

publishes or revises a list of facilities covered under the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended ("EEOICPA" or "Act"). This notice revises the previous lists because (1) Some designated atomic weapons employers (AWE) should not have been so designated; (2) one listed facility's name has changed; and (3) one university was incorrectly designated as a covered facility rather than the laboratory operated by the university. Previous lists or revisions were published on June 28, 2007, November 30, 2005, August 23, 2004, July 21, 2003, December 27, 2002, June 11, 2001, and January 17, 2001.

FOR FURTHER INFORMATION CONTACT: Patricia R. Worthington, PhD, Director, Office of Health and Safety (HS-10), (301) 903-5926.

ADDRESSES: The Department welcomes comments on this notice. Comments should be addressed to: Patricia R. Worthington, PhD, Director, Office of Health and Safety (HS-10), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

SUPPLEMENTARY INFORMATION:

Purpose

The Act establishes a program to provide compensation to certain employees who develop illnesses as a result of their employment with DOE, its predecessor Agencies, certain of its contractors and subcontractors and listed beryllium vendors. Section 3621 of the Act (codified at 42 U.S.C. 73841) defines an AWE as "an entity, other than the United States, that—(A) processed or produced, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; and (B) is designated by the Secretary of Energy as an [AWE] for the purposes of the compensation program." Section 3621 defines an AWE facility as "a facility, owned by an [AWE], that is or was used to process or produce, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining or milling." The Act defines a DOE facility, in pertinent part, as "any building, structure, or premise, including the grounds upon which such building, structure, or premise is located—(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy * * *; and (B) with regard to which the Department of Energy has or had—(i) a proprietary

interest; or (ii) entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services."

It has recently come to the attention of the Department that (1) Certain entities were previously mistakenly designated as AWEs because the designated entities were Agencies of the U.S. Government and the statutory definition of an AWE excludes the United States; (2) one listed facility has changed its name; and (3) one university was incorrectly designated as a covered facility rather than the laboratory operated by the university.

This notice formally makes the following changes to the list:

- Albany Research Center in Albany, Oregon, is no longer designated as an AWE, but will keep its designation as a DOE facility;
- General Electric in Cincinnati/Evandale, Ohio, is no longer designated as an AWE, but will keep its designation as a DOE and beryllium (Be) facility;
- Granite City Steel in Granite City, Illinois, will now be listed as General Steel Industries (also known as Granite City Steel) because the facility was named General City Steel for the majority of the covered period;
- The University of California in Berkeley, California, is no longer designated as a covered facility (AWE nor DOE). The University of California is the management and operating contractor for Lawrence Berkeley National Laboratory (LBNL) and any University of California facilities that may have been used for weapons development are now covered under the LBNL facility.

Issued in Washington, DC, on March 31, 2009.

Glenn S. Podonsky,

*Chief Health, Safety and Security Officer,
Office of Health, Safety and Security.*

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BILLING CODE 6450-01-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 Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. 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, May 6, 2009, 6 p.m.

ADDRESSES: Ruud Community Center, 150 North Highway 160, Pahrump, Nevada 89048.

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 in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Presentation: Community Advisory Board Road Show.
2. Sandia National Laboratory Presentation: Waste Transportation Study.
3. Sub-Committee Reports.
 - A. Outreach/Environmental Management Public Information Review Effort Committee.
 - B. Transportation/Waste Committee.
 - C. Underground Test Area Committee.

Public Participation: The EM SSAB, Nevada Test Site, welcomes the attendance of the public at its advisory committee 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 Board 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 comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing to Denise Rupp at the address listed above or at the following Web site: <http://www.ntscab.com/MeetingMinutes.htm>.

Issued at Washington, DC on April 6, 2009.

LaTanya Butler,

Acting Deputy Committee Management Officer.

[FR Doc. E9-8100 Filed 4-8-09; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. CAC-017]

Energy Conservation Program for Commercial Equipment: Decision and Order Granting a Waiver to Sanyo Fisher Company From the Department of Energy Commercial Package Air Conditioner and Heat Pump Test Procedure and Denying a Waiver From the Residential Central Air Conditioner and Heat Pump Test Procedure

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

ACTION: Decision and Order.

