

operating only at one speed. Thus, the test procedure's baseline test is conducted at full load. The test procedure includes a crude mechanism designed to measure energy use in the cooling mode at specified part-loads. ARI 210/240 5.2 (1989) provides that "[s]ystems which are capable of capacity reduction shall be rated at 100% and at each step of capacity reduction provided by the refrigeration system(s) as published by the manufacturer. These rating points shall be used to calculate the [integrated part load value, or] IPLV."<sup>10</sup> The CITY MULTI VRFZ Systems, by contrast, have variable frequency inverter driven scroll compressors, and therefore have nearly infinite steps of capacity. For this reason, the test procedure's "step" analysis of capacity reduction cannot be practically applied to the CITY MULTI VRFZ compressors.

In addition, the existing test standards do not provide a test method for integrated part load value during heating operation of heat pumps. The CITY MULTI heat pump products' part load capability in heating mode is not accounted for in any way in the test procedure.

In order to provide accurate data for product comparisons by consumers, it is critical that the efficiency rating of a system be derived at its normal operating state. While other system compressors run at full load as their normal state, the CITY MULTI VRFZ Systems run at part load as their normal state. EER measurements at full load are not representative of typical customer usage of the CITY MULTI product. Thus, the problems with the IPLV methodology described above are particularly problematic with respect to the CITY MULTI VRFZ Systems.

**4. The current test procedure does not account for the capability of simultaneous heating and cooling.**

The CITY MULTI VRFZ R2 products are the only 2-pipe simultaneous heating and cooling systems available in the United States at the current time. These simultaneous heating and cooling systems achieve significant energy efficiency because they transfer heat recovered from one zone and discharge it into another zone needing heat. The test procedures in ARI 210/240 5.2 (1989) and ARI 210/240 5.2 (1994) do not include any mechanism for testing a multi-split heat pump that can operate with one or more indoor coils cooling while one or more other indoor units are heating.

For all of these reasons, the existing test procedures evaluate the CITY MULTI VRFZ products "in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data."<sup>11</sup> Thus, this petition for waiver should be granted.

It is not surprising that the existing test procedures do not address the issues listed above, because VRFZ systems like the CITY MULTI were not in distribution in the U.S.

<sup>10</sup> The same language appears in ARI 210/240 5.2 (1994).

<sup>11</sup> 10 CFR 431.29 (2002)(a)(1) (standard for granting waiver from test procedures for electric motors). See also 10 CFR 430.27(a)(1) (2002) (standard for granting waiver from test procedures for consumer products).

when the Energy Policy Act was enacted in 1992, or when the industry standards and test procedures incorporated by reference in the Energy Policy Act were developed.

Without a waiver of the test procedure, MEUS is at a competitive disadvantage in the market. Utilities, customers, and State and local governments expect MEUS to provide energy efficiency ratings that will enable the comparison of HVAC products, the determination of building code compliance, and the calculation of energy savings. The current test procedure, however, cannot be meaningfully applied to CITY MULTI VRFZ systems, for the reasons described above. Moreover, if there is an applicable test procedure for a covered product, section 343(d)(1) of EPCA prohibits a manufacturer from making representations about the energy consumption of the equipment unless the equipment has been tested in accordance with such test procedure and the representation fairly discloses the results of the testing. Therefore, MEUS is handicapped in its ability to provide information on energy consumption to its customers. This is particularly counterproductive for the CITY MULTI VRFZ systems because these systems are specifically designed to deliver energy savings for customers.

**No Known Alternative Test Procedures**

There are no alternative test procedures known to MEUS that could evaluate these products in a representative manner.<sup>12</sup>

**Similar Products**

To the best of our knowledge, VRFZ products are also offered in the United States by Samsung Electronics Company, Ltd., Sanyo Fisher (USA) Corp., and Mitsubishi Heavy Industries Climate Control, Inc. Each of the manufacturers has incorporated a different technology to achieve variable refrigerant flow. None of these manufacturers offer a product comparable to the CITY MULTI VRFZ R2 products that offer simultaneous heating and cooling with a 2-pipe system.

