

Local Educational Agencies program: (1) The percentage of American Indian and Alaska Native students in grades four and eight who score at or above the basic level in reading on the National Assessment of Educational Progress (NAEP); (2) the percentage of American Indian and Alaska Native students in grades four and eight who score at or above the basic level in mathematics on the NAEP; (3) the percentage of American Indian and Alaska Native students in grades three through eight meeting State performance standards by scoring at the proficient or the advanced levels in reading and mathematics on State assessments; (4) the difference between the percentages of American Indian and Alaska Native students in grades 3 through 8 at the proficient or advanced levels in reading and mathematics on State assessments and the percentage of all students scoring at those levels; (5) the percentage of American Indian and Alaska Native students who graduate from high school; and (6) the percentage of funds used by grantees prior to award close-out.

FOR FURTHER INFORMATION CONTACT:

Contact the ED*Facts* Partner Support Center, telephone: 877-457-3336 (877-HLP-EDEN) or by e-mail at: eden_OIE@ed.gov.

If you use a telecommunications device for the deaf (TDD), call the ED*Facts* Partner Support Center, toll free, at 1-888-403-3336 (888-403-EDEN).

Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotope, or computer diskette) by contacting the ED*Facts* Partner Support Center.

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC area at (202) 512-1530.

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Program Authority: 20 U.S.C. 7421 *et seq.*

Dated: December 4, 2009.

Thelma Meléndez de Santa Ana,

Assistant Secretary for Elementary and Secondary Education.

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DEPARTMENT OF ENERGY

Grace Period From Enforcement of Energy-Efficiency Certification for Residential Products

AGENCY: Office of the General Counsel, U.S. Department of Energy.

ACTION: Notice.

SUMMARY: This notice announces the Department of Energy's (DOE) intent to allow manufacturers subject to certain certification requirements to remedy deficiencies in their certification submissions and/or to certify covered products. DOE will refrain from initiating an enforcement action for any violations of 10 CFR 430.62 that are remedied prior to 30 days from the date of this Notice.

DATES: This Notice is effective December 9, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. Laura Barhydt at 202-287-5772.

SUPPLEMENTARY INFORMATION: The Energy Policy and Conservation Act of 1974, as amended, (EPCA or the "Act") authorizes the Department of Energy (DOE or the "Department") to enforce compliance with the energy conservation standards established for certain consumer products. 42 U.S.C. 6299-6304. To ensure that all covered products distributed in the United States comply with DOE's energy conservation standards, the Department has promulgated enforcement regulations, which include specific certification requirements. See 10 CFR part 430, subpart F. Specifically, the Department's rules require manufacturers of covered consumer products to "certify by means of a compliance statement and a certification report that each basic model(s) meets the applicable energy conservation standard," before distributing it in commerce within the United States. 10 CFR 430.62.

On October 14, 2009, DOE issued guidance setting forth the Department's interpretation of its enforcement regulations. (74 FR 52793) The guidance clarified that a failure to certify covered products in accordance with DOE's rules is an independent violation of EPCA and DOE's implementing regulations and may be subject to

enforcement action, including the imposition of civil penalties. The guidance also announced the Department's intent to exercise its enforcement authority more rigorously in the future, beginning with a compliance review of certification reports for products and equipment covered by DOE regulations.

DOE has initiated the compliance review announced in the October 14, 2009 **Federal Register** notice. We recognize, however, that DOE's clarification regarding certification obligations combined with its intent to enforce all regulatory obligations much more vigorously were not anticipated by the market. Moreover, some manufacturers previously have been given, on an *ad hoc* basis, a thirty day grace period to cure defective certifications.

DOE's goal is threefold: (1) To ensure compliance with its regulations; (2) to sanction those who fail to comply with those regulations; and (3) to treat all those subject to the regulations fairly and equally. To accomplish this goal, DOE therefore believes that a one-time grace period of very limited duration and scope is warranted to allow manufacturers to immediately review previously submitted certification reports and compliance statements for accuracy and completeness. The grace period will also allow any manufacturers who have not previously submitted the required information to come into compliance.

We hereby notify all manufacturers of covered products that for 30 days from this Notice DOE will refrain from initiating enforcement actions for violations of the certification regulations set forth in 10 CFR 430.62. We strongly encourage manufacturers to take advantage of this limited window to review, correct, and file certification reports and compliance statements as needed to come into compliance with our rules. Any violations of DOE's certification rules not remedied by January 8, 2010 will be subject to enforcement action, including the imposition of a civil penalty in accordance with 10 CFR 430.74.

