We would be pleased to respond to any questions you may have regarding this Petition for Waiver and Application for Interim Waiver. Please contact Russell Tavolacci, Assistant Vice President at 972–245–1510 or by e-mail at *Russell.tavolacci@daikinac.com.*

Sincerely,

Yoshinobu Inoue,
President, Daikin AC (Americas), Inc., 1645 Wallace Drive, Suite 110, Carrollton, Texas 75006.
(Submitted in triplicate)

Notice to Affected Persons

The following companies manufacture domestically marketed units of the same product type as the VRV–III product types. l hereby certify that I delivered a copy of this Petition for Waiver and Application for Interim Waiver to the persons listed below by United States First Class Mail, postage prepaid, on August 31, 2007:

Fujitsu General America, Inc., 353 Route 46 West, Fairfield, NJ 07004, Attn: Arturo Thur De Koos, Engineering & Technical Support.

Sanyo Fisher (USA) Corp., 1690 Roberts Blvd., Suite 110, Kennesaw, GA 30144, Attn: Gary Nettinger, Vice President, Technical and Service.

Mitsubishi Electric & Electronics USA, Inc., 4300 Lawrenceville-Suwanee Road, Suwanee, GA 30024, Attn: William Rau, Senior Vice President and General Manager.

Dated August 31, 2007.

Yoshinobu Inoue,
President, Daikin AC (Americas), Inc., 1645 Wallace Drive, Suite 110, Carrollton, Texas 75006.

[FR Doc. E8–12 Filed 1–4–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, February 7, 2008, 9 a.m.–5 p.m; Friday, February 8, 2008, 8:30 a.m.–4 p.m.

ADDRESSES: Columbia Basin College, Byron Gjerde Center, 2600 North 20th Avenue, Pasco, Washington 99301, *Phone:* (509) 547–0511, *Fax:* (509) 544–2023.

FOR FURTHER INFORMATION CONTACT: Erik Olds, Federal Coordinator, Department of Energy Richland Operations Office, 2440 Stevens Drive, P.O. Box 450, H6–60, Richland, WA 99352; Phone: (509) 372–8656; or E-mail: *Theodore_E_Erik_Olds@orp.doe.gov.*

SUPPLEMENTARY INFORMATION:

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

Tentative Agenda:

- Discussion on Hanford's Fiscal Year 2008–2010 Budget.
- Tank Closure and Waste Management Environmental Impact Statement.
- Black Rock Environmental Impact Statement.
- Briefing on the State of the Columbia River Report.
- Briefing on the Technology Road Map.
- Discussion on the upcoming EM SSAB Meeting in Hanford on April 22–24, 2008.
- Hanford Advisory Board Self Evaluation.
- Hanford Advisory Board Process Manua.
- Hanford Advisory Board Budget.
- Committee Updates, including Tank Waste Committee, River and Plateau Committee, Health, Safety and Environmental Protection Committee, Public Involvement Committee, and Budgets and Contracts Committee.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Erik Olds' office at the address or telephone number listed above. Requests 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.

Minutes: Minutes will be available by writing or calling Erik Olds' office at the address or phone number listed above. Minutes will also be available at the following Web site *http://www.hanford.gov/?page=413&parent=397.*

Issued at Washington, DC on December 31, 2007.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E8–14 Filed 1–4–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. CAC–018]

Energy Conservation Program for Certain Industrial Equipment: Publication of the Petition for Waiver From Daikin AC (Americas), Inc. and Granting of the Application for Interim Waiver From the Department of Energy Commercial Package Water-Source Air Conditioner and Heat Pump Test Procedure

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

ACTION: Notice of petition for waiver, granting of application for interim waiver, and request for comments.

SUMMARY: This notice announces receipt of and publishes a Petition for Waiver from Daikin AC (Americas), Inc. (Daikin). The Petition for Waiver (hereafter ''Daikin Petition'') requests a waiver of the Department of Energy (DOE) test procedure applicable to commercial package water-source air conditioners and heat pumps. The waiver request is specific to the Daikin Variable Speed and Variable Refrigerant Volume VRV–WII (commercial) multi-split water-source heat pumps and heat recovery systems. Through this document, DOE is: (1) Soliciting comments, data, and information with respect to the Daikin Petition; and (2) announcing our determination granting an Interim Waiver to Daikin from the applicable DOE test procedure for commercial water-source air conditioners and heat pumps.

DATES: DOE will accept comments, data, and information with respect to the Daikin Petition until, but no later than February 6, 2008.

ADDRESSES: You may submit comments, identified by case number [CAC–018], by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: Michael.Raymond@ee.doe.gov.* Include either the case number [CAC–018], and/or ''Daikin Petition'' in the subject line of the message.
- *Mail*: Ms. Brenda Edwards-Jones, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–2945. Please submit one signed original paper copy.

• *Hand Delivery/Courier:* Ms. Brenda Edwards-Jones, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Please submit one signed original paper copy.