SUMMARY: This notice publishes the Department of Energy's Decision and Order in Case No. CAC-017, which grants a waiver to Sanyo Fisher Company (Sanyo) from the existing Department of Energy (DOE) commercial package air conditioner and heat pump test procedure. The waiver is specific to the Sanyo Variable Refrigerant Flow (VRF) ECO-i multi-split heat pumps and heat recovery systems. As a condition of this waiver, Sanyo must test and rate its ECO-i VRF multi-split products according to the alternate test procedure set forth in this notice. DOE is denying as moot Sanyo's request for a waiver from the residential central air conditioner and heat pump test procedures, because those test procedures, as amended and currently effective, can be used to test Sanyo's ECO-i VRF multi-split residential products.

DATES: This Decision and Order is effective April 9, 2009 and will remain in effect until the effective date of a DOE final rule prescribing amended test procedures appropriate for the model series of Sanyo ECO-i VRF multi-split central air conditioners and heat pumps covered by this waiver.

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: AS_Waiver_Requests@ee.doe.gov.

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

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 431.401(f)(4), DOE gives notice of the issuance of its Decision and Order as set forth below. In this Decision and Order, DOE grants Sanyo a waiver from the existing DOE commercial package air conditioner and heat pump test procedures¹ for its VRF multi-split products, subject to a condition requiring Sanyo to test and rate its VRF multi-split products pursuant to the alternate test procedure provided in this notice. Further, today's Decision and Order requires that Sanyo may not make any representations concerning the energy efficiency of these products unless such product has been tested in accordance with the DOE test procedure, consistent with the provisions and restrictions of the alternate test procedure set forth in the Decision and Order below, and unless such representations fairly disclose the results of such testing.² 42 U.S.C. 6314(d).

DOE is denying as moot Sanyo's request for a waiver from the DOE residential central air conditioner and heat pump test procedures for its VRF multi-split products. As amended, the applicable DOE test procedure for these residential products will allow Sanyo to test and rate its residential VRF multi-split products.

Issued in Washington, DC, on March 30, 2009.

Steven G. Chalk,

Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order

In the Matter of: Sanyo Fisher Company (Sanyo) (Case No. CAC-017).

Background

Title III of the Energy Policy and Conservation Act (EPCA) sets forth a variety of provisions concerning energy

¹ For commercial products, the applicable test procedure is the Air-Conditioning and Refrigeration Institute (ARI) Standard 340/360-2004, "Performance Rating of Commercial and Industrial Unitary Air-Conditioning and Heat Pump Equipment" (incorporated by reference at 10 CFR 431.95(b)(2)).

² Consistent with the statute, distributors, retailers, and private labelers are held to the same standard when making representations regarding the energy efficiency of these products. 42 U.S.C. 6293(c).

efficiency, including Part A³ of Title III which establishes the "Energy Conservation Program for Consumer Products Other Than Automobiles." 42 U.S.C. 6291-6309. Similar to the program in Part A, Part A-1⁴ of Title III provides for an energy efficiency program titled, "Certain Industrial Equipment," which includes commercial air conditioning equipment, package boilers, water heaters, and other types of commercial equipment. 42 U.S.C. 6311-6317.

Today's notice involves residential products under Part A, as well as commercial equipment under Part A-1. Under both parts, the statute specifically includes definitions, test procedures, labeling provisions, energy conservation standards, and provides the Secretary of Energy (the Secretary) with the authority to require information and reports from manufacturers. 42 U.S.C. 6291-6309; 42 U.S.C. 6311-6317. With respect to test procedures, both parts generally authorize 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. 6293(b)(3), 6314(a)(2).

Relevant to the current Petition for Waiver, the test procedure for residential central air conditioning and heat pump products is set forth in 10 CFR Part 430, subpart B, Appendix M. On October 22, 2007, DOE amended the test procedures for residential central air conditioners and central air conditioning heat pumps. 72 FR 59906 (October 22, 2007). That final rule, which became effective on April 21, 2008, addressed issues that led to the requesting and granting of test procedure waivers for several models of residential multi-split systems. All waivers concerning residential modulating multi-split systems terminated on the effective date of that final rule. These amendments to the DOE test procedures, which are now incorporated in 10 CFR Part 430, subpart B, Appendix M, allow Sanyo to effectively test its ECO-i VRF residential multi-split air conditioners and heat pumps. Therefore, a waiver is no longer necessary for Sanyo's ECO-i VRF residential multi-split air conditioners and heat pumps. Accordingly, the following discussion will focus only on Sanyo's commercial ECO-i VRF multi-split products, for

³ Part B of Title III of EPCA was redesignated Part A in the United States Code for editorial reasons.

⁴ Part C of Title III of EPCA was redesignated Part A-1 in the United States Code for editorial reasons.