

target for an act of terrorism or sabotage. Further, as discussed in the Final EIS, the site security measures provide appropriate levels of security to protect electrical infrastructure from malicious mischief, vandalism, or domestic/foreign terrorist attacks.

### Decision

DOE has decided to issue a loan guarantee for construction and startup of GSEP under the Dry Cooling Alternative, as described in the Final EIS and BLM ROD.

Approval of the loan guarantee for GSEP responds to the DOE purpose and need pursuant to Section 1705 of EPCA 2005 (42 U.S.C. 16511–16514), which was added to EPCA 2005 by the Recovery Act. Section 1705 authorizes a program for rapid deployment of renewable energy projects and related manufacturing facilities, electric power transmission projects, and leading-edge biofuels projects. The primary purposes of the Recovery Act are job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and state and local fiscal stabilization. The Section 1705 program is designed to address the economic conditions of the Nation, in part, through renewable energy, transmission, and leading-edge biofuels projects. Eligible projects must commence construction by September 30, 2011.

### Mitigation

The GSEP project for which DOE has decided to issue a loan guarantee includes mitigation measures, terms, and conditions applied by BLM in its ROW. The mitigation measures, terms, and conditions represent practicable means to avoid or minimize environmental impacts from the selected alternative (the Dry Cooling Alternative). BLM is lead Federal agency for the GSEP project under NEPA and is responsible for ensuring compliance with all adopted mitigation measures, terms, and conditions for the GSEP project set forth in the Final EIS and ROD. The complete language of the mitigation measures, terms, and conditions is provided in Appendix G of the Final EIS, and the Compliance Monitoring Plan is provided in Appendix 6 of the BLM ROD. BLM has also incorporated the mitigation measures, terms, and conditions into the ROW as terms and conditions.

The DOE loan guarantee agreement requires that the applicant comply with all applicable laws and the terms of the ROW, including mitigation measures. An applicant's failure to comply with applicable laws and the ROW would

constitute a default. Upon continuance of a default, DOE would have the right under the loan guarantee agreement between DOE and the applicant to exercise usual and customary remedies. To ensure that the applicant so performs, the Loan Programs Office monitors all operative loan guarantee transactions.

Issued in Washington, DC, on August 25, 2011.

**Jonathan M. Silver,**

*Executive Director, Loan Programs Office.*

[FR Doc. 2011–22403 Filed 8–31–11; 8:45 am]

**BILLING CODE 6450–10–P**

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

[Case No. RF–019]

#### Petition for Waiver and Notice of Granting the Application for Interim Waiver of Samsung 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 Public Comments.

**SUMMARY:** This notice announces receipt of and publishes the Samsung Electronics America, Inc. (Samsung) petition for waiver (hereafter, “petition”) from specified portions of the U.S. Department of Energy (DOE) test procedure for determining the energy consumption of electric refrigerators and refrigerator-freezers. The waiver request pertains to certain basic models in Samsung’s product lines that incorporate multiple defrost cycles. In its petition, Samsung provides an alternate test procedure that is the same as the test procedure DOE published in an interim final rule. DOE solicits comments, data, and information concerning Samsung’s petition and the suggested alternate test procedure. DOE also publishes notice of the grant of an interim waiver to Samsung.

**DATES:** DOE will accept comments, data, and information with respect to the Samsung Petition until, but no later than October 3, 2011.

**ADDRESSES:** You may submit comments, identified by case number “RF–019,” 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 the case number [Case No. RF–019] in the subject line of the message.

- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2/J/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.

*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 application for interim waiver; and (4) prior DOE rulemakings regarding similar refrigerator-freezers. 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. Elizabeth 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 and Authority

Title III, part B of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6291–6309, as codified, established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances, which includes the electric refrigerators and refrigerator-freezers that are the focus of this notice.<sup>1</sup> Part B includes definitions, test procedures,

<sup>1</sup> For editorial reasons, upon codification in the U.S. Code, part B was re-designated part A.

labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, part B authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results which measure the energy efficiency, energy use, or estimated annual operating costs of a covered product, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) The test procedure for automatic electric refrigerators and refrigerator-freezers is contained in 10 CFR part 430, subpart B, appendix A1.

DOE's regulations for covered products contain provisions allowing a person to seek a waiver for a particular basic model from the test procedure requirements for covered consumer products when (1) The petitioner's basic model for which the petition for waiver was submitted contains one or more design characteristics that prevent testing according to the prescribed test procedure, or (2) when prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1). Petitioners must include in their petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption characteristics. 10 CFR 430.27(b)(1)(iii).