Instructions: All submissions received must include the agency name and case number for this proceeding. Submit electronic comments in WordPerfect, Microsoft Word, Portable Document Format (PDF), or text (American Standard Code for Information Interchange (ASCII)) file format, and avoid the use of special characters or any form of encryption. Wherever possible, include the electronic signature of the author. Absent an electronic signature, comments submitted electronically must be followed and authenticated by submitting the signed original paper document. DOE does not accept telefacsimiles (faxes).

Any person submitting written comments must also send a copy of such comments to the petitioner, pursuant to 10 CFR 431.401(d). The contact information for the petitioner is: Mr. Russell Tavolacci, Director of Product Marketing, Daikin AC (Americas), Inc., 1645 Wallace Drive, Suite 110, Carrollton, TX 75006. Telephone: (972) 245–1510. E-mail: *Russell.Tavolacci@daikinac.com.*

According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies: one copy of the document including all the information believed to be confidential, and one copy of the document with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Docket: For access to the docket to review the documents relevant to this matter, you may visit the U.S. Department of Energy, Resource Room of the Building Technologies Program, 950 L'Enfant Plaza SW, Suite 600, Washington, DC, 20024; (202) 586–2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Available documents include the following items: (1) This notice; (2) public comments received; (3) the Petition for Waiver and Application for Interim Waiver; and (4) prior DOE rulemakings regarding similar central air conditioning and heat pump equipment. Please call Ms. Brenda Edwards-Jones at the above telephone number for additional information regarding visiting the Resource Room.

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

Ms. Francine Pinto or Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0103. Telephone: (202) 586–9507. E-mail: *Francine.Pinto@hq.doe.gov or Eric.Stas@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background and Authority

Title III of the Energy Policy and Conservation Act (EPCA) sets forth a variety of provisions concerning energy efficiency. Part B of Title III provides for the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' (42 U.S.C. 6291–6309) Part C of Title III provides for an energy efficiency program titled ''Certain Industrial Equipment,'' which is similar to the program in Part B, and which includes commercial air conditioning and heating equipment, packaged boilers, water heaters, and other types of commercial equipment. (42 U.S.C. 6311–6317)

This notice involves commercial equipment under Part C. 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, it generally authorizes the Secretary of Energy (the Secretary) to prescribe test procedures that are reasonably designed to produce results which reflect 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 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. DOE adopted the International Organization for Standardization (ISO) Standard 13256–1 (1998), ''Water-source heat pumps—Testing and rating for performance: Part 1-Water-to-air and brine-to-air heat pumps'' for small commercial package water-source heat pumps with capacities <135,000 British thermal units per hour (Btu/h). *Id.* at 71371. DOE's regulations at 10 CFR 431.95(b)(3) incorporate by reference the relevant ISO standard, and Table 1 to 10 CFR 431.96 directs manufacturers of commercial package water-source air conditioning and heating equipment to use the appropriate procedure when measuring energy efficiency of those products. (The cooling capacities of Daikin's commercial water-source multi-split heat pump products range from 60,000 Btu/hr to 252,000 Btu/hr, thereby resulting in many of these products falling in the range covered by ISO Standard 13256–1 (1998).)

In addition, DOE's regulations contain provisions allowing a person to seek a waiver from the test procedure requirements for covered commercial equipment, for which the petitioner's basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or if 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). The waiver provisions for commercial equipment found at 10 CFR 431.401 are substantively identical to those for covered consumer products. Petitioners must include in their petition any alternate test procedures known 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). In general, a waiver terminates on the effective date of a final rule, published in the **Federal Register**, which prescribes amended test procedures appropriate to the model series manufactured by the petitioner, thereby eliminating any need for the continuation of the waiver. 10 CFR 431.401(g).

The waiver process also allows any person who has submitted 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 a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever occurs first, and may then be extended by DOE for an additional 180 days, if necessary. 10 CFR 431.401(e)(4).

II. Petition for Waiver

On January 22, 2007, Daikin filed a Petition for Waiver from the test procedures at 10 CFR 431.96 which are applicable to commercial package water-source heat pumps and an Application for Interim Waiver. As noted above, the applicable test procedure for Daikin's commercial VRV–WII multi-split heat pumps is ISO Standard 13256–1 (1998), which manufacturers are directed to use pursuant to Table 1 of 10 CFR 431.96. The capacities of the Daikin VRV–WII multi-split heat pumps range from 60,000 Btu/hr to 252,000 Btu/hr. DOE notes that the Daikin 60,000 Btu/hr unit is residential in size, but because it is being marketed and sold for commercial use, it is considered a commercial product. Accordingly, the appropriate test procedure is the same as for two other outdoor units with capacities less than 135,000 Btu/hr, ISO 13256–1 (1998). DOE further notes that Daikin also requested a waiver for four outdoor units with capacities greater than 135,000 Btu/hr, but because DOE does not have a test procedure for such products, there is no need for a waiver.