We believe that a test procedure could be developed to address appropriately variable refrigerant flow zoning systems, part-load performance by variable speed compressors, and simultaneous heating and cooling operations. Given the differences in technology used by manufacturers of other VRFZ systems, however, it is uncertain whether a test procedure developed for the CITY MULTI VRFZ systems would also appropriately apply to these other manufacturers' products.

**Conclusion**

MEUS seeks a waiver of current test procedures established in ARI 210/240 (1989). Such a waiver is necessary because the current prescribed test procedures produce materially inaccurate and unrepresentative data for regulatory and consumer information purposes.

MEUS respectfully asks the Department of Energy to grant a waiver from existing test

<sup>12</sup> Although ARI 210/240 has been modified several times since 1989 (the most recent version being ARI 210/240 (2003)), even these revised test procedures do not address the problems identified above.

standards until such time as a representative test procedure is developed and adopted for this class of products. MEUS expects to work with ARI through the process of developing appropriate test procedures.

If we can provide further information, or if it would be helpful to discuss any of these matters further, please contact Paul Doppel, Brand Manager, at (678) 376-2923.

Sincerely,

William Rau  
President, HVAC Advanced Products  
Division  
Mitsubishi Electric & Electronics USA, Inc.  
4505-A Newport Place  
Lawrenceville, GA 30043

**Certificate**

I hereby certify that I have this day served the foregoing document upon the following companies known to Mitsubishi Electric & Electronics USA, Inc. to currently market systems in the United States which appear to be similar to the CITY MULTI VRFZ System design:

Samsung Air Conditioning  
Samsung Electronics Company, LTD.  
2865 Pellissier Pl.  
Whittier, CA 90601

Attn: John Miles, Director, Engineering & Technical Support

Sanyo Fisher (USA) Corp.  
1165 Allgood Road  
Suite 22

Marietta, GA 30062

Attn: Tetsushi Yamashita, Engineering Manager, HVAC  
Mitsubishi Heavy Industries Climate Control, Inc.

3030 E. Victoria Street  
Racho Dominguez, CA 90221  
Attn: Mario B. Santos, Assistant Manager, Service Engineer

Dated this 13th day of June 2003.

William Rau  
President, HVAC Advanced Products  
Division  
Mitsubishi Electric & Electronics USA, Inc.  
4505-A Newport Place  
Lawrenceville, GA 30043

[FR Doc. 03-23567 Filed 9-15-03; 8:45 am]

BILLING CODE 6450-01-P

**DEPARTMENT OF ENERGY**

**Energy Information Administration**

**Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Energy Information Administration (EIA), Department of Energy (DOE).

**ACTION:** Agency information collection activities: proposed collection; comment request.

**SUMMARY:** EIA is soliciting comments on the proposed new survey Form EIA-913, "Monthly and Annual Liquefied Natural Gas (LNG) Storage Reports."

**DATES:** Comments must be filed by November 17, 2003. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

**FOR FURTHER INFORMATION CONTACT:**

Send comments to Ms. Poonum Agrawal. To ensure receipt of the comments by the due date, submission by e-mail to

[Poonum.Agrawal@eia.doe.gov](mailto:Poonum.Agrawal@eia.doe.gov) is recommended. Poonum Agrawal may be contacted by telephone at (202) 586-6048 or facsimile at (202) 586-4420; however, submission by e-mail is the preferred medium for correspondence. The mailing address is: Natural Gas Division (Attn: EIA-913 Comments), EI-44, Forrestal Building, U.S. Department of Energy, Washington, DC 20585.

**FOR FURTHER INFORMATION:** Please visit [http://www.eia.doe.gov/oil\\_gas/natural\\_gas/survey\\_forms/nat\\_proposed\\_forms.html](http://www.eia.doe.gov/oil_gas/natural_gas/survey_forms/nat_proposed_forms.html) for additional information or copies of the form and instructions. Requests for this information may also be directed to Poonum Agrawal at the contact information listed above.

