

**Consultations With Other Agencies**

DOE consulted with the Federal Trade Commission (FTC) staff concerning the Electrolux petition for waiver. The FTC staff did not have any objections to granting a waiver to Electrolux.

CRS23\*\*\* FFCU23\*\*\*  
 CRS26\*\*\* FGHC23\*\*\*  
 FFHS23\*\*\* FGCU23\*\*\*  
 FFUS23\*\*\* FPHC23\*\*\*  
 FGHS23\*\*\* FPCU23\*\*\*  
 FGUS23\*\*\* FFSC23\*\*\*  
 FPHS23\*\*\* EI23CS\*\*\*  
 FPUS23\*\*\* EW23CS\*\*\*  
 EI23SS\*\*\* E23CS\*\*\*  
 EW23SS\*\*\* FFHS26\*\*\*  
 FFHC23\*\*\* FFUS26\*\*\*

**Conclusion**

After careful consideration of all the material that was submitted by Electrolux and consultation with the FTC staff, it is ordered that:

(1) The petition for waiver submitted by Electrolux Home Products, Inc. (Case No. RF-012) is hereby granted as set forth in the paragraphs below.

FGHS26\*\*\* FGUN23\*\*\*  
 FGUS26\*\*\* FPHN23\*\*\*  
 FPHS26\*\*\* FPUN23\*\*\*  
 FPUS26\*\*\* EI23BC\*\*\*  
 EI26SS\*\*\* EW23BC\*\*\*  
 EW26SS\*\*\* E23BC\*\*\*  
 FGHF23\*\*\* FFHB26\*\*\*  
 FGUB23\*\*\* FFUB26\*\*\*  
 FPHF23\*\*\* FFHN26\*\*\*  
 FPUB23\*\*\* FFUN26\*\*\*  
 FGHN23\*\*\* EI26BS\*\*\*

(2) Electrolux shall not be required to test or rate the following Electrolux models on the basis of the current test procedures contained in 10 CFR part 430, subpart B, appendix A1. Instead, it shall be required to test and rate such products according to the alternate test procedure as set forth in paragraph (3) below:

FGHB28\*\*\*  
 FGUB28\*\*\*  
 FPHB28\*\*\*  
 FPUB28\*\*\*  
 FGHN28\*\*\*  
 FGUN28\*\*\*  
 FPHN28\*\*\*  
 FPUN28\*\*\*  
 EI28BS\*\*\*  
 EW28BS\*\*\*

(3) Electrolux shall be required to test the products listed in paragraph (2) above according to the test procedures for electric refrigerator-freezers prescribed by DOE at 10 CFR part 430, appendix A1, except that, for the Electrolux products listed in paragraph (2) only:

(A) The following definition is added at the end of Section 1:

1.13 Variable anti-sweat heater control means an anti-sweat heater where power supplied to the device is determined by an operating condition variable(s) and/or ambient condition variable(s).

(B) Section 2.2 is revised to read as follows:

2.2 Operational conditions. The electric refrigerator or electric refrigerator-freezer shall be installed and its operating conditions maintained in accordance with HRF-1-1979, section 7.2 through section 7.4.3.3, except that the vertical ambient temperature gradient at locations 10 inches (25.4 cm) out from the centers of the two sides of the unit being tested is to be maintained during the test. Unless shields or baffles obstruct the area, the gradient is to be maintained from 2 inches (5.1 cm) above the floor or supporting platform to a height 1 foot (30.5 cm) above the unit under test. Defrost controls are to be operative. The anti-sweat heater switch is to be off during one test and on during the second test. In the case of an electric refrigerator-freezer equipped with variable anti-sweat heater control, the result of the second test will be derived by performing the calculation described in 6.2.3. Other exceptions are noted in 2.3, 2.4, and 5.1 below.

(C) New section 6.2.3 is inserted after section 6.2.2.2.

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:

$$E_{ON} = E + (\text{Correction Factor})$$

where E is determined by sections 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.