Daikin seeks a waiver from the applicable test procedures under 10 CFR 431.96 on the grounds that its VRV–WII water-source multi-split heat pumps and heat recovery systems contain design characteristics that prevent testing according to the current DOE test procedure. The products covered by this petition represent the models of Daikin's multi-split product line that use water, instead of air, as a heat source and heat sink. However, Daikin asserts that the water-source VRV–WII systems operate in the same configurations as the air-source VRV and VRV–S systems, with the only relevant difference being the heat rejection medium. Specifically, Daikin asserts that the two primary factors that prevent testing of multi-split variable speed products, regardless of manufacturer, are the same factors stated in the waivers that DOE granted to Mitsubishi Electric & Electronics USA, Inc. (Mitsubishi), Fujitsu General Ltd. (Fujitsu), and Samsung Air Conditioning (Samsung) for similar lines of commercial multi-split air-conditioning systems:

- Testing laboratories cannot test products with so many indoor units.
- There are too many possible combinations of indoor and outdoor units to test. 69 FR 52660 (August 27, 2004); 72 FR 17528 (April 9, 2007); 72 FR 71383 (December 17, 2007); 72 FR 71387 (December 17, 2007).

Further, Daikin states that its VRV–WII indoor units have nine different indoor static pressure ratings, and the test procedure does not provide for operation of indoor units at several different static pressure ratings during a single test. The indoor units are designed to operate at many different external static pressure values, which compounds the difficulty of testing. A testing facility could not manage proper airflow at several different external static pressure values to the many indoor units that would be connected to a VRV–WII outdoor unit. The number of connectable indoor units for each outdoor unit ranges up to 32. Daikin further states that its VRV–WII products capability to perform simultaneous heating and cooling is not captured by the DOE test procedure. This is true, but not relevant. DOE is required by EPCA to use the full-load descriptor EER for these products, and simultaneous heating and cooling does not occur when operating at full load.

Accordingly, Daikin requests that DOE grant a waiver from the applicable test procedures for its VRV–WII product designs until a suitable test method can be prescribed. Furthermore, Daikin states that failure to grant the waiver would result in economic hardship because it would prevent the company from marketing its VRV–WII products. Also, Daikin states that it is willing to work closely with DOE, the Air-Conditioning and Refrigeration Institute (ARI), and other agencies to develop appropriate test procedures, as necessary.

III. Application for Interim Waiver

On January 22, 2007, in addition to its Petition for Waiver, Daikin submitted to DOE an Application for Interim Waiver. Daikin's Application for Interim Waiver does not provide sufficient information to evaluate the level of economic hardship Daikin will likely experience if its Application for Interim Waiver is denied. However, in those instances where the likely success of the Petition for Waiver has been demonstrated, based upon DOE having granted a waiver for similar product designs, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis. DOE has previously granted Interim Waivers to Mitsubishi, Fujitsu, and Samsung for comparable commercial multi-split air conditioners and heat pumps. 72 FR 17533 (April 9, 2007); 70 FR 5980 (Feb. 4, 2005); 70 FR 9629 (Feb. 28, 2005), respectively.

Moreover, as noted above, DOE approved the Petition for Waiver from Mitsubishi for its comparable line of commercial water-source multi-split air conditioners and heat pumps. 72 FR 17528 (April 9, 2007). The two principal reasons for granting these waivers also apply to Daikin's VRV–WII products: (1) test laboratories cannot test products with so many indoor units; [1] and (2) it is impractical to test so many combinations of indoor units with each outdoor unit. Thus, DOE has determined that it is likely that Daikin's Petition for Waiver will be granted for its new VRV–WII water-source multi-split models. Therefore, *it is ordered that:*

The Application for Interim Waiver filed by Daikin is hereby granted for Daikin's VRV–WII water-source multi-split central air conditioning heat pumps, subject to the specifications and conditions below.

1. Daikin shall not be required to test or rate its water-source VRV–WII commercial water-source multi-split products on the basis of the currently applicable test procedure under Table 1 of 10 CFR 431.96, which incorporates by reference ISO Standard 13256–1 (1998).

2. Daikin shall be required to test and rate its VRV–WII commercial water-

[1] According to the Daikin petition, up to 32 indoor units are possible-candidates for testing of its commercial water-source multi-split heat pumps and heat recovery systems. However, DOE believes that the practical limits for testing would be about five units.

source multi-split products according to the alternate test procedure as set forth in section IV(3), ''Alternate test procedure.''

The Interim Waiver applies to the following models:

VRV–WII Series Outdoor Units:

• Models RWEYQ60, RWEYQ72, RWEYQ84

Compatible Indoor Units For Above-Listed Outdoor Units:

• FXAQ Series wall mounted indoor units with nominally rated capacities of 7,000, 9,000, 12,000, 18,000 and 24,000 Btu/hr.

• FXLQ Series floor mounted indoor units with nominally rated capacities of 12,000, 18,000 and 24,000 Btu/hr.

• FXNQ Series concealed floor mounted indoor units with nominally rated capacities of 12,000, 18,000 and 24,000 Btu/hr.

• FXDQ Series low static ducted indoor units with nominally rated capacities of 7,000, 9,000, 12,000, 18,000 and 24,000 Btu/hr.

• FXSQ Series medium static ducted indoor units with nominally rated capacities of 7,000, 9,000, 12,000, 18,000, 24,000, 30,000, 36,000 and 48,000 Btu/hr.

• FXMQ Series high static ducted indoor units with nominally rated capacities of 30,000, 36,000 and 48,000 Btu/hr.

