

(Heater Watts at 85% RH) + A10 \*  
(Heater Watts at 95% RH)

Samsung requests that DOE prescribe an alternate test procedure, whereby the test procedure were modified to calculate the energy of the unit by testing the unit with the anti-sweat heaters in the "on" position as equal to the energy of the unit tested with the anti-sweat heaters in the "off" position plus the Anti-Sweat Heater Power times 1.3, similar to those prescribed within waivers granted to GE<sup>3</sup> and Whirlpool<sup>4</sup>, to allow Samsung to accurately evaluate the energy consumption for the following Samsung refrigerator-freezer models:

RB19\*AC\*\*  
RB21\*AC\*\*  
RF19\*AC\*\*  
RF21\*AC\*\*  
RF26\*AF\*\*  
RFG23\*AC\*\*  
RFG29\*AC\*\*  
RFM28\*AA\*\*

### Conclusion

On the grounds that current test methods for refrigerator-freezers will result in inaccurate evaluation of energy consumption, Samsung requests that, until a final rule prescribing a test method for adaptive anti-sweat heater technologies, a waiver is granted for Samsung refrigerator-freezer models which utilize adaptive anti-sweat heater technologies. By granting Samsung the requested waiver and interim waiver, DOE will ensure that advancements in technologies are not hindered by regulations, and that similar products are tested in similar manners.

### Affected Persons

Primarily affected persons in the refrigerator-freezer category include BSH Home Appliances Corp. (Bosch-Siemens Hausgerate GmbH), Electrolux Home Products, Equator, Fisher & Paykel Appliances Inc., GE Appliances, Gorenje USA, Haier America Trading, L.L.C., Heartland Appliances, Inc., Kelon Electrical Holdings Co., Ltd., Liebherr Hausgerate, LG Electronics Inc., Northland Corporation, Sanyo Fisher Company, Sears, Sub-Zero Freezer Company, ULine, Viking Range, W. C. Wood Company, and Whirlpool Corporation. The Association of Home Appliance Manufacturers is also generally interested in energy efficiency requirements for appliances, including refrigerator-freezers. Samsung will notify all these entities as required by the Department's rules and provide them with a version of this Petition.

Sincerely,  
Michael Moss  
Senior Manager

[FR Doc. E9-29778 Filed 12-14-09; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

[Case No. RF-010]

### Energy Conservation Program for Consumer Products: Notice of Petition for Waiver of Electrolux Home Products, Inc. From the Department of Energy Residential Refrigerator and Refrigerator-Freezer Test Procedure, and Modification of Interim Waiver

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

**ACTION:** Notice of petition for waiver, notice of modification of interim waiver, and request for comments.

**SUMMARY:** This notice announces receipt of and publishes the Electrolux Home Products, Inc. (Electrolux) Petition for Waiver (hereafter, "Petition") from parts of the U.S. Department of Energy (DOE) test procedure for determining the energy consumption of electric refrigerators and refrigerator-freezers. Today's notice also modifies an interim waiver of the test procedures applicable to residential refrigerator-freezers by extending it to additional Electrolux basic models. Through this document, DOE is soliciting comments with respect to the Electrolux Petition.

**DATES:** DOE will accept comments, data, and information with respect to the Electrolux Petition until, but no later than January 14, 2010.

**ADDRESSES:** You may submit comments, identified by case number "RF-010," by any of the following methods:

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

- *E-mail:* [AS\\_Waiver\\_Requests@ee.doe.gov](mailto:AS_Waiver_Requests@ee.doe.gov). Include either the case number [Case No. RF-010], and/or "Electrolux Petition" in the subject line of the message.

- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J/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, 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. 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: Ms. Sheila A. Millar, Keller and Heckman, LLP, 1001 G Street, NW., Washington, DC 20001. *Telephone:* (202) 434-4100.

*E-mail:* [millar@khlaw.com](mailto:millar@khlaw.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 to DOE: 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 background documents relevant to this matter, you may visit the U.S. Department of Energy, 950 L'Enfant Plaza, SW, (Resource Room of the Building Technologies Program), 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 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](mailto:Michael.Raymond@ee.doe.gov).