The Assistant Secretary for Energy Efficiency and Renewable Energy (the Assistant Secretary) may grant a waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 430.27(l). Waivers remain in effect pursuant to the provisions of 10 CFR 430.27(m).

Any interested person who has submitted a petition for waiver may also file an application for interim waiver of the applicable test procedure requirements. 10 CFR 430.27(a)(2). The Assistant Secretary will grant an interim waiver request if it is determined that the applicant will experience economic hardship if the interim waiver is denied, if it appears likely that the petition for waiver will be granted, and/or the

Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 430.27(g).

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

On July 19, 2011, Samsung filed a petition for waiver for new refrigerator-freezer models from the test procedure applicable to residential electric refrigerators and refrigerator-freezers set forth in 10 CFR part 430, subpart B, Appendix A1. Samsung is designing new refrigerator-freezers that incorporate multiple defrost cycles. In its petition, Samsung seeks a waiver from the existing DOE test procedure applicable to refrigerators and refrigerator-freezers under 10 CFR part 430 because the existing test procedure does not account for multiple defrost cycles. Therefore, Samsung has asked to use an alternate test procedure that is the same as the test procedure DOE published in an interim final rule (75 FR 78810, December 16, 2010). On January 27, 2011, Samsung had filed a similar petition for waiver and request for interim waiver for other basic models of refrigerator-freezers that incorporate multiple defrost cycles.

**III. Application for Interim Waiver**

Samsung also requests an interim waiver from the existing DOE test procedure. Under 10 CFR 430.27(b)(2), each application for interim waiver must demonstrate likely success of the Petition for Waiver and address the economic hardship and/or competitive disadvantage that is likely to result absent a favorable determination on the application for interim waiver." An interim waiver may be granted if it is determined that the applicant will experience economic hardship if the application for interim waiver is denied; if it appears likely that the petition for waiver will be granted; and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. 10 CFR 430.27(g).

DOE has determined that Samsung's application for interim waiver does not provide sufficient market, equipment

price, shipments and other manufacturer impact information to permit DOE to evaluate the economic hardship Samsung might experience absent a favorable determination on its application for interim waiver. DOE understands, however, that absent an interim waiver, Samsung's products would not be accurately tested and rated for energy consumption because the current energy test procedure does not include test procedures for products with multiple defrost cycle types. Therefore, it appears likely that Samsung's petition for waiver will be granted. In addition, it is desirable for public policy reasons to grant immediate relief pending a decision on the petition for waiver. DOE previously granted a waiver to Samsung for other basic models incorporating multiple defrost technology. In addition, DOE's test procedure interim final rule would resolve the technical issues in this waiver, but use of the test procedure would not be required until the compliance date of any amended standards (approximately 2014). (75 FR 78810, December 16, 2010).

For the reasons stated above, DOE grants Samsung's application for interim waiver from testing of its refrigerator-freezer product line containing relative humidity sensors and adaptive control anti-sweat heaters. Therefore, *it is ordered that:*

The application for interim waiver filed by Samsung is hereby granted for Samsung's refrigerator-freezer product lines that incorporate multiple defrost cycles subject to the specifications and conditions below.

1. Samsung shall not be required to test or rate its refrigerator-freezer product lines that incorporate multiple defrost cycles on the basis of the test procedure under 10 CFR part 430 subpart B, appendix A1.

2. Samsung shall be required to test and rate its refrigerator-freezer product line containing relative humidity sensors and adaptive control anti-sweat heaters according to the alternate test procedure as set forth in section IV, "Alternate test procedure."

The interim waiver applies to the following basic model groups:

DFSF9VKB**** GF6SF6PKBBB DFSS9VKB****	GF6SF6PKB**** GFSS6PKBSS	GFSS6PKB**** GF6SF6PKBWW
---	-----------------------------	-----------------------------

DOE makes decisions on waivers and interim waivers for only those models specifically set out in the petition, not future models that may be manufactured

by the petitioner. Samsung may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional models of

refrigerator-freezers for which it seeks a waiver from the DOE test procedure. In addition, DOE notes that grant of an interim waiver or waiver does not

release a petitioner from the certification requirements set forth at 10 CFR part 429.