• FXZQ Series recessed cassette indoor units with nominally rated capacities of 7,000, 9,000, 12,000, 18,000 and 24,000 Btu/hr.

• FXFQ Series recessed cassette indoor units with nominally rated capacities of 12,000, 18,000, 30,000 and 36,000 Btu/hr.

• FXHQ Series ceiling suspended indoor units with nominally rated capacities of 12,000, 24,000 and 36,000 Btu/hr.

• FXOQ Series concealed indoor units with nominally rated capacities of 12,000, 18,000, 24,000, 36,000, 42,000, 36,000 and 48,000 BTU/Hr.

This Interim Waiver is conditioned upon the presumed validity of statements, representations, and documents provided by the petitioner. DOE may revoke or modify this Interim Waiver at any time upon a determination that the factual basis underlying the Petition for Waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

IV. Alternate Test Procedure

In response to two recent Petitions for Waiver from Mitsubishi, DOE specified an alternate test procedure to provide a basis from which Mitsubishi could test and make valid energy efficiency representations for its R410A CITY MULTI products, as well as for its R22 multi-split products. Alternate test procedures related to the Mitsubishi petitions were published in the **Federal Register** on April 9, 2007. 72 FR 17528; 72 FR 17533.

In general, DOE understands that existing testing facilities have a limited ability to test multiple indoor units at one time, and the number of possible combinations of indoor and outdoor units for some variable refrigerant flow zoned systems is impractical to test. We further note that subsequent to the waiver that DOE granted for Mitsubishi's R22 multi-split products, ARI formed a committee to discuss the issue and to work on developing an appropriate testing protocol for variable refrigerant flow systems. However, to date, no additional test methodologies have been adopted by the committee or submitted to DOE. The ARI committee has considered a draft ISO methodology, ISO CD 15042, for multi-split systems. However, it contains no guidance that would affect this waiver.

Therefore, as discussed below, DOE is including a similar alternate test procedure as a condition in granting the Interim Waiver for Daikin's products, and plans to consider the same alternate test procedure in the context of the subsequent Decision and Order pertaining to Daikin's Petition for Waiver. Utilization of this alternate test procedure will allow Daikin to test and make energy efficiency representations for its VRV–WII products. More broadly, DOE has applied a similar alternate test procedure to other existing waivers for similar residential and commercial central air conditioners and heat pumps. Such cases include Samsung's Petition for Waiver for its multi-split products at 72 FR 71387 (Dec. 17, 2007), and Fujitsu's Petition for Waiver for its multi-split products at 72 FR 71383 (Dec. 17, 2007). As noted above, the alternate test procedure has been applied to Mitsubishi's Petition for Waiver for its R410A CITY MULTI and R22 multi-split products. 72 FR 17528 (April 9, 2007). DOE believes that an alternate test procedure is needed so that manufacturers of such products can make valid and consistent representations of energy efficiency for their air-conditioning and heat pump products.

In the present case, DOE is modifying the alternate test procedure taken from the above-referenced waiver granted to Mitsubishi for its R410A CITY MULTI products, and plans to consider inclusion of the following similar waiver language in the Decision and Order for Daikin's VRV–WII commercial multi-split water-source heat pump models:

(1) The ''Petition for Waiver'' filed by Daikin AC (Americas), Inc. is hereby granted as set forth in the paragraphs below.

(2) Daikin shall not be required to test or rate its VRV–WII variable refrigerant volume multi-split water-source heat pump products listed above in section III, on the basis of the current test procedures, but shall be required to test and rate such products according to the alternate test procedure as set forth in paragraph (3).

(3) *Alternate test procedure.*

(A) Daikin shall be required to test the products listed in section III above according to the test procedures for central air conditioners and heat pumps prescribed by DOE at 10 CFR 431.96, except that Daikin shall test a ''tested combination'' selected in accordance with the provisions of subparagraph (B) of this paragraph. For every other system combination using the same outdoor unit as the tested combination, Daikin shall make representations concerning the VRV–WII products covered in this waiver according to the provisions of subparagraph (C) below.

(B) *Tested combination* means a multi-split system with multiple indoor coils having the following features:

(1) The basic model of a system used as a tested combination shall consist of one outdoor unit, with one or more compressors, that is matched with between 2 and 5 indoor units; for multi-split systems, each of these indoor units shall be designed for individual operation.

(2) The indoor units shall—

(i) Represent the highest sales model family, or another indoor model family if the highest sales model family does not provide sufficient capacity (see ii);

(ii) Together, have a nominal capacity that is between 95% and 105% of the nominal capacity of the outdoor unit;

(iii) Not, individually, have a capacity that is greater than 50% of the nominal capacity of the outdoor unit;

(iv) Operate at fan speeds that are consistent with the manufacturer's specifications; and

(v) All be subject to the same minimum external static pressure requirement while being configurable to produce the same static pressure at the exit of each outlet plenum when manifolded as per section 2.4.1 of 10 CFR part 430, subpart B, appendix M.

