

(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.

Correction Factor = (Anti-sweat Heater Power x System-loss Factor) x (24 hrs/1 day) x (1 kW/1000 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 = 0.016

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. LG 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 August 11, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12713-002]

Reedsport OPT Wave Park, LLC; Notice of Settlement Agreement and Soliciting Comments

August 10, 2010.

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

a. *Type of Application:* Settlement Agreement.

b. *Project No.:* P-12713-002.

c. *Date Filed:* August 2, 2010.

d. *Applicant:* Reedsport OPT Wave Park, LLC.

e. *Location:* The proposed project would be located in Oregon state waters of the Pacific Ocean about 2.5 miles off the coast near Reedsport, in Douglas County, Oregon. The proposed transmission line would occupy about 5 acres of the Oregon Dunes National

Recreation Area, Siuslaw National Forest.

g. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602, Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact:* Dr. George Taylor, Reedsport OPT Wave Park, LLC (OPT), 1590 Reed Road, Pennington, New Jersey 08534-2760; (609) 730-0400.

i. *FERC Contact:* Jim Hastreiter (503) 552-2760 or via e-mail at james.hastreiter@ferc.gov.

j. *Deadline for filing comments on the Settlement:* August 30, 2010. Reply comments due *September 15, 2010*.

All documents 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>. Commenter's can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. 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 may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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 must also serve a copy of the document on that resource agency.

k. OPT filed a settlement agreement on behalf of itself; National Marine Fisheries Service; U.S. Fish and Wildlife Service; U.S. Forest Service; Oregon Department of State Lands; Oregon Department of Environmental Quality; Oregon Department of Land Conservation and Development; Oregon Water Resources Department; Oregon Department of Fish and Wildlife; Oregon Parks and Recreation Department; Oregon Department of Energy; Oregon State Marine Board; Oregon Shores Conservation Coalition; Surfrider Foundation; and Southern Oregon Ocean Resource Coalition.

The settlement agreement resolves among the signatories all issues associated with issuance of an original license for the project regarding construction and operation, including fish and wildlife, aquatic resources and water quality, recreation and public safety, crabbing and fishing, terrestrial resources, and cultural resources. The signatories request that the Commission: (1) Accept the Agreement as an Offer of Settlement; (2) issue an original license for a term of 35 years; and (3) incorporate in their entirety and without modification as enforceable conditions of the license, OPT's obligations under the following terms, which include specific protection, mitigation, and enhancement measures and study and adaptive management requirements: (a) Section 3.3 and Exhibit B—Adaptive Management; (b) Section 3.6—Fish or Wildlife Emergency Circumstance; (c) Section 4.2—Committees; (d) Section 4.3—Inspection, Notice and Site Visit; (e) Appendix A—Aquatic Resources and Water Quality Plan; (f) Appendix B—Recreation and Public Safety Plan; (g) Appendix C—Crabbing and Fishing Plan; (h) Appendix D—Terrestrial and Cultural Resources Plan; and (i) OPT's license application including the project description, Operations and Maintenance Plan, Spill Prevention Control and Countermeasure Plan, and Emergency Response/Recovery Plan.

1. A copy of the settlement agreement 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 "e-Library" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9191-4]

Proposed Cercla Administrative Order On Consent for the Kerber Creek Site, Saguache County, CO

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of section 122 (i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 USC 9622(I), notice is hereby given of a proposed Administrative Order on Consent ("AOC") under sections 104, 106, 107, and 122 of CERCLA, 42 U.S.C. 9604, 9606, 9607, and 9622, between EPA and Trout Unlimited, Inc. ("Trout Unlimited") regarding the Kerber Creek Site located in the Rio Grande Basin near Villa Grove, Saguache County, Colorado. The property which is the subject of this proposed AOC is all areas to which hazardous substances and/or pollutants or contaminants, have come to be located along the approximately 17 miles of Kerber Creek stretching from the Bonanza town site, below the Forest Service boundary, and extending to the town of Villa Grove. This AOC requires that Trout Unlimited perform the following activities: Develop a watershed plan, remove tailings with elevated concentrations of metals from the streamside, perform phytostabilization, revegetate sites, stabilize stream banks, and monitor sinuosity, width, depth, density of macroinvertebrates and fishery, upland vegetation cover, stability of stream banks concentration of metals, and habitat trends, all with respect to Kerber Creek. The performance of this work shall be approved and monitored by EPA.

Opportunity for Comment: For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received on the AOC and may modify or withdraw its consent to the AOC, if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 1595 Wynkoop Street, 2nd Floor, in Denver, Colorado.

DATES: Comments must be submitted on or before September 20, 2010.

ADDRESSES: The proposed settlement and additional background information

relating to the settlement are available for public inspection at the EPA Superfund Records Center, 1595 Wynkoop Street, 2nd Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to William G. Ross, Enforcement Specialist/SEE (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, and should reference the Kerber Creek Site AOC in Saguache County, Colorado.

FOR FURTHER INFORMATION CONTACT: William G. Ross, Enforcement Specialist/SEE (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6208.

Dated: August 12, 2010.

Sharon Kercher,

Acting Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region 8.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9191-2]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a lawsuit filed by American Bottom Conservancy in the United States District Court for the Southern District of Illinois: *American Bottom Conservancy v. Jackson*, No. 10-292-GPM (S.D. IL). Plaintiff filed a deadline suit to compel the Administrator to respond to an administrative petition seeking EPA's objection to a CAA Title V operating permit issued by the Illinois Environmental Protection Agency to U.S. Steel Corporation's Granite City Works facility. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by December 17, 2010, or within 30 days of the entry date of this Consent Decree, whichever is later.

DATES: Written comments on the proposed consent decree must be received by *September 20, 2010*.