Further, this interim waiver is conditioned upon the presumed validity of statements, representations, and documents provided by the petitioner. DOE may revoke or modify this interim waiver at any time upon a determination that the factual basis underlying the petition for waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

#### IV. Alternate Test Procedure

For the duration of the interim waiver, Samsung shall be required to test the products listed above according to the test procedures for residential electric refrigerator-freezers prescribed by DOE at 10 CFR part 430, subpart B, Appendix A1, except that, for the Samsung products listed above only, include:

1. In section 1, *Definitions*, the following definition at the end:

“Defrost cycle type” means a distinct sequence of control whose function is to remove frost and/or ice from a refrigerated surface. There may be variations in the defrost control sequence such as the number of defrost heaters energized. Each such variation establishes a separate distinct defrost cycle type. However, defrost achieved regularly during the compressor off-cycles by warming of the evaporator without active heat addition is not a defrost cycle type.

2. In section 4, *Test Period*, the following at the end:

Systems with Multiple Defrost Frequencies. This section applies to models with long-time automatic or variable defrost control with multiple defrost cycle types, such as models with single compressors and multiple evaporators in which the evaporators have different defrost frequencies. A two-part method shall be used. The first

part is a stable period of compressor operation that includes no portions of the defrost cycle, such as precooling or recovery, that is otherwise the same as the test for a unit having no defrost provisions. The second part is designed to capture the energy consumed during all of the events occurring with the defrost control sequence that are outside of stable operation, and will be conducted separately for each distinct defrost cycle type. For defrost cycle types involving the defrosting of both fresh food and freezer compartments, the freezer compartment temperature shall be used to determine test period start and stop times.

3. In section 5, *Test Measurements*, the following at the end:

Long-time or Variable Defrost Control for Systems with Multiple Defrost cycle Types.

The energy consumption in kilowatt-hours per day shall be calculated equivalent to:

$$ET = (1440 \times EP1 / T1) + \sum_{i=1}^D [(EP2_i - (EP1 \times T2_i / T1)) \times (12 / CT_i)]$$

#### V. Summary and Request for Comments

Through today's notice, DOE grants Samsung an interim waiver from the specified portions of the test procedure applicable to Samsung's new line of refrigerator-freezers with multiple defrost cycles and announces receipt of Samsung's petition for waiver from those same portions of the test procedure. DOE publishes Samsung's petition for waiver pursuant to 10 CFR 430.27(b)(1)(iv). The petition includes a suggested alternate test procedure and calculation methodology to determine the energy consumption of Samsung's specified refrigerator-freezers with multiple defrost cycles. Samsung is required to follow this alternate procedure as a condition of its interim waiver, and DOE is considering including this alternate procedure in its subsequent Decision and Order.

DOE solicits 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. The contact information for the petitioner is: Michael Moss, Director of Corporate Environmental Affairs, Samsung Electronics America, Inc.,

18600 Broadwick St., Rancho Dominguez, CA 90220. 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).

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.

Issued in Washington, DC, on August 25, 2011.

**Kathleen B. Hogan,**

*Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.*

July 19, 2011

Dr. Henry Kelly

Energy Efficiency and Renewable Energy

Department of Energy  
1000 Independence Avenue, SW.,  
Washington, DC 20585

Dear Assistant Secretary Kelly:

Samsung Electronics America, Inc. (“Samsung”) respectfully submits this request Application for Interim Waiver and Petition for Waiver to the Department of Energy (“DOE” or “the Department”) for single compressor refrigerator-freezers with multiple defrost cycles that are manufactured by Samsung.

#### Reasoning

10 CFR Part 430.27(a)(1) allows a person to submit a petition to waive for a particular basic model any requirements of § 430.23 upon the grounds that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures, or the prescribed test

procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data.

Current test procedures as prescribed in Appendix A1 to Subpart B of Part 430 (“Appendix A1”) do not adequately provide a way for Samsung to accurately represent the energy consumption of its refrigerator-freezers with multiple defrost cycles. DOE concurred with Samsung’s understanding in the interim

waiver granted to Samsung in 76 FR 16760.<sup>2</sup> Additionally, DOE communicated that all manufacturers planning on marketing refrigerator-freezers with multiple defrost cycles must seek a waiver from the Department.<sup>3</sup>

#### Request

In 75 FR 78810 (December 16, 2010), DOE issued an interim final rule for Appendix A (“Appendix A”), that effectively addresses test methodologies for refrigerator-freezers with multiple

defrost cycles. Samsung requests that the Appendix A test methodology be expeditiously granted for Samsung refrigerator-freezers with multiple defrost cycles. Meanwhile, Samsung believes for the time being that the existing energy efficiency limits are adequate. Samsung therefore does not seek an alternate energy efficiency limit for these models at this time. Samsung requests that the efficient limits under § 430.32(a) are applied to the following Samsung manufactured basic models:

DFSF9VKB**** GFSF6PKBBB DFSS9VKB****	GFSF6PKB**** GFSS6PKBSS	GFSS6PKB**** GFSF6PKBWW
--	----------------------------	----------------------------

Please feel free to contact me if you have any questions regarding this Petition for Waiver and Application for Interim Waiver. I will be happy to discuss should any questions arise.