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Current Actions
- III. Request for Comments

**I. Background**

The Federal Energy Administration Act of 1974 (Pub. L. 93-275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. 95-91, 42 U.S.C. 7101 *et seq.*) require EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near- and long-term domestic demands.

EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with EIA. Any comments received help EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the industry. Based on review of the comments and field test results, EIA will seek approval by the Office of Management and Budget (OMB) under section 3507(a) of the Paperwork Reduction Act of 1995.

The purpose of Form EIA-913, "Monthly and Annual Liquefied Natural Gas (LNG) Storage Report," is to collect data on the inventory levels of LNG and operational capacities of active LNG storage facilities in the United States.

Survey respondents would include all operators of facilities that store LNG for baseload, seasonal, and peak demand delivery in the United States, or for delivery to United States customers for these purposes. This includes operators with LNG inventories such as distribution companies, pipeline companies, liquefaction facilities, LNG wholesalers (excluding retailers who sell LNG exclusively for ultimate vehicular fuel use), and marine terminals providing peaking storage services. The survey coverage does not include LNG inventories held by any industrial, residential, commercial, or power generation operations for ultimate consumption. The respondents for Form EIA-913 will comprise operators of approximately 100 LNG storage facilities (the total estimated number of facilities currently active in the United States).

Data would be collected pursuant to the Federal Energy Administration (FEA) Act of 1974, Public Law 93-275. The report will be mandatory under the FEA Act. The data would appear in the EIA publications, *Monthly Energy Review*, *Natural Gas Annual*, and *Natural Gas Monthly*.

This collection is essential to the mission of the DOE in general and EIA in particular. This request for clearance was necessitated by the increasing role of LNG storage as a source of natural gas supply, especially during periods of peak demand, and the subsequent need to monitor its activity for a better understanding of the U.S. natural gas supply and demand balance. Much like the existing EIA underground natural gas storage survey, the new LNG survey is expected to be widely used by industry analysts and Federal and State agencies to monitor gas markets. Recognizing the importance of LNG storage activities to gas market information, DOE Secretary Spencer Abraham requested on June 26, 2003, that EIA plan a new survey of LNG storage activities to collect better information and achieve better market efficiency.

EIA may eventually consider the value of a weekly sample survey of LNG inventories after the monthly survey is operating in a stable manner and if evidence indicates that greater timeliness of data would enhance understanding of the overall natural gas supply situation.

Respondents would be expected to complete the EIA-913 Annual Schedule at the start of the survey and subsequently once a year and whenever a new facility begins operation or a change in operator or storage capacity occurs. The completed EIA-913 Monthly Schedule would be due 20 days after the conclusion of the report month. Data would be submitted by e-mail, facsimile, or the secure file transfer (SFT) system to EIA. Please note that email and facsimile are not secure methods of file transfer. SFT is based on the secure hypertext transfer protocol (HTTPS), an industry standard method to send information over the web using a secure, encrypted process. All information is protected by 128-bit encryption to maintain the privacy and confidentiality of transmitted data.

Data elements for the proposed survey are listed below. Please refer to [http://www.eia.doe.gov/oil\\_gas/natural\\_gas/survey\\_forms/nat\\_proposed\\_forms.html](http://www.eia.doe.gov/oil_gas/natural_gas/survey_forms/nat_proposed_forms.html) for a copy of the proposed form and instructions.

*Monthly Schedule*

1. Respondent identification data.
2. Monthly LNG storage data:
  - a. Facility name.
  - b. Facility location.
  - c. LNG storage additions, and Btu heat content of additions.
  - d. LNG withdrawals, and Btu heat content of withdrawals.
  - e. End-of-period LNG inventories, and Btu heat content of inventories.
  - f. Peak day withdrawals.
  - g. Peak day.
3. Comments.