(C) *Representations.* In making representations about the energy efficiency of its VRV–WII variable speed and variable refrigerant volume multi-split water-source heat pumps and heat recovery system products, for compliance, marketing, or other purposes, Daikin must fairly disclose the results of testing under the DOE test procedure, doing so in a manner consistent with the provisions outlined below:

(i) For VRV–WII combinations tested in accordance with this alternate test procedure, Daikin must disclose these test results.

(ii) For VRV–WII combinations that are not tested, Daikin must make a disclosure based

on the testing results for the tested combination and which is consistent with either of the two following methods, except that only method (a) may be used, if available:

(a) Representation of non-tested combinations according to an Alternative Rating Method (ARM) approved by DOE; or

(b) Representation of non-tested combinations at the same energy efficiency level as the tested combination with the same outdoor unit.

V. Summary and Request for Comments

Through today's notice, DOE announces receipt of Daikin's Petition for Waiver from the test procedures applicable to Daikin's VRV–WII commercial multi-split heat pump products, and for the reasons articulated above, DOE is granting Daikin an Interim Waiver from those procedures. As part of this notice, DOE is publishing Daikin's Petition for Waiver in its entirety. The Petition contains no confidential information. Furthermore, today's notice includes an alternate test procedure that Daikin is required to follow as a condition of its Interim Waiver and that DOE is considering including in its subsequent Decision and Order. In this alternate test procedure, DOE is defining a ''tested combination'' which Daikin could use in lieu of testing all retail combinations of its VRV–WII water-source multi-split heat pump products.

Furthermore, should a subsequent manufacturer be unable to test all retail combinations, DOE is considering allowing such manufacturers to rate waived products according to an ARM approved by DOE, or to rate waived products the same as the specified tested combination with the same outdoor unit. DOE is also applying a similar alternate test procedure to other comparable Petitions for Waiver for residential and commercial central air conditioners and heat pumps. Such cases include Samsung's Petition for Waiver for its Digital Variable Multi (DVM) products at 72 FR 71387 (Dec. 17, 2007), and Fujitsu's Petition for Waiver for its Airstage variable refrigerant flow products at 72 FR 71383 (Dec. 17, 2007).

DOE is interested in receiving comments on the issues addressed in this notice. Pursuant to 10 CFR 431.401(d), any person submitting written comments must also send a copy of such comments to the petitioner, whose contact information is included in the **ADDRESSES** section above.

Issued in Washington, DC, on December 27, 2007.

Alexander A. Karsner,

Assistant Secretary, Energy Efficiency and Renewable Energy.

January 22, 2007

Mr. Alexander Karsner
Assistant Secretary for Energy Efficiency and Renewable Energy
U.S. Department of Energy
1000 Independence Ave., SW., Washington, DC 20585–0121

Re: Petition for Waiver of Test Procedure

Dear Assistant Secretary Karsner:

Daikin AC (Americas) Inc. (DACA) respectfully petitions the Department of Energy (DOE) pursuant to 10 C.F.R. §§ 430.27(a)(1) and 431.401(a)(1) for a waiver of the test procedures applicable to commercial package air conditioners and heat pumps, as established in ISO Standard 13256–1 (1998), [1] for DACA's variable speed compressor driven water-cooled multi-split systems for combinations exceeding two indoor units to a single outdoor unit. The specific systems for which DACA requests this waiver are in DACA's VRV–WII product class, and the specific models subject to the waiver request are listed below. As explained more fully below, the basis for DACA's request is that the basic model contains design criteria that prevent testing of the basic model according to the prescribed test procedures. We are simultaneously requesting an interim waiver for the same systems pursuant to 10 C.F.R. §§ 430.27(a)(2) and 431.401(a)(2).

Background

DACA is a leading manufacturer of variable speed and Variable Refrigerant Volume (VRV) zoning systems that DACA offers for sale in the North American market. These products combine advanced technologies such as high efficiency variable speed compressors and fan motors with electronic expansion valves and other devices to insure peak operating performance of the overall system and to optimize energy efficiency. DACA has designed the VRV–WII systems to operate in commercial applications, and this product class employs zoning to provide users with peak utility of the system and with significant energy savings compared to competing technologies.

General Characteristics of DACA's Water Source VRV–WII Products

DACA's VRV–WII system has the following characteristics and applications:

- DACA's water source VRV–WII is an air conditioning system that includes numerous individually controllable discrete indoor units utilizing water as a heat source. In this unique system, water is piped from a cooling tower or boiler to the VRV–WII (which is the equivalent of the outdoor unit of an air cooled conditioning system). After heat exchange, refrigerant is piped from the VRV–WII to each indoor unit.
- The VRV–WII system consists of multi-split, multi-zone units utilizing one or multiple outdoor units that serve up to thirty-two indoor units.
- The VRV–WII system employs variable speed technology that matches system capacity to the current load thereby utilizing the minimum amount of energy required for optimal system operation.
- Due to its multi-zone applications, each VRV–WII indoor unit can be independently controlled with a local controller allowing the occupant to alter their environmental condition to meet their needs. Individually controlled system functions include temperature, fan speed and mode of operation.
- The VRV–WII system can efficiently operate the compressor at loads as small as 10% of the rated capacity of the system, resulting in significant energy savings.
- Some VRV–WII products offer a ''heat recovery'' mode that allows heat that is absorbed from one indoor zone (operating in the cooling mode) to be discharged into another indoor zone that is calling for heat. This function reduces the load on the outdoor unit and improves overall system performance and utility.
- The VRV–WII system employs variable speed indoor and outdoor high efficiency fan motors to precisely control operating pressures and airflow rates.
- The VRV–WII system uses electronically controlled expansion valves to precisely control refrigerant flow, superheat, sub-cooling, pump down functions and even oil flow throughout the system.

