

her e-mail address [Katrina.Ingalls@ed.gov](mailto:Katrina.Ingalls@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 05-9965 Filed 5-18-05; 8:45 am]

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## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before July 18, 2005.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the

Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 13, 2005.

**Angela C. Arrington,**

*Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.*

### Office of Special Education and Rehabilitative Services

*Type of Review:* Extension.

*Title:* Report of Randolph-Sheppard Vending Facility Program.

*Frequency:* Annually.

*Affected Public:* Federal government.

*Reporting and Recordkeeping Hour Burden:*

Responses: 51.

*Burden Hours:* 702.

*Abstract:* The information is needed to evaluate the effectiveness of the Program and to promote growth. The information is transmitted to State agencies to assist in the conduct and expansion of the Program at the State level. Respondents are the designated vocational rehabilitation agencies.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2775. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to the Internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to 202-245-6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address [Sheila.Carey@ed.gov](mailto:Sheila.Carey@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 05-9966 Filed 5-18-05; 8:45 am]

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## DEPARTMENT OF ENERGY

### Office of Science; Notice of Renewal of the Basic Energy Sciences Advisory Committee

Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, App. 2, and § 102-3.65, title 41, Code of Federal Regulations and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Basic Energy Sciences Advisory Committee has been renewed until June 30, 2005.

The Committee will provide advice to the Office of Science (DOE), on the basic energy sciences program. The Secretary of Energy has determined that renewal of the Basic Energy Sciences Advisory Committee is essential to the conduct of the Department's business and in the public interest in connection with the performance of duties imposed by law upon the Department of Energy. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), the General Services Administration Final Rule on Federal Advisory Committee Management, and other directives and instructions issued in implementation of those acts.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rachel Samuel at (202) 586-3279.

Issued in Washington, DC, on May 11, 2005.

**James N. Solit,**

*Advisory Committee Management Officer.*

[FR Doc. 05-9999 Filed 5-18-05; 8:45 am]

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## DEPARTMENT OF ENERGY

### DOE Response to Recommendation 2005-1 of the Defense Nuclear Facilities Safety Board, Nuclear Material Packaging.

**AGENCY:** Department of Energy.

**ACTION:** Notice.

**SUMMARY:** The Defense Nuclear Facilities Safety Board Recommendation 2005-1, concerning nuclear material packaging was published in the **Federal Register** on March 21, 2005 (70 FR 13482). In accordance with section 315(b) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286d(b), and the Secretary transmitted the following response to the Defense Nuclear Facilities Safety Board on May 6, 2005.

**DATES:** Comments, data, views, or arguments concerning the Secretary's

response are due on or before June 16, 2005.

**ADDRESSES:** Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert J. McMorland, Nuclear Engineer, Departmental Representative to the Defense Nuclear Facilities Safety Board, Department of Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

Issued in Washington, DC on May 17, 2005.

**Mark B. Whitaker, Jr.,**  
*Departmental Representative to the Defense Nuclear Facilities Safety Board.*

**BILLING CODE 6450-01-U**



The Secretary of Energy  
Washington, DC 20585

May 6, 2005

The Honorable A. J. Eggenberger  
Acting Chairman  
Defense Nuclear Facilities Safety Board  
625 Indiana Avenue, NW  
Suite 700  
Washington, DC 20004-2901

Dear Dr. Eggenberger:

The Department of Energy acknowledges receipt of the Defense Nuclear Facilities Safety Board's Recommendation 2005-1, *Nuclear Material Packaging*, issued on March 10, 2005.

In response to Recommendations 94-1, 97-1, and 2000-1, the Department has made significant progress towards stabilizing and safely storing its nuclear materials, primarily plutonium metal and oxide materials and Uranium-233. For example, all of the commitments included in the Implementation Plan for Recommendation 97-1, *Safe Storage of Uranium-233*, and over two-thirds of the commitments in the Implementation Plan for Recommendation 2000-1, *Stabilization and Storage of Nuclear Materials*, have been completed. Your Recommendation 2005-1 addresses storage requirements for other categories of nuclear materials that are beyond the scope of the Implementation Plans for Recommendations 94-1, 97-1, and 2000-1.

The Department accepts Recommendation 2005-1, and will develop an Implementation Plan to identify and issue additional nuclear material packaging and storage requirements. The Plan will address the following activities.