*Annual Schedule*

1. Respondent identification data.
2. Annual facility characteristics:
  - a. Storage facility name.
  - b. Location.
  - c. Type of operation (distribution company, pipeline company, marine terminal with peaking service, LNG wholesaler, liquefaction facility, other).
  - d. Storage facility capacity.
  - e. Liquefaction capacity.
  - f. Trailer unloading capacity.
  - g. Vaporization capacity.
  - h. Trailer loading capacity.
  - i. Change in capacity.
3. Comments.

EIA is proposing to treat the information collected on Form EIA-913 as confidential in accordance with existing EIA confidentiality provisions. Under these provisions, survey information is treated as confidential and is not publicly released. However, upon request for official uses the information may be shared with another component of the Department of Energy,

any Committee of Congress, the General Accounting Office, and other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain the information in response to an order.

EIA will publish monthly inventory estimates and net withdrawals estimates (withdrawals minus additions) as well as annual information on LNG storage capacities for the United States and several multi-state regions to the extent that confidentiality for company-specific information allows. In order to preserve the confidentiality of company-specific information, EIA Standard 2002-22, "Non-disclosure of Company Identifiable Data in Aggregate Cells," would be used. A copy of this standard

may be obtained at <http://www.eia.doe.gov/smg/standard.pdf>. Under these rules, EIA-913 information would be published at an aggregate multi-state level based on the current EIA underground storage regions. Such primary suppression of confidential data may result in further complementary suppression of data in publications in which this data may be incorporated. Thus, confidentiality of company-specific information would be maintained at the loss of geographic detail. However this rule could be waived if the affected respondents agree.

The operators of LNG storage facilities will be asked to submit monthly reports of inventories, additions and

withdrawals, and annual reports of facility characteristics. EIA will publish monthly inventory estimates and net withdrawals estimates (withdrawals minus additions) for the United States and several multi-state regions to the extent that confidentiality for company-specific information allows. These regions are chosen based on the current EIA underground natural gas storage regions, which reflect the major natural gas production and distribution regions, familiarity to both respondents and data users and current EIA disclosure restrictions. The following is an example of the monthly data format and regions:

Region	Total storage capacity	Inventory	Percent change from same period last year	Net withdrawals
East .....	.....	.....	.....	.....
New England and Mid-Atlantic .....	.....	.....	.....	.....
Other .....	.....	.....	.....	.....
West & Producing .....	.....	.....	.....	.....
USA Total .....	.....	.....	.....	.....

Similarly annual summaries of facility characteristics will be provided at the United States level and the same multi-state regions to the extent that confidentiality for company-specific information allows.

As an alternative to collecting the data under the confidentiality arrangements outlined above, EIA has the option of collecting the Form EIA-913 information as confidential in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) (Title 5 of Pub. L. 107-347). If the Form EIA-913 information is collected under CIPSEA, the information could not be disclosed by EIA in identifiable form, for any use other than an exclusively statistical purpose, except with the informed consent of the respondent. As defined in CIPSEA, the term "statistical purpose" (A) means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups; and (B) includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support the purposes described in subparagraph (A).

The requirement that information collected under CIPSEA be used exclusively for statistical purposes has both advantages and disadvantages. A

primary advantage of collecting information in accordance with CIPSEA is that the information could not be used for any non-statistical purpose including any administrative, regulatory, law enforcement, adjudicatory, or other purpose that affects the rights, privileges, or benefits of a particular identifiable respondent. A primary disadvantage in collecting information in accordance with CIPSEA is that, without a respondent's informed consent, the information could not be shared with other Federal non-EIA personnel for non-statistical purposes in the event of a major energy supply situation. This restriction on sharing could severely hamper any timely U.S. government actions in the event of significant supply problems.