Particular Basic Models for Which a Waiver Is Requested

DACA requests a waiver from the test procedures for the following basic model groups:

- VRV–WII Series Outdoor Units:
  - Models RWEYQ60, 72, 84, 144, 168, 216, and 252 with capacities ranging from 60,000 to 252,000 Btu/hr.
- Compatible Indoor Units for Above Listed Outdoor Units:
  - FXAQ Series wall mounted indoor units with nominally rated capacities of 7,000, 9,000, 12,000, 18,000 and 24,000 Btu/hr.
  - FXLQ Series floor mounted indoor units with nominally rated capacities of 12,000, 18,000 and 24,000 Btu/hr.
  - FXNQ Series concealed floor mounted indoor units with nominally rated capacities of 12,000, 18,000 and 24,000 Btu/hr.
  - FXDQ Series low static ducted indoor units with nominally rated capacities of 7,000, 9,000, 12,000, 18,000 and 24,000 Btu/hr.
  - FXSQ Series medium static ducted indoor units with nominally rated capacities of 7,000, 9,000, 12,000, 18,000, 24,000, 30,000, 36,000 and 48,000 Btu/hr.
  - FXMQ Series high static ducted indoor units with nominally rated capacities of 30,000, 36,000 and 48,000 Btu/hr.
  - FXZQ Series recessed cassette indoor units with nominally rated capacities of 7,000, 9,000, 12,000, 18,000 and 24,000 Btu/hr.

[1] Detailed citations to the test procedures for which DACA is requesting a waiver are included on page 4 of this petiton.

- FXFQ Series recessed cassette indoor units with nominally rated capacities of 12,000, 18,000, 30,000 and 36,000 Btu/hr.
- FXHQ Series ceiling suspended indoor units with nominally rated capacities of 12,000, 24,000 and 36,000 Btu/hr.
- FXOQ Series concealed indoor units with nominally rated capacities of 12,000, 18,000, 24,000, 36,000, 42,000, 36,000 and 48,000 BTU/Hr.

Design Characteristics Constituting the Grounds for DACA's Petition

DACA's VRV–WII product offering consists of multiple indoor units being connected to a water-cooled outdoor unit. The indoor units for these products are available in a very large number of potential configurations, including but not limited to the following: 4-Way Cassette, Wall Mounted, Ceiling Suspended, and Floor Standing. DACA is currently developing additional indoor unit models for future market introduction. Each of these units has nine different indoor static pressure ratings as standard, with addition pressure ratings available. There are over one million combinations possible with the current DACA VRV–WII product offering. It is completely impractical for testing laboratories to test a product such as the VRV–WII with multiple indoor units because of the astronomical number of potential system configurations.

DACA's VRV–WII products share many of the design characteristics and features of DACA's VRV and VRV–S product lines, and of Mitsubishi Electric and Electronics USA, Inc.'s (MEUS) CITY MULTI product class, for both of which DOE has previously granted a waiver.[2] The principal design characteristic difference between DACA's VRV and VRV–S products, and its VRV–WII products, is the method of heat rejection. Similarly, the method of heat rejection is the most significant design characteristic that distinguishes the basic operation of the VRV–WII product class and the MEUS CITY MULTI product class that has received a waiver from DOE. The VRV–WII products use water instead of air to reject heat. In contrast, the VRV and VRV–S products, as well as MEUS' CITY MULTI products use air to reject heat. The same testing constraints and limitations apply to all of these products.

The DOE relied on similar rationales to grant MEUS' petition for waiver and DACA's interim waiver. DOE stated the following in its August 14, 2006 letter to DACA granting an interim waiver:

A waiver for a similar type of variable refrigerant flow zoned central air conditioner [i.e., similar to the DACA VRV and VRV–S products] was requested by MEUS. DOE decided to grant the waiver, based on the difficulty of testing the products. There are two major testing problems: (1) Test laboratories cannot test products with so many indoor units (up to sixteen); and (2) there are too many possible combinations of indoor and outdoor units—only a small fraction of the combinations could be tested.

DOE also noted in its August 14, 2006 interim waiver approval for DACA's VRV and VRV–S products that ''[w]aivers for similar products have already been granted to * * * Samsung, and Fujitsu General * * *.''

After reviewing its previously granted waivers for similar products under the same rationale in its August 14, 2006 letter, DOE concluded that DACA's VRV and VRV–S systems ''will likely suffer the same testing problems that prompted DOE to grant MEUS a waiver.'' DOE continued by saying that ''[w]ith up to eleven indoor units of nine different types, thousands of combinations are possible, and it would not be practicable to test so many combinations [of DACA's VRV and VRV–S product class].'' Based on these conclusions, the DOE proceeded to grant DACA's interim waiver request. *Id.*

The DOE's basis for its August 4, 2006 approval of an interim waiver for DACA's VRV and VRV–S products is virtually identical to DOE's stated reasons for its approval of MEUS' CITY MULTI product lines, which were: ''test laboratories cannot test products with so many indoor units,'' and ''there are too many possible combinations of indoor and outdoor units to test.'' 69 Fed. Reg. 52,660 (August 27, 2004).