- Specify the nuclear materials to which new requirements will apply. This effort will include conducting a survey of the sites currently storing nuclear materials.
- Develop the technical criteria and requirements that must be satisfied to ensure safe storage and handling of these materials, including the requirements for surveillance of packaged materials when appropriate.
- Develop a prioritized plan for implementing the above criteria and requirements based on the hazards and risks posed by the existing packaging configurations and conditions.



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I have assigned Mr. Richard Stark, Director, Office of Facilities Operations Support, as the Department's responsible manager for developing the Implementation Plan. He can be reached on (301) 903-4407.

Sincerely,



Samuel W. Bodman

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## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### Notice of Clarification to Energy Conservation Program for Consumer Products: Publication of the Petition for Waiver of Fujitsu General Limited from the DOE Residential Air Conditioner and Heat Pump Test Procedures (Case No. CAC-010)

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

**ACTION:** Notice of clarification.

**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, (202) 586-9611; e-mail: [Michael.Raymond.ee.doe.gov](mailto:Michael.Raymond.ee.doe.gov); or Francine Pinto, Esq., or Thomas DePriest, Esq., U.S. Department of Energy, Office of General Counsel, Mail Stop GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0103, (202) 586-9507; e-mail: [Francine.Pinto@hq.doe.gov](mailto:Francine.Pinto@hq.doe.gov), or [Thomas.DePriest@hq.doe.gov](mailto:Thomas.DePriest@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

##### Clarification

On February 4, 2005, the Department of Energy (Department or DOE) published a petition for waiver of Fujitsu General Limited from the DOE residential air conditioner and heat pump test procedures. (70 FR 5980) Subsequent to the publication of the waiver, DOE received two comments that identified an inadvertent error which has caused confusion.<sup>1</sup>

<sup>1</sup> DOE has placed these comments in the docket file for this rulemaking. They are available at the

On page 5981, there is a discussion of applicable test procedures: "On October 21, 2004, the Department published a direct final rule adopting ARI Standard 210/240-2003 for small commercial package air conditioning and heating equipment ≤ 65,000 Btu/h. (69 FR 61962) The test procedures in that direct final rule apply to three-phase products, but the Fujitsu product is single phase for both residential and commercial use. There is no prescribed test procedure for single-phase, small commercial packaged air conditioning and heating equipment, so no test procedure waiver is required for commercial Airstage products." The last sentence in the quotation is in error. The Fujitsu products are single-phase central air conditioners and heat pumps with capacities <math>\leq 65,000</math> Btu/h, for both residential and commercial use. Such products are not "small commercial package air conditioning and heating equipment," a subcategory of "industrial equipment." They belong to the category "central air conditioners and central air conditioning heat pumps," a subcategory of "consumer products."

The definition of "consumer product" in 42 U.S.C. 6291 is:

(1) The term "consumer product" means any article (other than an automobile \* \* \*) of a type—

- (A) which in operation consumes, or is designed to consume, energy \* \* \*; and
- (B) which, to any significant extent, is distributed in commerce for personal use or consumption by individuals; without regard to whether such article of such type is in fact distributed in commerce for personal use or consumption by an individual \* \* \*.

Single-phase central air conditioners and heat pumps with capacities < 65,000 Btu/h clearly meet criterion (A),

U.S. Department of Energy, Forrestal Building, Room 1J-018 (Resource Room of the Building Technologies Program), 1000 Independence Avenue, SW., Washington, DC, (202) 586-9127, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards-Jones at the above telephone number for additional information regarding visiting the Resource Room.

regardless of whether they are for residential or commercial use. They also meet criterion (B). These products are distributed in commerce, to a very significant extent, for personal use or consumption by individuals. They are primarily for personal use or consumption by individuals. The second part of (B), above, means that even if particular units are distributed for commercial use, they are still consumer products, because single-phase central air conditioners and heat pumps with capacities < 65,000 Btu/h, are, to a significant extent, distributed in commerce for personal use or consumption by individuals.

In short, single phase equipment < 65,000 Btu/h, regardless of whether it is for residential or commercial use, is a consumer product.

In order to correct the Fujitsu petition for waiver itself, it is only necessary to strike the sentence "There is no prescribed test procedure for single-phase, small commercial packaged air conditioning and heating equipment, so no test procedure waiver is required for commercial Airstage products." As stated in Fujitsu's petition, the correct test procedure for the products for which Fujitsu is seeking a waiver is the residential test procedure for central air conditioners contained in 10 CFR Part 430, Subpart B, Appendix M.

Issued in Washington, DC, on May 13, 2005.

**David K. Garman,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

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