

February 16, 2010

Catherine R. Zoi, Assistant Secretary,
Energy Efficiency & Renewable
Energy, Department of Energy, 1000
Independence Ave., SW., Route
Symbol: EE-1, Wash. DC 20585

Re: Case No. RF-007

Dear Ms. Assistant Secretary:

GE Consumer & Industrial, is an operating division of General Electric Co., ("GE") is a leading manufacturer and marketer of household appliances, including, as relevant to this proceeding, refrigerators. In December 2006, GE filed a Petition for Waiver ("Petition"), which requested the then-Assistant Secretary grant it a waiver from certain parts of the test procedure promulgated by the U.S. Department of Energy ("DOE" or "the Department") for determining refrigerator-freezer energy consumption for its new models of refrigerator-freezers. These innovative models were designed with adaptive anti-sweat heaters, i.e., anti-sweat heaters that respond to humidity conditions found in consumers' homes. Depending on ambient humidity conditions, the anti-sweat heaters would be turned on or off to prevent the accumulation of moisture inside the unit and on the outside of the case. And, because of their ability to sense humidity conditions, energy used to turn the anti-sweat heaters on can be better controlled.

As pointed out in GE's petition, the test conditions specified by DOE's test procedure neither define required humidity conditions nor otherwise take ambient humidity conditions into account in calculating energy consumption, the adaptive feature of GE's new model cannot be tested.

The Petition also pointed out that, if GE had tested its new smart-technology refrigerator per the test procedure the results would not have accurately measured the energy used by the new models.

The Assistant Secretary granted GE's waiver petition on February 27, 2008.¹ Thereafter, Whirlpool Corp. filed and was granted its waiver petition,² as was Electrolux³ and Samsung.⁴

GE files this request for the sole purpose of asking that the relief granted in 2008 be extended to GE's new models of refrigerator-freezers.⁵ If this request

must be treated as a new waiver petition pursuant to 10 C.F.R. § 430.27, then please accept it as such. If, however, this request can be treated as a request to amend the 2008 decision to cover the new models, then please accept it as such.

GE incorporates herein the original humidity sensor waiver petition and has attached the petition hereto as Exhibit 1. Attached as Exhibit 2 is the Department's decision granting that petition.

We believe that granting our request will be another step in the Department's support of advanced technologies, technologies that promote innovation and strengthen consumer confidence in the reliability of the Department's test procedures

A favorable and speedy ruling on this matter is necessary as the new models are in development and scheduled for sale in the second quarter of 2010. GE will be injured in the market if approval is delayed. Hardship to GE would result if the benefits of the investment in developing the new models is delayed. Respectfully submitted,

Earl F. Jones
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502-452-3164 (voice)
502-452-0395 (fax)

Affected Persons

Primary affected persons in the refrigerator-freezer category include BSH Home Appliances Corp. (Bosch-Siemens Hausgerate GmbH), Electrolux Home Products, Equator, Fisher & Paykel Appliances, Inc., Gorenje USA, Haier America Trading, L.L.C., Heartland Appliances, Inc., Kelon Electrical Holdings Col. Ltd., Liebherr Hausgerate, LG Electronics USA INC., Northland Corporation, Samsung Electronics America, Inc., Sanyo Fisher Company, Sears, Sub-Zero Freezer Company, U-Line, Viking Range, and Whirlpool Corporation. The Association of Home Appliance Manufacturers is also generally interested in energy efficiency requirements for appliances. Consumers' Union, ACEEE, NRDC and Alliance to Save Energy are not

manufacturers but have an interest in this matter. GE will notify all these organizations as required by the Department's rules and provide them with a non-confidential version of this Petition.

[FR Doc. 2010-9969 Filed 4-28-10; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL10-51-000]

Grassland Renewables Energy LLC; Notice of Petition for Declaratory Order

March 30, 2010.

Take notice that on March 29, 2010, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, Grassland Renewables Energy LLC filed an application for Petition for Declaratory Order, requesting the Commission to rule on whether the Petitioner's proposal to construct the Wind Spirit Project Collector System (WSP Collector System) as a participant funded transmission facility with priority transmission service rights assigned to WSP Poolco and other entities that agree to pay for the entire cost of the WSP Collector System by contracting for such service at cost-based rates in advance of construction, satisfies the Commission's open access transmission requirements, as the Commission ruled on a participant funded transmission facilities in Orders, *Northeast Utilities Service Co. and NSTAR Electric Co.*, 127 FERC ¶ 61,179 (May 22, Order), and *reh'g denied*, 129 FERC ¶ 61,279 (December 29, Order) (2009).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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 proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>.

¹ FR Vol. 73 10425 et seq.

² FR Vol. 73 39684 et seq. (July 10, 2008).

³ FR Vol. 74 66344 et seq. (December 15, 2009).