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

Where:

$$\begin{aligned} \text{Anti-sweat Heater Power} = & A1 * (\text{Heater Watts at 5\%RH}) \\ & + A2 * (\text{Heater Watts at 15\%RH}) \\ & + A3 * (\text{Heater Watts at 25\%RH}) \\ & + A4 * (\text{Heater Watts at 35\%RH}) \\ & + A5 * (\text{Heater Watts at 45\%RH}) \\ & + A6 * (\text{Heater Watts at 55\%RH}) \\ & + A7 * (\text{Heater Watts at 65\%RH}) \\ & + A8 * (\text{Heater Watts at 75\%RH}) \\ & + A9 * (\text{Heater Watts at 85\%RH}) \\ & + A10 * (\text{Heater Watts at 95\%RH}) \end{aligned}$$

Where A1-A10 are defined in 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
A5 = 0.126	A10 = 0.015

Heater Watts at a specific relative humidity = the nominal watts used by all heaters at that specific relative humidity, 72 °F ambient, and DOE reference temperatures of fresh food (FF) average temperature of 45 °F and freezer (FZ) average temperature of 5 °F. System-loss Factor = 1.3

(4) *Representations.* Electrolux may make representations about the energy use of its adaptive control anti-sweat heater refrigerator-freezer products for compliance, marketing, or other purposes only to the extent that such products have been tested in accordance with the provisions outlined above and such representations fairly disclose the results of such testing.

(5) This waiver shall remain in effect consistent with the provisions of 10 CFR 430.27(m).

(6) This waiver is issued on the condition that the statements, representations, and documentary materials provided by the petitioner are valid. DOE may revoke or modify this waiver at any time if it determines the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

Issued in Washington, DC on April 22, 2010.

Cathy Zoi,  
*Assistant Secretary,*  
 Energy Efficiency and Renewable Energy.

[FR Doc. 2010-9973 Filed 4-28-10; 8:45 am]

**BILLING CODE 6450-01-P**

**DEPARTMENT OF ENERGY**

**Office of Energy Efficiency and Renewable Energy**

[Case No. RF-015]

**Energy Conservation Program for Consumer Products: Notice of Petition for Waiver of General Electric Company (GE) From the Department of Energy Residential Refrigerator and Refrigerator-Freezer Test Procedure**

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

**ACTION:** Notice of petition for waiver and request for comments.

**SUMMARY:** This notice announces receipt of and publishes the GE petition for waiver (hereafter, "petition") from parts of the U.S. Department of Energy (DOE) test procedure for determining the energy consumption of electric refrigerators and refrigerator-freezers. Through this document, DOE is

soliciting comments with respect to the GE petition.

**DATES:** DOE will accept comments, data, and information with respect to the GE petition until, but no later than June 1, 2010.

**ADDRESSES:** You may submit comments, identified by case number RF-015, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* [AS\\_Waiver\\_Requests@ee.doe.gov](mailto:AS_Waiver_Requests@ee.doe.gov). Include either the case number [Case No. RF-015], and/or "GE Petition" in the subject line of the message.

- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2/1000 Independence Avenue, SW., Washington, DC 20585-0121.

Telephone: (202) 586-2945. Please submit one signed original paper copy.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Please submit one signed original paper copy.

*Instructions:* All submissions received must include the agency name and case number for this proceeding. Submit electronic comments in WordPerfect, Microsoft Word, Portable Document Format (PDF), or text (American Standard Code for Information Interchange (ASCII) file format and avoid the use of special characters or any form of encryption. Wherever possible, include the electronic signature of the author. DOE does not accept telefacsimiles (faxes).

Any person submitting written comments must also send a copy of such comments to the petitioner, pursuant to Title 10 of the Code of Federal Regulations (10 CFR) 430.27(d). The contact information for the petitioner is: Earl F. Jones, Senior Counsel, GE Consumer & Industrial, Appliance Park 2-225, Louisville, KY 40225. E-mail: [earl.f.jones@ge.com](mailto:earl.f.jones@ge.com).

