

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:

$$E[ON] = E + (\text{Heater Contribution}) [\text{note: called "correction factor" by General Electric}]$$

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.

$$\text{Heater Contribution } n1 = (\text{Anti-sweat Heater Power} \times \text{System-loss Factor}) \times (24 \text{ hrs}/1 \text{ day}) \times (1 \text{ kW}/1000 \text{ W})$$

Where:

RBFS21SIBP	RBFS21SIBE
RBFS21TIBS	RBFS21EDBP
HB21QC10NE	HB21QC10NS
HB21QC70NP	HB21QC70NE
HB21FC10NS	HB21FC40NP
HB21FC70NE	HB21FC70NS
HB25QC40NP	HB25QC40NE
HB25QC70NS	HB25FC10NP
HB25FC40NE	HB25FC40NS
H21BFC45	

The waiver should continue until a test procedure can be developed and adopted that will provide the U.S. market with a fair and accurate assessment of the Haier products.

**III. An Interim Waiver Should Be Granted**

Haier also requests immediate relief by grant of an Interim Waiver. Haier would be placed at a competitive disadvantage if an Interim Waiver is not granted to it, as the energy consumption data will not be comparable to that of other manufacturers that were granted waiver relief.

Furthermore, it is likely that Haier's Petition for Waiver will be granted, and it is desirable for public policy reasons to grant Haier immediate relief pending a determination on the Petition for Waiver. As stated above, DOE has already granted waiver relief to General Electric, Whirlpool, Electrolux, and Samsung because the DOE test procedure does not accurately represent the energy consumption of refrigerator-freezers containing this technology. The rationale for granting these waivers is equally applicable to Haier. DOE has also concluded that it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis. *See, e.g.*, 74 FR 66338, 66339 (Dec. 15, 2009); *id.* 66340, 66341 (Dec. 15, 2009).

**IV. Persons To Be Notified**

Manufacturers of all other basic models marketed in the United States and known to Haier to incorporate similar design characteristics as found in the Haier refrigerator-freezers include BSH Home Appliances Corp. (Bosch-Siemens Hausgerate GmbH), Electrolux Home Products, Equator, Fisher & Paykel Appliances Inc., GE Appliances, Gorenje USA, Heartland Appliances, Inc., Kelon Electrical Holdings Co., Ltd., Liebherr Hausgerate, LG Electronics Inc., Miele, Inc., Northland Corporation,

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)

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

RBFS21SIBS	RBFS21TIBP	RBFS21TIBE
RBFS21EDBE	RBFS21EDBS	HB21QC10NP
HB21QC40NP	HB21QC40NE	HB21QC40NS
HB21QC70NS	HB21FC10NP	HB21FC10NE
HB21FC40NE	HB21FC40NS	HB21FC70NP
HB25QC10NP	HB25QC10NE	HB25QC10NS
HB25QC40NS	HB25QC70NP	HB25QC70NE
HB25FC10NE	HB25FC10NS	HB25FC40NP
HB25FC70NP	HB25FC70NE	HB25FC70NS

Samsung Electronics America, Inc., Sanyo Fisher Company, Sub-Zero Freezer Company, ULine, Viking Range, and Whirlpool Corporation. The Association of Home Appliance Manufacturers is also generally interested in energy efficiency requirements for appliances, including refrigerator-freezers. Haier will notify all these entities as set forth in the Department's rules and provide them with a version of this Petition and Application.

**V. Conclusion**

DOE should grant a waiver and interim waiver for Haier refrigerator-freezers with adaptive anti-sweat heater technology. The waiver should continue until a test procedure can be developed and adopted that will provide the U.S. market with a fair and accurate assessment of the Haier products.

Haier certifies that all manufacturers of domestically marketed units of the same product type have been notified by letter of this petition and application. Copies of such letter and related certification are attached hereto.

Sincerely,  
 Robert Cunningham,  
 Senior Vice President of Product Innovation and Engineering, Major Appliances, Haier America Trading, L.L.C.

[FR Doc. 2010-5226 Filed 3-10-10; 8:45 am]

**BILLING CODE 6450-01-P**

**DEPARTMENT OF ENERGY**

**Biomass Research and Development Technical Advisory Committee**

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

A5 = 0.126	A10 = 0.015
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Heater Watts at a specific relative humidity = the nominal watts used by all heaters at that specific relative humidity, 72 [degrees] F ambient, and DOE reference temperatures of fresh food average temperature of 45 [degrees] F and freezer average temperature of 5 [degrees] F.

System-loss Factor = 1.3

\* \* \* \* \*

The waiver should apply to the following model series. The actual model numbers will vary to account for year of manufacture, product color, or other features, but will always include anti-sweat technology whose energy impact is calculated in accordance with this petition.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under Section 9008(d) of the Food, Conservation, and Energy Act of 2008. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the meeting of the Biomass Research and Development Technical Advisory Committee.

