EERE-BT-PET-0024 by any of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

2. *E-mail:* [MAExemptPetition@ee.doe.gov](mailto:MAExemptPetition@ee.doe.gov). Include either the docket number EERE-BT-PET-0024, and/or "Massachusetts Petition" in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards-Jones, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, Room 1J-018, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Please submit one signed original paper copy.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards-Jones, U.S. Department of Energy, Building Technologies Program, Room 1J-018, 1000 Independence Avenue, SW., Washington, DC 20585-0121.

5. *Instructions:* All submissions received must include the agency name and docket number for this proceeding. For detailed instructions on submitting comments and additional information on the proceeding, see section 2 above of this document.

*Docket:* For access to the docket to read the background documents relevant to this matter, go to the U.S. Department of Energy, Forrestal Building, Room 1J-018 (Resource Room of the Building Technologies Program), 1000 Independence Avenue, SW., Washington, DC, (202) 586-2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Available documents include the following items: The Massachusetts Petition; correspondence from Massachusetts, correspondence from DOE, and any comments received. Please call Ms. Brenda Edwards-Jones at the above telephone number for additional information regarding visiting the Resource Room.

*Please note:* DOE's Freedom of Information Reading Room (formerly Room 1E-190 at the Forrestal Building) is no longer housing rulemaking materials. Electronic copies of the Petition are available online at DOE's Web site at the following URL address: [http://www.eere.energy.gov/buildings/appliance\\_standards/state\\_petitions.html](http://www.eere.energy.gov/buildings/appliance_standards/state_petitions.html).

**FOR FURTHER INFORMATION CONTACT:**

Mohammed Khan, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-7892, or e-mail:

[Mohammed.Khan@ee.doe.gov](mailto:Mohammed.Khan@ee.doe.gov).

Michael Kido, U.S. Department of Energy, Office of General Counsel, GC-71, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8145, e-mail: [Michael.Kido@hq.doe.gov](mailto:Michael.Kido@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** On January 28, 2010, DOE published a notice announcing the receipt of a petition submitted by the Commonwealth of Massachusetts. (75 FR 4548) That petition—Petition for Exemption from Federal Preemption of Massachusetts' 90% Annual Fuel Utilization Efficiency Standard for Non-weatherized Gas Furnaces (hereafter "Massachusetts Petition" or "Petition")—sought a waiver of preemption from DOE to permit a standard affecting non-weatherized gas furnaces to remain in effect. The Massachusetts standard is higher than the current Federal standard for these products.

To help DOE evaluate the merits of the Massachusetts Petition, the January notice invited interested members of the public to comment on the petition and to submit any additional information related to the criteria that DOE must evaluate when considering a waiver petition seeking an exemption from Federal preemption. These criteria are outlined generally in 42 U.S.C. 6297(d). DOE provided interested parties with an opportunity to comment through March 29, 2010. The comments received are available for public review at the DOE's Web site and can be accessed at the specified URL address provided in the **ADDRESSES** section listed above.

As required by law, this notice provides a rebuttal comment period to permit the submission of rebuttals to those comments that have already been received by DOE, as well as any other supporting information or data that would assist the agency in evaluating the merits of the Massachusetts petition. The availability of the initial comments and the specific rebuttal comment

period provided in this notice are in satisfaction of the requirements under 42 U.S.C. 6297(d)(2).

DOE invites all interested parties to comment on any aspects of the petition and on those comments that have been submitted and docketed in response to that petition. After examining all relevant submissions, including any rebuttal comments, DOE will issue its final decision in a manner consistent with the schedule laid out in its January 2010 notice.

Issued in Washington, DC, on May 27, 2010.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 2010-13544 Filed 6-4-10; 8:45 am]

**BILLING CODE 6450-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9159-8]

**Agency Information Collection Activities; OMB Responses**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This document announces the Office of Management and Budget (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

**FOR FURTHER INFORMATION CONTACT:** Rick Westlund (202) 566-1682, or e-mail at [westlund.rick@epa.gov](mailto:westlund.rick@epa.gov) and please refer to the appropriate EPA Information Collection Request (ICR) Number.

**SUPPLEMENTARY INFORMATION:**

**OMB Responses to Agency Clearance Requests**

*OMB Approvals*

EPA ICR Number 2173.03; Reporting Requirements under EPA's Green Power Partnership and Combined Heat and Power Partnership; was approved on 05/07/2010; OMB Number 2060-0578; expires on 06/30/2012; Approved with change.

EPA ICR Number 2343.03; Focus Group Research for Fuel Economy Label Designs for Advanced Technology Vehicles (Phase 3); was approved on 05/

13/2010; OMB Number 2060-0632; expires on 08/31/2010; Approved with change.

EPA ICR Number 2368.01; Questionnaire for Steam Electric Power Generating Effluent Guidelines (New); was approved on 05/20/2010; OMB Number 2040-0281; expires on 05/31/2013; Approved with change.

EPA ICR Number 2207.03; Exchange Network Grants Progress Report (Renewal); was approved on 05/27/2010; OMB Number 2025-0006; expires on 11/30/2011; Approved without change.

EPA ICR Number 2240.03; NESHAP for Area Sources: Polyvinyl Chloride and Copolymer Production, Primary Copper Smelting, Secondary Copper Smelting, and Primary Nonferrous Metals—Zinc, Cadmium, and Beryllium (Renewal); 40 CFR part 63, subparts A, DDDDDDD, EEEEEEE, FFFFFFFF, and GGGGGG, was approved on 05/27/2010; OMB Number 2060-0596; expires on 05/31/2013; Approved without change.

EPA ICR Number 2046.05; NESHAP for Mercury Cell Chlor-Alkali Plants; 40 CFR part 63, subpart A and 40 CFR part 63, subpart IIII; was approved on 05/27/2010; OMB Number 2060-0542; expires on 05/31/2013; Approved without change.

*Comment Filed*

EPA ICR Number 1648.07; Requirements for Control Technology Determinations from Major Sources in Accordance with Clean Air Act Section 112(j) (Proposed Rule); in 40 CFR part 63; OMB filed comment on 05/21/2010.

Dated: June 1, 2010.

**John Moses,**

*Director, Collections Strategies Division.*

[FR Doc. 2010-13622 Filed 6-4-10; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OAR-2008-0015; FRL-9159-4]

**Release of Final Document Related to the Review of the National Ambient Air Quality Standards for Carbon Monoxide**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Availability.

**SUMMARY:** The Office of Air Quality Planning and Standards (OAQPS) of EPA is announcing the availability of a final document titled, *Quantitative Risk and Exposure Assessment for Carbon Monoxide* (REA). The REA describes