According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies to DOE: one copy of the document including all the information believed to be confidential, and one copy of the document with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

*Docket:* For access to the docket to review the background documents

relevant to this matter, you may visit the U.S. Department of Energy, 950 L'Enfant Plaza SW., (Resource Room of the Building Technologies Program), Washington, DC, 20024, (202) 586-2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Available documents include the following items: (1) This notice; (2) public comments received; (3) the petition for waiver; and (4) prior DOE rulemakings regarding similar central air conditioning and heat pump equipment. Please call Ms. Brenda Edwards at the above telephone number for additional information regarding visiting the Resource Room.

**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. Telephone: (202) 586-9611. E-mail: [Michael.Raymond@ee.doe.gov](mailto:Michael.Raymond@ee.doe.gov).

Ms. Betsy Kohl, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC-71, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0103. Telephone: (202) 586-7796. E-mail: [Elizabeth.Kohl@hq.doe.gov](mailto:Elizabeth.Kohl@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On December 19, 2006, GE filed a petition for waiver from the test procedure applicable to residential electric refrigerators and refrigerator-freezers set forth in Title 10 of the Code of Federal Regulations (10 CFR) part 430, subpart B, appendix A1. The products covered by the petition employ adaptive anti-sweat heaters, which detect and respond to temperature and humidity conditions, and then activate adaptive heaters as needed to evaporate excess moisture. GE's petition was published in the **Federal Register** on April 17, 2007. 72 FR 19189. DOE granted the GE petition in a decision & order published on February 27, 2008. 73 FR 10425.

##### II. Petition for Waiver of Test Procedure

On February 16, 2010, GE informed DOE that it has developed additional basic models with adaptive anti-sweat heater technology. GE asserted that these new products function and operate the same way as the basic models listed in GE's December 2006 petition for waiver with respect to the properties that made those products eligible for a waiver. GE requested that DOE grant a new waiver for these additional basic models. The following

additional products are covered by the February 2010 waiver request:

All models with the letters CFCP1NIY\*\*\*\*, CFCP1NIZ\*\*\*\*, CFCP1ZIZ\*\*\*\*, 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.)

DOE notes that GE's February 2010 petition for waiver also includes an alternate test procedure for testing products equipped with adaptive anti-sweat heaters. The alternate test procedure submitted in the February 2010 petition is identical to the one contained in GE's December 2006 petition.

#### IV. Summary and Request for Comments

Through today's notice, DOE announces receipt of GE's petition for waiver from certain parts of the test procedure that apply to basic models of refrigerators and refrigerator-freezers with variable anti-sweat heater controls and adaptive heaters manufactured by GE. DOE is publishing GE's petition for waiver in its entirety pursuant to 10 CFR 430.27(b)(1)(iv). The petition contains no confidential information. The petition includes a suggested alternate test procedure and calculation methodology to determine the energy consumption of GE's specified refrigerators and refrigerator-freezers with adaptive anti-sweat heaters. DOE is interested in receiving comments from interested parties on all aspects of the petition, including the suggested alternate test procedure and calculation methodology. Pursuant to 10 CFR 430.27(b)(1)(iv), any person submitting written comments to DOE must also send a copy of such comments to the petitioner, whose contact information is included in the **ADDRESSES** section above.

Issued in Washington, DC, on April 22, 2010.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

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.<sup>1</sup> Thereafter, Whirlpool Corp. filed and was granted its waiver petition,<sup>2</sup> as was Electrolux<sup>3</sup> and Samsung.<sup>4</sup>

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.<sup>5</sup> 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  
Senior Counsel  
GE Consumer & Industrial  
Appliance Park 2-225  
Louisville, KY 40225  
earl.f.jones@ge.com  
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>.

<sup>1</sup> FR Vol. 73 10425 et seq.

<sup>2</sup> FR Vol. 73 39684 et seq. (July 10, 2008).

<sup>3</sup> FR Vol. 74 66344 et seq. (December 15, 2009).

<sup>4</sup> FR Vol. 74 66340 et seq. (December 15, 2009).

<sup>5</sup> 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.