**Dates and Times:** April 1, 2010 at 8 am to 5 pm; April 2, 2010 at 12:30 pm to 3 pm.

**ADDRESSES:** Hyatt Regency Crystal City, Washington Room A, 2799 Jefferson Davis Highway, Arlington, VA 22202, (703) 418-1234.

**FOR FURTHER INFORMATION CONTACT:** Laura McCann, Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586-7766; E-mail: [laura.mccann@ee.doe.gov](mailto:laura.mccann@ee.doe.gov) or T.J. Heibel at (410) 997-7778 ext. 223; E-mail: [theibel@bcs-hq.com](mailto:theibel@bcs-hq.com).

**SUPPLEMENTARY INFORMATION:**

**Purpose of Meeting:** To provide advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

**Tentative Agenda:** Agenda will include the following:

- Update on USDA Biomass R&D Activities and Budgets
- Update on DOE Biomass R&D Activities and Budgets
  - Panel Discussion on the *Arundo donax*

- Presentation from ARPA-E
- Presentation from EPA
- Committee Discussion on 2010 Work Plan

**Public Participation:** In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you should contact Laura McCann at 202-586-7766; E-mail: [laura.mccann@ee.doe.gov](mailto:laura.mccann@ee.doe.gov) or T.J. Heibel at (410) 997-7778 ext. 223; E-mail: [theibel@bcs-hq.com](mailto:theibel@bcs-hq.com). You must make your request for an oral statement at least 5 business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chair of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Chair will conduct the meeting to facilitate the orderly conduct of business.

**Minutes:** The minutes of the meeting will be available for public review and copying at <http://www.brdisolutions.com/publications/default.aspx#meetings>.

Issued at Washington, DC, on March 4, 2010.

**Rachel Samuel,**

*Deputy Committee Management Officer.*

[FR Doc. 2010-5079 Filed 3-10-10; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12715-002]

#### Fairlawn Hydroelectric Company, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

March 4, 2010.

On January 4, 2010, the Fairlawn Hydroelectric Company, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Jennings

Randolph Project, to be located the U.S. Army Corps of Engineers Jennings Randolph Dam, on the North Branch Potomac River, Garrett County, Maryland, and Mineral County, West Virginia.

The proposed project would utilize the existing U.S. Army Corps of Engineers' Jennings Randolph Dam and would consist of: (1) A proposed intake structure to be built on the upstream face of the dam; (2) a 720-foot-long penstock through the dam; (3) a proposed powerhouse containing 2 generating units with a total generating capacity of 14.0 MW; (4) a proposed 2/3-mile-long, 138 kV transmission line; (5) a tailrace, and (6) appurtenant facilities. The project would have an estimated average annual generation of 52.0 gigawatts-hours.

**Applicant Contact:** Mr. M. Clifford Phillips, Advanced Hydro Solutions LLC, 150 North Miller Road, Suite 450 C, Fairlawn, OH 44333, phone (330) 869-8451.

**FERC Contact:** Michael Spencer, (202) 502-6093.

**Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications:** 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>.

Enter the docket number (P-12715) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2010-5208 Filed 3-10-10; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13617-000]

#### KC Hydro LLC; Notice of Competing Preliminary Permit Application Accepted for Filing and Soliciting Comments

March 4, 2010.

On November 6, 2009, KC Hydro LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of a hydropower development at North Unit Diversion Dam on the Deschutes River in Deschutes County, Oregon. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would utilize the existing North Canal Diversion Dam, which is used by three irrigation districts, and would consist of the following new facilities: (1) An approximately 50-foot-long, 8- to 10-foot-diameter penstock to accommodate flows up to 800 cubic feet per second downstream of the dam; (2) a powerhouse containing a Francis turbine with an installed capacity of 1.8 megawatts; (3) an approximately 500-foot-long, 21-kilovolt transmission line; and (4) appurtenant facilities. The proposed project would have an average annual generation of 7.2 gigawatt-hours.

**Applicant Contact:** Kelly Sackheim, KC Hydro LLC, 5096 Cocoa Palm Way, Fair Oaks, CA 95628, phone: (916) 962-2271, e-mail: [oregon@kchydro.com](mailto:oregon@kchydro.com).

**FERC Contact:** Gina Krump, phone: (202) 502-6704, e-mail: [gina.krump@ferc.gov](mailto:gina.krump@ferc.gov).

**Competing Applications:** This application competes with Project No. 13560-000 filed August 27, 2009, and Project No. 13639-000 filed December 9, 2009.

**Deadline for filing comments and motions to intervene:** 60 days from the issuance of this notice. Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 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