DOE's determination to refrain from initiating enforcement actions for 30 days is limited to violations of the certification requirements specified in 10 CFR 430.62. This grace period does not apply to violations of the energy efficiency or water conservation standards or any other requirements set forth in EPCA or DOE's implementing regulations. DOE intends to pursue immediately and aggressively all violations of the Department's energy

efficiency and water conservation standards.

We have prepared a page of Frequently Asked Questions (FAQ) related to this certification grace period, which is available at http://www.gc.doe.gov/documents/Frequently_Asked_Questions.pdf.

In response to this notice, manufacturers may file required certification reports and compliance statements either by mail or electronic filing.

Electronic filing is preferred. To file electronically, go to our FAQ at http://www.gc.doe.gov/documents/Frequently_Asked_Questions.pdf for instructions.

Paper filings should be submitted to: Appliance Standards Program (EE-2)), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0121.

Issued in Washington, DC, on December 4, 2009.

Scott Blake Harris,

General Counsel.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2106-059]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions, and Intent To Prepare an Environmental Impact Statement

December 1, 2009.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2106-059.

c. *Date Filed:* July 16, 2009.

d. *Applicant:* Pacific Gas and Electric Company (PG&E).

e. *Name of Project:* McCloud-Pit Hydroelectric Project.

f. *Location:* The existing project is located on the McCloud and Pit Rivers in Shasta County, California. The project occupies lands of the United States, managed by the United States Department of Agriculture—Forest Service and the United States

Department of Interior—Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act 16 USC 791 (a)-825(r).

h. *Applicant Contact:* Randal S. Livingston, Vice President—Power Generation, Pacific Gas and Electric Company, P.O. Box 770000, Mail Code N11E, San Francisco, CA 94177-0001; Telephone (415) 973-7000.

i. *FERC Contact:* Emily Carter at (202) 502-6512 or emily.carter@ferc.gov.

j. Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions is 60 days from the issuance of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they also must serve a copy of the document on that resource agency.

Motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions may be filed electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov/docs-filing/ferconline.asp>) under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov; call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, documents also may be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

k. *Cooperating Agencies:* We are asking federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions in item l below.

l. *Deadline for filing requests for cooperating agency status:* February 1, 2010.

m. This application has been accepted for filing and is now is ready for environmental analysis.

n. *Project Description:* The existing McCloud-Pit Project consists of three existing developments (James B. Black, Pit 6, and Pit 7), which collectively include two storage reservoirs (McCloud and Iron Canyon), two regulating reservoirs (Pit 6 and Pit 7), one afterbay (Pit 7), two tunnels, three powerhouses (James B. Black, Pit 6, and Pit 7), and associated equipment and transmission facilities. The project has an installed capacity of 368 megawatts (MW), produces an average annual generation of 1,542 gigawatt-hours (GWh), and occupies 3,707.6 acres of land. Approximately 1,651.4 of these acres are federally owned, with 1,621.9 managed by the Shasta-Trinity National Forest and 29.5 managed by the U.S. Bureau of Land Management. In addition to the existing facilities, PG&E is proposing to construct two generation additions consisting of powerhouses at the base of McCloud dam (5-8 MW) and at the base of Pit 7 Afterbay dam (10 MW).

The project involves the transfer of water from the McCloud River basin to the Lower Pit River basin via a tunnel from the McCloud reservoir to Iron Canyon reservoir. Iron Canyon reservoir is on Iron Canyon creak, a tributary of the Pit River. Water flows from Iron Canyon reservoir via a tunnel to the James B. Black powerhouse. Although the project diverts water from the McCloud River basin to the Lower Pit River basin, both basins drain to Shasta Lake.

James B. Black Development

McCloud Dam and McCloud Reservoir

McCloud dam is a 241-foot-high, 630-foot-long earth and rock filled dam located on the McCloud River and impounds McCloud reservoir. The McCloud reservoir has a surface area of 520 acres and a maximum storage capacity of approximately 35,234 acre-feet (af). The spillway [elevation 2,696.0 feet National Geodetic Vertical Datum (NGVD)] is on the south side of the dam. The reservoir has a normal maximum water surface elevation of 2,680 feet. The dam is equipped with three radial gates measuring 27 feet by 24.5 feet, discharging into a spillway that returns spillage flows to the McCloud River below the dam. The dam also has a 12-foot diameter diversion/outlet tunnel that runs under the dam to supply a 24-inch Howell-Bunger valve for releasing instream flows to the McCloud River, as well as an 84-inch diameter butterfly valve for emergency use to control reservoir levels. Controls for the