Sincerely,

Michael Moss,

Director of Corporate Environmental Affairs.

[FR Doc. 2011-22399 Filed 8-31-11; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC11-108-000.

*Applicants:* ITC Great Plains, LLC.

*Description:* Section 203 Application for approval of acquisition of substations of ITC Great Plains, LLC.

*Filed Date:* 08/23/2011.

*Accession Number:* 20110823-5114.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, September 13, 2011.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2972-001.

*Applicants:* Midwest Independent Transmission System Operator, Inc.

*Description:* Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35: ATC-LSP GIA—Settlement Filing to be effective 10/23/2011.

*Filed Date:* 08/23/2011.

*Accession Number:* 20110823-5068.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, September 13, 2011.

*Docket Numbers:* ER11-2794-003.

*Applicants:* Midwest Independent Transmission System Operator, Inc.

*Description:* Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35: 08-23-11 Compliance with Errata Notice to be effective 4/1/2011.

*Filed Date:* 08/23/2011.

*Accession Number:* 20110823-5072.

*Comment Date:* 5 p.m. Eastern Time on Thursday, August 25, 2011.

*Docket Numbers:* ER11-4352-001.

*Applicants:* Arizona Public Service Company.

*Description:* Arizona Public Service Company submits tariff filing per 35.17(b): Amendment to metadata for APS Service Agreement No. 312 to be effective 10/21/2011.

*Filed Date:* 08/23/2011.

*Accession Number:* 20110823-5045.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, September 13, 2011.

*Docket Numbers:* ER11-4354-000.

*Applicants:* Arizona Public Service Company.

*Description:* Arizona Public Service Company submits tariff filing per 35.15: Cancellation of APS Service Agreement No. 310 to be effective 10/21/2011.

*Filed Date:* 08/23/2011.

*Accession Number:* 20110823-5046.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, September 13, 2011.

*Docket Numbers:* ER11-4355-000.

*Applicants:* TPW Petersburg, LLC.  
*Description:* TPW Petersburg, LLC submits tariff filing per 35.12: TPW

Petersburg, LLC Rate Schedule FERC No. 1 to be effective 9/30/2011.

*Filed Date:* 08/23/2011.

*Accession Number:* 20110823-5063.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, September 13, 2011.

*Docket Numbers:* ER11-4356-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* PJM Interconnection, L.L.C. submits tariff filing per 35.15: Notice of Cancellation of Service Agreement No. 2822 in Docket No. ER11-3238-000 to be effective 7/21/2011.

*Filed Date:* 08/23/2011.

*Accession Number:* 20110823-5070.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, September 13, 2011.

*Docket Numbers:* ER11-4357-000.

*Applicants:* Marathon Power LLC.

*Description:* Marathon Power LLC submits tariff filing per 35.12: Marathon Power LLC Market-Based Rate Tariff to be effective 8/23/2011.

*Filed Date:* 08/23/2011.

*Accession Number:* 20110823-5075.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, September 13, 2011.

*Docket Numbers:* ER11-4359-000.

*Applicants:* Florida Power Corporation.

*Description:* Notice of Cancellation of Rate Schedule No. 127 of Florida Power Corporation.

*Filed Date:* 08/23/2011.

*Accession Number:* 20110823-5076.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, September 13, 2011.

*Docket Numbers:* ER11-4360-000.

*Applicants:* Florida Power Corporation.

<sup>2</sup> DOE understands, however, that absent an interim waiver, Samsung’s products would not be accurately tested and rated for energy consumption because the current energy test procedure does not

include test procedures for products with multiple defrost cycle types.

<sup>3</sup> Until these amendments are required in conjunction with the 2014 standards, manufacturers introducing products equipped with multiple

defrost cycle types should, consistent with 10 CFR 430.27, petition for a waiver since the modified version of Appendix A1 set out in today’s notice will not include a specified method for capturing this energy usage.