Ms. Francine Pinto or Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC-71, Forrestal Building, 1000

<sup>3</sup> 73 FR 10425

<sup>4</sup> 74 FR 20695

Independence Avenue, SW.,  
Washington, DC 20585-0103.  
Telephone: (202) 586-8145. E-mail:  
Francine.Pinto@hq.doe.gov or  
Michael.Kido@hq.doe.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On November 6, 2008, Electrolux filed a Petition for Waiver and Application for Interim Waiver from the test procedure applicable to residential electric refrigerators and refrigerator-freezers set forth in 10 CFR Part 430, subpart B, appendix A1. The products covered by the petition employ adaptive anti-sweat heaters, which detect and respond to temperature and humidity

conditions, and then activate adaptive heaters as needed to evaporate excess moisture. DOE granted Electrolux's Application for Interim Waiver on March 3, 2009. On June 4, 2009, DOE published Electrolux's Petition for Waiver for residential refrigerator-freezers with adaptive anti-sweat heaters in the **Federal Register**. 74 FR 26853. Following a March 24, 2009, request from Electrolux, the June 4, 2009, **Federal Register** notice also expanded the Interim Waiver to cover four additional models.

##### II. Petition for Waiver of Test Procedure and Modified Interim Waiver

On July 13, 2009, Electrolux informed DOE that after it filed its Petition for

Waiver in November 2008, it developed additional basic models with adaptive anti-sweat heater technology. Electrolux asserted that these new products are identical in function and operation to the basic models listed in Electrolux's November 2008 petition with respect to the properties that made those products eligible for a waiver. Therefore, Electrolux requested that DOE add these models to the list of basic models for which the interim waiver was granted. In addition, Electrolux requested that DOE grant a new Waiver for these additional basic models. The following additional products are covered by the July 2009 waiver request:

EI28BS36IW  
EI28BS51IS  
EI23BC51IB  
E23BC78IPS  
FGHB2846LM  
FGHB2869LP  
FGHN2879LF

EI28BS36IB  
EI23BC36IW  
EI23BC51IS  
FGHB2844LP  
FGHN2844LP  
FGHB2869LE  
FPHB2899LF

EI28BS36IS  
EI23BC36IB  
E23BC58JSS  
FGHB2844LE  
FGHN2844LE  
FGHB2879LF  
FPHN2899LF

EI28BS51IW  
EI23BC36IS  
E23BC58JPS  
FGHB2844LM  
FGHN2844LM  
FGHN2869LP

EI28BS51IB  
EI23BC51IW  
E23BC78ISS  
FGHB2844LF  
FGHN2844LF  
FGHN2869LE

DOE notes that Electrolux's July 2009 petition to extend its Interim Waiver and Petition for Waiver also contains an alternate test procedure that addresses the treatment of products equipped with adaptive anti-sweat heaters. The alternate test procedure submitted in the July 2009 petition is identical to the one contained in Electrolux's November 6, 2008 Petition. Accordingly, for the same reasons cited in its grant of the November 2008 interim waiver request—i.e. similarity between the type of products covered by the Electrolux petitions and the type addressed in a waiver previously granted to General Electric Company—DOE is extending that interim waiver to cover the new products addressed in Electrolux's July 2009 petition. *See also* 74 FR 26854 (citing 72 FR 10425 (Feb. 27, 2008)).

##### III. Alternate Test Procedure

During the duration of the interim waiver, Electrolux shall be required to test the products listed above according to the test procedures for electric refrigerator-freezers prescribed by DOE at 10 CFR Part 430, Appendix A1, except that, for the Electrolux products listed above only:

(A) The following definition is added at the end of Section 1:

1.13 “Variable anti-sweat heater control” means an anti-sweat heater where power supplied to the device is determined by an operating condition variable(s) and/or ambient condition variable(s).

(B) Section 2.2 is revised to read as follows:

2.2 *Operational conditions.* The electric refrigerator or electric refrigerator-freezer shall be installed and its operating conditions maintained in 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 one 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 “on” test will be the result of 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 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.