⁴ FR Vol. 74 66340 et seq. (December 15, 2009).

⁵ The new models are all models with the letters CFCP1NIY***, CFCP1NIZ***, CFCP1ZIY***, PFCF1NFY***, PFCF1NFZ***, PFCF1PJY***, PFCF1PJZ***, PFCS1NFY***, PFCS1NFZ***, PFCS1PJY***, PFCS1PJZ***, PFQS5PJY***,

PFSF5NFY***, PFSF5NFZ***, PFSF5PJY***, PFSF5PJZ***, PFSS5NFY***, PFSS5NFZ***, PFSS5PJY***, PFSS5PJZ***, PGCS1NFY***, PGCS1NFZ***, PGCS1PJY***, PGCS1PJZ***, PGSS5NFY***, PGSS5NFZ***, PGSS5PJY***, PGSS5PJZ***, ZFGB21HY***, ZFGB21HZ***, ZFGP21HY***, ZFGP21HZ***. The asterisks, or wild cards, denote color or other features that do not affect energy performance.

Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on April 28, 2010.

Kimberly D. Bose,
Secretary.

[FR Doc. 2010-9935 Filed 4-28-10; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13328-001—Alaska Snyder Falls Creek Project]

Cordova Electric Cooperative, Inc.; Notice of Proposed Restricted Service List for a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places

April 21, 2010.

Rule 2010 of the Federal Energy Regulatory Commission’s (Commission) Rules of Practice and Procedure provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding.¹ The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Alaska State Historic Preservation Officer (hereinafter, “Alaska SHPO”) and the Advisory Council on Historic Preservation, pursuant to section 106 of the National Historic Preservation Act² and its

implementing regulations,³ to develop and execute a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the Snyder Falls Creek Project.

The programmatic agreement, when executed by the Commission and the Alaska SHPO, would satisfy the Commission’s section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13[e]). The Commission’s responsibilities, pursuant to section 106 for the Snyder Falls Creek Project, would be fulfilled through the programmatic agreement, which the Commission staff proposes to develop in consultation with the interested participants listed below. The executed programmatic agreement would be incorporated into any order issuance.

Cordova Electric Cooperative, Inc., as applicant for the Snyder Falls Creek Project, is invited to participate in the consultation to develop the programmatic agreement. For the purpose of commenting on the programmatic agreement, we propose to restrict the service list for the proposed project as follows:

John Fowler, Executive Director, Advisory Council on Historic Preservation, The Old Post Office Building, 1100 Pennsylvania Avenue, NW., Suite 803, Washington, DC 20004.

Judith Bittner, SHPO, Office of History & Archaeology, 550 W 7th Avenue, Suite 1310, Anchorage, AK 99501.
Clay Koplín, CEO, Cordova Electric Cooperative, Inc., P.O. Box 20, Cordova, AK 99574-0020.

Roy Totemoff, President, Tatitlek Corporation, 561 E. 36 Avenue, Anchorage, AK 99503.

Jason Borer, Eyak Corporation, P.O. Box 340, Cordova, AK 99574.

David Phillips, Chugach Alaska Corporation, 3800 Centerpoint Drive, Suite 601, Anchorage, AK 99503.

Bruce Cain, Native Village of Eyak, P.O. Box 1388, Cordova, AK 99574.

Representative, U.S. Forest Service, Chugach National Forest, 3301 C Street, Suite 300, Anchorage, AK 99503.

Any person on the official service list for the above-captioned proceeding may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. In a request for inclusion, please identify the reason or reasons why there is an interest to be

included. Also, please identify any concerns about historic properties, including properties of traditional religious and cultural importance to a federally recognized tribe or tribal corporation that has an affiliation to the area. If historic properties are identified within the motion, please use a separate page, and label it NON-PUBLIC INFORMATION.

The original and eight copies of any such motion must be filed with Kimberly D. Bose, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426, and must be served on each person whose name appears on the official service list. Please put the following on the first page: Snyder Falls Creek Project No. 13328-001. Motions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission’s Web site (<http://www.ferc.gov>) under the “e-Filing” link.

If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on any motion or motions filed within the 15 day period.

Kimberly D. Bose,
Secretary.

[FR Doc. 2010-9933 Filed 4-28-10; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9143-4]

Preliminary Listing of an Additional Water to Wisconsin’s 2008 List of Waters Under Section 303(d) of the Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for comments.

SUMMARY: This notice announces the availability of EPA’s decision identifying one water quality limited waterbody and associated pollutants in Wisconsin to be listed pursuant to the Clean Water Act Section 303(d)(2), and requests public comment. Section 303(d)(2) requires that States submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain State water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

¹ 18 CFR 385.2010.

² 16 U.S.C. 470 (2006) *et seq.*

³ 36 CFR part 800 (2009).