**II. Current Actions**

EIA will be requesting approval from the Office of Management and Budget (OMB) to conduct a monthly and annual information collection program via Form EIA-913, "Monthly and Annual Liquefied Natural Gas (LNG) Storage Report." The respondents for the EIA-913 will comprise operators of approximately 100 LNG storage facilities (the total estimated number of facilities currently active in the United States).

**III. Request for Comments**

Prospective respondents and other interested parties should comment on

the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments.

*1. General Issues*

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

C. Should the proposed collection of information be conducted under EIA's existing confidentiality provisions, or under the provisions of the Confidential Information and Statistical Efficiency Act of 2002?

*2. As a Potential Respondent to the Request for Information*

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information to be collected?

B. Are the instructions and definitions clear and sufficient? If not, which instructions or definitions need clarification?

C. Can the information be submitted by the due date?

D. Public reporting burden for this collection is estimated to average 1 hour for the Monthly Schedule and 3 hours for the Annual Schedule. The estimated burden includes the total time necessary to provide the requested information. In your opinion, how accurate is this estimate?

E. The agency estimates that the only cost to a respondent is for the time it will take to complete the survey form. Will a respondent incur any start-up costs for reporting, or any recurring annual costs for operation, maintenance, and purchase of services associated with the information collection?

F. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

G. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

H. Do you consider the EIA-913 information (additions, withdrawals, inventory, and facility characteristics) to be sensitive proprietary company information that should be treated as confidential? If so and the EIA-913 survey was conducted under CIPSEA, would your company sign an informed consent agreement for release of its EIA-913 information to other Federal agencies for use in preparing for and/or responding to defined emergency situations such as terrorist attacks, regional pipeline breaks, or LNG shipping disruptions? Any Federal agency with access to EIA-913 information would be required to sign a document agreeing to maintain the confidentiality of the information.

### 3. As a Potential User of the Information to be Collected

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information disseminated?

B. Is the information useful at the level of detail to be reported?

C. For what purpose(s) would the information be used? Be specific.

D. Are there alternative sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

**Statutory Authority:** Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35).

Issued in Washington, DC, September 10, 2003.

**Jay H. Casselberry,**

*Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.*

[FR Doc. 03-23568 Filed 9-15-03; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP03-581-000]

#### ANR Pipeline Company; Notice of Revised Tariff Filing

September 10, 2003.

Take notice that on August 28, 2003, ANR Pipeline Company, (ANR) tendered for filing tendered as part of its FERC Gas Tariff, Second Revised Volume No. 1, the revised tariff sheets identified in Appendix A to the filing, with an effective date of October 1, 2003.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before the date as indicated below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary". Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* September 15, 2003.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. 03-23611 Filed 9-15-03; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket RP03-598-000]

#### Cotton Valley Compression, L.L.C.; Notice of Second Compressor Change Tariff, Rate, and Environmental Filing

September 10, 2003.

Take notice that on August 28, 2003, Cotton Valley Compression, L.L.C. (Cotton Valley), tendered for filing in Docket Nos. CP99-541-004 and RP03-598-000 a report

(1) describing the SECOND change of leased compressor units, (2) recomputing the stated rates to reflect the cost and capacity impacts of that compressor change, (3) replacing specific tariff sheets to reflect those revised rates and increased available capacity, and (4) satisfying environmental conditions attached to its original certificate of public convenience and necessity issued in 2000. 90 FERC & 61,206. Cotton Valley states that in that certificate besides authorizing Cotton Valley's 1,200 horsepower of installed leased compression with a capacity of 13,100 Dth/d, the Commission authorized it to operate leased compressors up to 3,000 horsepower with a capacity of up to 31,000 Dth/d, without further certification or abandonment for changes up or down within this upper level, subject to certain conditions.

Cotton Valley states that the following revised tariff sheets are being filed, with an effective date of September 29, 2003:

Second Revised Sheet No. 2 superceding First Revised Sheet No. 2  
Second Revised Sheet No. 4 superceding First Revised Sheet No. 4

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before the date as indicated below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party