The DACA VRV–WII system operates in the same configurations as the VRV and VRV–S systems, with the only relevant design feature difference being that the VRV–WII system that is the subject of this waiver petition uses water to reject heat, while the VRV and VRV–S systems that have already received an interim waiver use air to reject heat. The reasons and rationale that DOE has already articulated to support the previous DACA, MEUS, Sanyo, and Fujitsu waivers for multi-split, multi-zoned air conditioners also apply to the DACA VRV–WII products. Therefore, DOE should conclude that the design characteristics of DACA's VRV–WII product class prevent testing of the basic VRV–WII model according to the prescribed test procedures.

Specific Testing Requirements Sought To Be Waived

The test procedures from which DACA is requesting a waiver are in ISO Standard 13256–1 (1998), which is applicable to water-source small commercial packaged air conditioning and heating equipment with a capacity of <135,000 Btu/hr, and which is referenced in Table 1 of 10 CFR § 431.96, and is made applicable to DACA's commercial water source VRV–WII products in 10 CFR § 431.96(a).

Detailed Discussion of Need for Requested Waiver

Although the capacity of DACA's VRV–WII commercial air conditioning product class are within the scope of ISO Standard 13256–1 (1998), the design characteristics of the VRV–WII product class prevent testing of the basic model according to the prescribed test procedures. The testing procedures outlined in these two ARI standards do not provide for:

- The testing of multi-split products when all connected indoor units physically cannot be located in a single room.
- The operation of indoor units at several different static pressure ratings during a single test.
- The precise number of part load tests that ISO Standard 13256–1 (1998) requires for fully or infinitely variable speed products.

DACA especially requires the requested waiver because ISO Standard 13256–1 (1998) provides no direction or guidance about how to test systems with millions of combinations of indoor units configurable to a single outdoor unit.

A further reason that DACA needs the requested waiver is that ISO Standard 13256–1 (1998) does not provide a test method to measure part load performance of a system operating in simultaneous cooling and heating modes (i.e., performing both heating and cooling functions at the same time).

Yet another problem that prevents testing of the VRV–WII product class under these two ARI standards, and another major reason why DACA requires the requested waiver, is the wide variety of indoor unit static pressure ratings available with these and other multi-split products. Testing facilities cannot effectively control multiple indoor static pressures as would be required to test many of the indoor unit combinations available. To accomplish such testing, a testing lab would be required to use a large number of test rooms simultaneously, and each test room would have to be networked into the data recording instrumentation. Also, extensive piping configurations would need to be routed throughout the various test rooms. This process would be extraordinarily expensive, and the logistical challenges presented by the testing might be insurmountable.

Manufacturers of Other Basic Models Incorporating Similar Design Characteristics

DACA is aware of the following manufacturers that produce basic models incorporating similar design characteristics to the VRV–WII in the United States market:

- Sanyo Fisher (USA) Corp.
- Mitsubishi Electric & Electronics USA, Inc.

Alternative Test Procedures

There are no alternative test procedures available within the United States to provide a means to test and to rate the performance of such variable speed, multi-split, multi-zone product types. A draft ISO standard (ISO CD 15042 Multi-Split Systems) is nearing completion and will soon be distributed as a Draft International Ballot for comments. The actual final completion date of this ISO standard is unknown. The Engineering Committee of ARI's Ductless Section is also evaluating possible methods to provide testing and rating of such systems, but the ARI Ductless Section has not developed a test method for this category of equipment as of this date.

Application for Interim Waiver

DACA also hereby applies pursuant to 10 CFR § 431.401(a)(2) for an interim waiver of the applicable test procedure requirements for the VRV–WII product class models listed

[2] DOE granted DACA an interim waiver for its VRV and VRV–S product lines in a letter dated August 14, 2006. DOE has not yet published notice of this interim waiver issuance in the **Federal Register**. DOE granted MEUS a waiver for its CITY MULTI VRFZ class of products. 69 FR 52660 (August 27, 2004).

above. The basis for DACA's Application for Interim Waiver follows.

DACA is likely to succeed in its Petition for Waiver because there is no reasonable argument that ISO Standard 13256–1 (1998) can be accurately applied to DACA's VRV–WII product class. As explained above in the DACA's Petition for Waiver, the design characteristics of the VRV–WII product class clearly prevent testing of the basic model according to the prescribed test procedures. The likelihood of DOE approving DACA's Petition for Waiver is buttressed by the DOE's history of approving previous waiver requests from DACA and from several other manufacturers for other products that are similar to the VRV–WII product class, based on the same rationale put forth by DACA in this Petition for Waiver. See preceding discussion of waivers granted by DOE to MEUS, Fujitsu General, and Sanyo Fisher (USA) Corp.