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

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 from 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

##### IV. Summary and Request for Comments

The Department has reviewed Electrolux's Petition and its request to extend its Interim Waiver to additional models. The list of additional models does not reflect any changes to the models listed in Electrolux's November

2008 Petition with respect to the properties making them eligible for a waiver, which involved the accuracy of the test procedure as applied to this new technology. Given that the modified list does not change in any way the basis for granting the interim waiver, DOE finds that it is appropriate that the Interim Waiver granted on March 3 and extended on June 4, 2009, apply to the additional models listed in this Petition. Accordingly, DOE extends these prior grants of Interim Waivers to the models listed in this Petition.

Through today's notice, DOE announces receipt of Electrolux's Petition for Waiver from certain parts of the test procedure that apply to additional basic models of refrigerators and refrigerator-freezers with variable anti-sweat heater controls and adaptive heaters manufactured by Electrolux. DOE is publishing Electrolux's Petition for Waiver in its entirety pursuant to 10 CFR 430.27(b)(1)(iv). The Petition contains no confidential information. The Petition includes a suggested alternate test procedure and calculation methodology to determine the energy consumption of Electrolux's specified refrigerators and refrigerator-freezers with adaptive anti-sweat heaters. DOE is interested in receiving comments from interested parties on all aspects of the Petition, including the suggested alternate test procedure and calculation methodology. Pursuant to 10 CFR 430.27(b)(1)(iv), any person submitting written comments to DOE 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 8, 2009.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

#### **Writer's Direct Access**

**Sheila A. Millar**

(202) 434-4143

*millar@khlaw.com*

July 13, 2009

#### **Via Overnight Delivery**

The Honorable Catherine Zoi

Assistant Secretary

Office of Energy Efficiency and Renewable Energy

U.S. Department of Energy

Mail Station EE-10

Forrestal Building

1000 Independence Avenue, SW

Washington, DC 20585-0121

### **Re: Petition for Waiver and Application for Interim Waiver from the Department of Energy Residential Refrigerator and Refrigerator-Freezer Test Procedures by Electrolux Home Products, Inc.**

Dear Secretary Zoi:

On behalf of our client, Electrolux Home Products, Inc. ("Electrolux"), we respectfully submit this Petition for Waiver and Application for Interim Waiver requesting exemption by the Department of Energy from certain parts of the test procedure for determining refrigerator-freezer energy consumption under 10 C.F.R. § 430.27. The requested waiver will allow Electrolux to test its refrigerator-freezer to the amended procedure set out by this petition.

**This petition for waiver contains no confidential business information and may be released pursuant to Freedom of Information Act requests.**

#### **I. Petition for Waiver**

Electrolux seeks the Department's approval of this proposed amendment to the refrigerator test procedure to be assured of properly calculating the energy consumption and properly labeling its new refrigerator. On February 27, 2008 and May 5, 2009, the Department granted Petitions for Waiver filed respectively by General Electric Corporation ("GE") and Whirlpool Corporation ("Whirlpool") to establish a new methodology to calculate the energy consumption of a refrigerator-freezer when such a product contains adaptive anti-sweat heaters.<sup>1</sup>

Electrolux has developed its own adaptive anti-sweat system that uses a humidity sensor to operate the anti-sweat heaters. On November 6, 2008, Electrolux filed a Petition for Waiver and Application for Interim Waiver from the test procedure applicable to residential electric refrigerators and refrigerator-freezers. Having determined that Electrolux is seeking a waiver similar to the one granted to GE, and that the Electrolux Petition is likely to be granted, the Department on March 3, 2009, granted Electrolux an Interim Waiver, which was expanded on June 4, 2009, to cover four additional models.<sup>2</sup>

<sup>1</sup> *Decision and Order Granting a Waiver to the General Electric Company From the Department of Energy Residential Refrigerator and Refrigerator-Freezer Test Procedure (Case No. RF-007)*, 73 Fed. Reg. 10,425; *Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver to Whirlpool Corporation From the Department of Energy Residential Refrigerator and Refrigerator-Freezer Test Procedure*, 74 Fed. Reg. 20,695.

<sup>2</sup> See *Publication of the Petition for Waiver and Notice of Granting the Application for Interim Waiver of Electrolux From the Department of*

Department regulations make clear that once a waiver has been granted, the Department must take steps to incorporate the new procedure and eliminate the need for continuing waivers:

Within one year of the granting of any waiver, the Department of Energy will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. As soon thereafter as practicable, the Department of Energy will publish in the **Federal Register** a final rule. Such waiver will terminate on the effective date of such final rule.<sup>3</sup>

In the interim, however, Electrolux is developing and planning to shortly introduce into the marketplace new models that use the identical adaptive anti-sweat system addressed by the March 3, 2009 Interim Waiver.

Accordingly, Electrolux is filing this Petition for Waiver and Application for Interim Waiver to address these new models.

The Department's regulations provide that the Assistant Secretary will grant a petition for waiver upon "determination that the basic model for which the waiver was requested contains a design characteristic which either prevents testing of the basic model according to the prescribed test procedures, or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data."<sup>4</sup>

Electrolux respectfully submits that sufficient grounds exist for the Assistant Secretary to grant this Petition on both points. First, the refrigerator energy test procedure does not allow the energy used by Electrolux's new refrigerator to be accurately calculated. The new refrigerator contains adaptive anti-sweat heaters (*i.e.*, anti-sweat heaters that respond to humidity conditions found in consumers' homes). Since the test conditions specified by the test procedure neither define required humidity conditions nor otherwise take ambient humidity conditions into account in calculating energy consumption, the adaptive feature of Electrolux's new refrigerator models cannot be properly tested.

Second, testing Electrolux's new refrigerator models according to the test procedure would provide results that do

*Energy Residential Refrigerator and Refrigerator-Freezer Test Procedures*, 74 Fed. Reg. 26,853 (June 4, 2009).

<sup>3</sup> 10 CFR § 430.27(m).

<sup>4</sup> 10 CFR § 430.27(l).

not accurately measure the energy used by the new refrigerator.

#### A. The Refrigerator Energy Test Procedure

The test procedure for calculating energy consumption specifies that the test chamber must be maintained at 90° Fahrenheit ("F").<sup>5</sup> This ambient temperature is not typical of conditions in most consumers' homes. Rather, it is intended to simulate the heat load of a refrigerator in a 70 °F ambient with typical usage by the consumer. But the test procedure does not specify test chamber humidity conditions. Sweat occurs on refrigerators when specific areas on the unit are below the local dew point. Higher relative humidity levels result in an increase of the dew

point. Sweat has been addressed by installing anti-sweat heaters on mullions and other locations where sweat accumulates. Previous anti-sweat heaters operated at a fixed amount of power, and turned on or off regardless of the humidity or amount of sweat on the unit.

#### B. Electrolux's Proposed Modifications

The circumstances of this petition are similar to those in the Department's earlier decisions granting waiver petitions, including the 2001 waiver granted in *In the Matter of Electrolux Home Appliances*.<sup>6</sup> The test procedure at issue in Electrolux's 2001 waiver request was originally developed when simple mechanical defrost timers were the norm. Accordingly, Electrolux

sought a test procedure waiver to accommodate its advanced defrost timer. The Assistant Secretary, in granting the waiver, acknowledged the role of technology advances in evaluating the need for test procedure waivers. With this current petition, Electrolux again seeks to change how it tests its new models to take into account advances in sensing technology, *i.e.*, sensors that detect temperature and humidity conditions and interact with controls to vary the effective wattage of anti-sweat heaters to evaporate excess sweat.

The Electrolux models, with the anti-sweat technology, subject to this Petition are:

|            |            |            |            |            |
|------------|------------|------------|------------|------------|
| EI28BS36IW | EI28BS36IB | EI28BS36IS | EI28BS51IW | EI28BS51IB |
| EI28BS51IS | EI23BC36IW | EI23BC36IB | EI23BC36IS | EI23BC51IW |
| EI23BC51IB | EI23BC51IS | E23BC58JSS | E23BC58JPS | E23BC78ISS |
| E23BC78IPS | FGHB2844LP | FGHB2844LE | FGHB2844LM | FGHB2844LF |
| FGHB2846LM | FGHN2844LP | FGHN2844LE | FGHN2844LM | FGHN2844LF |
| FGHB2869LP | FGHB2869LE | FGHB2879LF | FGHN2869LP | FGHN2869LE |
| FGHN2879LF | FPHB2899LF | FPHN2899LF |            |            |

As with the models covered by the prior petition, Electrolux proposes to run the energy-consumption test with the anti-sweat heater switch in the "off" position and then, because the test chamber is not humidity-controlled, to add to that result the kilowatt hours per day derived by calculating the energy used when the anti-sweat heater is in the "on" position. This contribution will be calculated by the same method that was proposed by GE and Whirlpool

in their Petitions for Waiver.<sup>7</sup> The objective of the proposed approach is to simulate the average energy used by the adaptive anti-sweat heaters as activated in typical consumer households across the United States.