Additionally, DACA is likely to suffer economic hardship and competitive disadvantage if DOE does not grant its interim waiver request. DACA is now preparing to introduce its VRV–WII product class in a matter of months. If we must wait for completion of the normal waiver consideration and issuance process, DACA will be forced to delay the opportunity to begin recouping through product sales its research, development and production costs associated with the VRV–WII product class. In addition to these economic hardship costs, DACA will lose market share to MEUS, especially if DOE grants MEUS' pending interim waiver application for its CITY MULTI WR2 and WY product classes, which will compete directly with DACA's VRV–WII product class.

DOE approval of DACA's interim waiver application is also supported by sound public policy reasons. As DOE stated in its August 14, 2006 approval of DACA's interim waiver for the VRV and VRV-S product classes:

[I]n those instances where the likely success of the Petition for Waiver has been demonstrated, based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

The VRV–WII product class will provide superior comfort to the end user, will allow for independent zoning of facilities from a single outdoor unit, and will incorporate state of the art technology such as variable speed compressors utilizing neodymium magnets to increase efficiency and electronic control of compressor speed, fan speed and even metering device opening positions. The VRV–WII product class will introduce technologies that will increase system efficiency and reduce national energy consumption, and that will also offer a new level of comfort and control to end users.

DACA requests that DOE grant our Application for Interim Waiver so we can bring the new highly energy efficient technology represented by the VRV–WII product class to the market as soon as possible, thereby allowing the U.S. consumer to benefit from our high technology and high efficiency product, and from competition for other manufacturers who may have already received waivers.

Confidential Information

DACA makes no request to DOE for confidential treatment of any information contained in this Petition for Waiver and Application for Interim Waiver.

• Conclusion

Daikin AC (Americas), Inc. Corporation respectfully requests DOE to grant its Petition for Waiver of the applicable test procedure to DACA for the VRV–WII product design, and to grant its Application for Interim Waiver. DOE's failure to issue an interim waiver from test standards would cause significant economic hardship to DACA by preventing DACA from marketing these products even though DOE has previously granted a waiver to other products currently being offered in the market with similar design characteristics.

We would be pleased to respond to any questions you may have regarding this Petition for Waiver and Application for Interim Waiver. Please contact Russell Tavolacci, Director of Product Marketing at 972–245–1510 or by email at *Russell.tavolacci@daikinac.com.*

Sincerely,

Yoshinobu Inoue

President, Daikin AC (Americas), Inc.

1645 Wallace Drive, Suite 110, Carrollton, Texas 75006

[FR Doc. E7–25650 Filed 1–4–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 28, 2007.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC08–26–000; EL08–21–000; EG08–26–000.

Applicants: NorthWestern Corporation, Colstrip Lease Holdings, LLC

Description: NorthWestern Corp and Colstrip Lease Holdings, LLC submit an application for authorization to transfer interest in 740 MW Colstrip Generating Unit.

Filed Date: 12/19/2007.

Accession Number: 20071221–0197.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 9, 2008.

Docket Numbers: EC08–27–000.

Applicants: Iberdrola Renovables, S.A., PPM Energy, Inc.; PPM Wind Energy LLC, Aeolus Wind Power IV LLC, Atlantic Renewable Energy Corporation; Casselman Windpower, LLC.

Description: Joint application of Iberdrola Renovables, SA *et al.* for indirect disposition of jurisdictional facilities owned by Casselman Windpower LLC .

Filed Date: 12/21/2007.

Accession Number: 20071228–0119.

Comment Date: 5 p.m. Eastern Time on Friday, January 11, 2008.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG08–27–000.

Applicants: Rail Splitter Wind Farm, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Rail Splitter Wind Farm, LLC.

Filed Date: 12/21/2007.

Accession Number: 20071221–5046.

Comment Date: 5 p.m. Eastern Time on Friday, January 11, 2008.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER06–615–016; ER08–367–000.

Applicants: California Independent System Operator Corporation

Description: California Independent System Operator Corp's filing of Fourth Replacement Version of FERC Electric Tariff.

Filed Date: 12/21/2007.

Accession Number: 20071227–0159.

Comment Date: 5 p.m. Eastern Time on Friday, January 11, 2008.

Docket Numbers: ER07–1192–000.

Applicants: Wisconsin Electric Power Company.

Description: Paper Hearing Reply Comments of Wisconsin Public Power Inc.

Filed Date: 12/20/2007.

Accession Number: 20071220–5092.

Comment Date: 5 p.m. Eastern Time on Thursday, January 10, 2008.

Docket Numbers: ER08–352–000.

Applicants: The Midwest Independent Transmission System Operator, Inc.

Description: The Midwest Independent Transmission System Operator, Inc submits an unexecuted Amended and Restated Large Generator and Interconnection Agreement with Tatanka Wind Power, LLC.

Filed Date: 12/21/2007.

Accession Number: 20071227–0040.

Comment Date: 5 p.m. Eastern Time on Friday, January 11, 2008.

Docket Numbers: ER08–353–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison submits Substitute Eighth Revised Sheet No. 67 to FERC Electric Tariff, Second Revised Volume No. 6 effective 1/1/08.