In formulating its Petition, GE conducted research to determine the average humidity level experienced across the United States. The result of this research was that GE was able to determine the probability that any U.S.

household would experience certain humidity conditions during any month of the year. This data was consolidated into 10 bands each representing a 10% range of relative humidity. In submitting this Petition, Electrolux is confirming the validity of using such bands to represent the average humidity experienced across the United States and will adopt the same population weighting as proposed by GE. The bands proposed by GE are as follows:

|          | % Relative humidity | Probability (percent) | Constant designation |
|----------|---------------------|-----------------------|----------------------|
| 1 .....  | 0–10                | 3.4                   | A1                   |
| 2 .....  | 10–20               | 21.1                  | A2                   |
| 3 .....  | 20–30               | 20.4                  | A3                   |
| 4 .....  | 30–40               | 16.6                  | A4                   |
| 5 .....  | 40–50               | 12.6                  | A5                   |
| 6 .....  | 50–60               | 11.9                  | A6                   |
| 7 .....  | 60–70               | 6.9                   | A7                   |
| 8 .....  | 70–80               | 4.7                   | A8                   |
| 9 .....  | 80–90               | 0.8                   | A9                   |
| 10 ..... | 90–100              | 1.5                   | A10                  |

Since system losses are involved with operating anti-sweat heaters, Electrolux proposes to include in the calculation a factor to account for such energy. This additional energy includes the electrical energy required to operate the anti-sweat heater control and related

components, and the additional energy required to increase compressor run time to remove heat introduced into the refrigerator compartments by the anti-sweat heater. Based on Electrolux's experience, this "System-loss Factor" is 1.3. Simply stated, the Correction Factor

that Electrolux proposes to add to the energy-consumption test results obtained with the anti-sweat heater switch in the "off" position is calculated as follows:

<sup>5</sup> 10 CFR Part 430, Subpart B, App. A1.

<sup>6</sup> *Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Electrolux Home Products from the DOE Refrigerator and Refrigerator-Freezer Test*

*Procedure (Case No. RF-005)*, 66 Fed. Reg. 40,689 (Aug. 3, 2001).

<sup>7</sup> *Publication of the Petition for Waiver of General Electric Company From the Department of Energy Refrigerator and Refrigerator/Freezer Test*

*Procedures*, 72 Fed. Reg. 19,189 (Apr. 17, 2007); *Publication of the Petition for Waiver of Whirlpool Corporation From the Department of Energy Refrigerator and Refrigerator/Freezer Test Procedures*, 73 Fed. Reg. 39,684 (July 10, 2008).

**Correction Factor = (Anti-sweat Heater Power × System-loss Factor) × (24 hours/1 day) × (1 kW/1000 W)**

Continue by calculating the national average power in watts used by the anti-sweat heaters. This is done by totaling the product of constants A1–A10 multiplied by the respective heater watts used by a refrigerator operating in the median percent relative humidity for that band and the following standard refrigerator conditions:

- ambient temperature of 72 °F;
- fresh food (FF) average temperature of 45 °F; and
- freezer (FZ) average temperature of 5 °F.

Anti-sweat Heater Power = A1 \* (Heater Watts at 5% RH) + A2 \* (Heater Watts at 15% RH) + A3 \* (Heater Watts at 25% RH) + A4 \* (Heater Watts at 35% RH) + A5 \* (Heater Watts at 45% RH) + A6 \* (Heater Watts at 55% RH) + A7 \* (Heater Watts at 65% RH) + A8 \* (Heater Watts at 75% RH) + A9 \* (Heater Watts at 85% RH) + A10 \* (Heater Watts at 95% RH)

As explained above, bands A1–A10 were selected as representative of humidity conditions in all U.S. households. Utilizing such weighed bands will allow the calculation of the national average energy consumption for each product.

Based on the above, Electrolux proposes to test its new models as if the test procedure were modified to calculate the energy of the unit with the anti-sweat heaters in the on position as equal to the energy of the unit tested with the anti-sweat heaters in the off position plus the Anti-Sweat Heater Power times the System Loss Factor (expressed in KWH/YR).

## II. Application for Interim Waiver

Pursuant to Department regulations, the Assistant Secretary will grant an Interim Waiver “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.”<sup>8</sup>

Although Electrolux would not experience economic hardship without a waiver of the test procedures—indeed, the alternate test procedure imposes an energy penalty—the DOE letter granting the Electrolux Interim Waiver recognized that:

\* \* \* public policy would favor granting Electrolux an Interim Waiver, pending determination of the Petition for Waiver. On February 27, 2008, DOE granted the General Electric Company (“GE”) a waiver from the refrigerator-freezer test procedure because it takes neither ambient humidity nor adaptive technology into account. 73 FR 10425. The test procedure would not accurately represent the energy consumption of refrigerator-freezers containing relative humidity sensors and adaptive control anti-sweat heaters. This argument is equally applicable to Electrolux, which has products containing similar relative humidity sensors and anti-sweat heaters. Electrolux is seeking a very similar waiver to the one DOE granted to GE, with the same alternate test procedure, and it is very likely Electrolux’s Petition for Waiver will be granted.

As Electrolux noted in its November 6, 2008, Petition for Waiver and Application for Interim Waiver, the Company could have designed its adaptive anti-sweat system so that the anti-sweat heaters showed no impact during energy testing. However, like GE and Whirlpool Corporation, Electrolux is following the intent of the regulations to more accurately represent the energy consumed by the new refrigerators when used in the home. Moreover, the adaptive anti-sweat system in the Electrolux models referenced above is identical or similar to those addressed by the March 3, 2009 Interim Waiver granted to Electrolux by the Department, and June 4, 2009, Federal Register notice.<sup>9</sup> Accordingly, Electrolux respectfully submits that sufficient grounds exist for the Assistant Secretary to grant the Electrolux Application for Interim Waiver.

## III. Conclusion

Electrolux urges the Assistant Secretary to grant its Petition for Waiver and Application for Interim Waiver to allow Electrolux to test its new refrigerator models as noted above. Granting Electrolux’s Petition for Waiver will encourage the introduction of advanced technologies while providing proper consideration of energy consumption.

## IV. Affected Persons

Primarily affected persons in the refrigerator-freezer category include BSH Home Appliances Corp. (Bosch-Siemens Hausgerate GmbH), Equator, Fisher & Paykel Appliances Inc., GE Appliances, Haier America Trading, L.L.C., Heartland Appliances, Inc.,

Liebherr Hausgerate, LG Electronics Inc., Northland Corporation, Samsung Electronics America, Inc., Sanyo Fisher Company, Sears, Sub-Zero Freezer Company, U-Line, Viking Range, W. C. Wood Company, and Whirlpool Corporation. The Association of Home Appliance Manufacturers is also generally interested in energy efficiency requirements for appliances. Electrolux will notify all these entities as required by the Department’s rules and provide them with a version of this Petition.

Sincerely,

Sheila A. Millar

cc: Michael Raymond, DOE Office of Energy Efficiency and Renewable Energy

[FR Doc. E9–29787 Filed 12–14–09; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Portsmouth

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. 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:** Thursday, January 7, 2010, 6 p.m.

**ADDRESSES:** Ohio State University, South Center Auditorium, 1864 Shyville Road, Piketon, Ohio 45661.

**FOR FURTHER INFORMATION CONTACT:** Joel Bradburne, Deputy Designated Federal Officer, Department of Energy, Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3822, [Joel.Bradburne@lex.doe.gov](mailto:Joel.Bradburne@lex.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:*

- Call to Order, Introductions, Review of Agenda
- Approval of November Minutes
- Deputy Designated Federal Officer’s Comments
- Federal Coordinator’s Comments
- Liaisons’ Comments
- Administrative Issues—Actions:
  - Subcommittee Updates
  - Request an End Use Study for Portsmouth Gaseous Diffusion Plant

<sup>8</sup> 10 CFR, § 430.27(g).

<sup>9</sup> See *supra* note 2.