

purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 19, 2021.

Treena V. Garrett,

*Federal Register Liaison Officer, U.S.
Department of Energy.*

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DEPARTMENT OF ENERGY

[OE Docket No. PP-485]

Application for Presidential Permit; North Star Electric Cooperative

AGENCY: Office of Electricity,
Department of Energy.

ACTION: Notice of application.

SUMMARY: North Star Electric Cooperative has applied for a Presidential permit to construct, operate, maintain, and connect an electric transmission line across the United States border with Canada.

DATES: Comments or motions to intervene must be submitted on or before August 23, 2021.

ADDRESSES: Comments, protests, motions to intervene, or request for more information should be addressed by electronic email to Electricity.Exports@hq.doe.gov, or by facsimile to (202) 586-8008.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence (Program Office) at 202-586-5260 or via electronic mail at Christopher.Lawrence@hq.doe.gov; Christopher Drake (Program Attorney) at 202-586-2919 or via electronic mail at Christopher.Drake@hq.doe.gov.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (E.O.) 10485, as amended by E.O. 12038.¹

On February 19, 2021 North Star Electric Cooperative, Incorporated (Applicant or North Star) filed an application (Application or App.) with the Office of Electricity of the Department of Energy (DOE) for a “Presidential Permit authorizing the continued connection, operation, and maintenance of facilities for the transmission of electric energy at the international border between the United States and Canada.” App. at 1. The Applicant states that it “is a distribution cooperative member-owner of Minnkota Power Cooperative (“Minnkota”), a generation and transmission cooperative that provides wholesale power requirements to North Star and its other member-owner cooperatives.” *Id.* The Applicant’s principal place of business is in Baudette, Minnesota. *Id.* at 4.

North Star states that it “currently serves 26 residential customers in Canada,” and that the facilities for which it seeks a Presidential permit “comprise low-voltage (7,200 and 14,400 volts) lines running from Minnkota’s International Falls substation in northern Minnesota approximately 10.35 miles to the border” noting that “the actual length of the line . . . is approximately 14.16 miles” in the United States. *Id.* at 2 & n.2. North Star adds that it was unaware that a Presidential permit was required for its facilities, and that the Application aims to bring the cooperative into compliance with legal requirements. *See it.* at 3.

The facilities for which North Star seeks a permit from Minnkota’s International Falls Substation northeast to the international border. *See* App. at 5. Specifically, beginning at the substation, the facilities consist of “4.1 miles of 14,000 volt three-phase underground lines, then 2.5 miles of 14,000 volt three-chase overhead line, then 1.0 miles of 7,200 volt three-phase overhead line, then 4.0 miles of 7,200 volt three-phase underwater line to an oil circuit recloser (“OCR”) breaker on the U.S. mainland.” *Id.* Beginning at the OCR breaker, “one single-circuit line continues north within the U.S. to serve additional customers located in the U.S. and the majority of the customers located in Canada, and a tap on that line heads east for about 1.2 miles toward the U.S./Canada border to serve the remaining two customers in Canadian waters.” *Id.* These facilities include “a 0.15 mile stretch of 7,200 volt three-phase overhead line, then 0.14 miles of

7,200 volt singlephase overhead, and then 2.27 miles of 7,200 volt single-phase underwater line to the U.S./Canada border, which is just beyond Curtis Island.” *Id.* The facilities include “two single-circuit lines” crossing the border—“[t]he first heads north from the Curtis Island . . . and feeds the majority of the customer accounts in Canadian waters,” and “[t]he second line heads east of Curtis Island and feeds the remaining two customer accounts in Canadian waters.” *Id.* at 6.

North Star also proposes to upgrade some of its existing cross-border facilities, and requests that any permit “include permission to make appropriate upgrades to the [f]acilities to enable North Star to continue to reliably serve the customers in [Canada].” App. at 3. The Applicant notes that it “does not expect to construct any additional cross-border facilities (*i.e.*, new crossing points).” *Id.* at 3 n.4

Since the restructuring of the electric industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission or distribution facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the Federal Power Act and articulated in Federal Energy Regulatory Commission (FERC) Order No. 888 (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; FERC Stats. & Regs. ¶ 31,036 (1996)), as amended.

Procedural Matters: Any person may comment on this application by filing such comment at the address provided above. Any person seeking to become a party to this proceeding must file a motion to intervene at the address provided above in accordance with Rule 214 of FERC’s Rules of Practice and Procedure (18 CFR 385.214). Two copies of each comment or motion to intervene should be filed with DOE on or before the date listed above.

Additional copies of such motions to intervene also should be filed directly with: Daniel E. Frank, 700 Sixth St. NW, Suite 700, Washington, DC 20001;

¹ The permit application is for the connection of facilities to be operated at distribution-level voltage. Note that DOE regulations require “[a]ny person, firm, co-operative, corporation or other entity who operates an electric power transmission or distribution facility crossing the border of the

United States, for the transmission of electric energy between the United States and a foreign country,” to hold a Presidential permit for the facility. 10 CFR 205.320(a).

DanielFrank@eversheds-sutherland.com.

Before a Presidential permit may be issued or amended, DOE must determine that the proposed action is in the public interest. In making that determination, DOE may consider the environmental impacts of the proposed project, determine the project's impact on electric reliability by ascertaining whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions, and weigh any other factors that it may also deem relevant to the public interest. DOE must also obtain favorable recommendations of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, or by accessing the program website at <https://energy.gov/oe/services/electricity-policy-coordination-and-implementation/international-electricity-regulation-2>.

Signed in Washington, DC, on July 19, 2021.

Christopher Lawrence,

Management and Program Analyst, Energy Resilience Division, Office of Electricity.

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DEPARTMENT OF ENERGY

[Case Number 2021-005, EERE-2020-BT-WAV-0035]

Energy Conservation Program: Extension of Waiver to Ningbo FOTILE Kitchen Ware Co. Ltd. From the Department of Energy Dishwashers Test Procedure

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

ACTION: Notification of extension of waiver.

SUMMARY: The U.S. Department of Energy ("DOE") is granting a waiver extension (Case No. 2021-005) to Ningbo FOTILE Kitchen Ware Co. Ltd (FOTILE) from specified portions of the DOE dishwashers test procedure for determining the energy and water consumption of the specified FOTILE dishwasher basic models. Under this extension, FOTILE is required to test and rate the specified basic models in accordance with the alternate test procedure specified in the waiver.

DATES: The Extension of Waiver is effective on July 22, 2021. The

Extension of Waiver will terminate upon the compliance date of any future amendment to the test procedure for dishwasher located in 10 CFR part 430, subpart B, appendix C1 that addresses the issues presented in this waiver. At such time, FOTILE must use the relevant test procedure for the specified basic models of dishwashers for any testing to demonstrate compliance with standards, and any other representations of energy use.

FOR FURTHER INFORMATION CONTACT:

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Email: AS_Waiver_Requests@ee.doe.gov.

Ms. Amelia Whiting, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC-33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585-0103. Telephone: (202) 586-2588. Email: Amelia.Whiting@hq.doe.gov.

SUPPLEMENTARY INFORMATION: In accordance with title 10 of the Code of Federal Regulations (10 CFR 430.27(g)), DOE gives notification of the issuance of an Extension of Waiver as set forth below. The Extension of Waiver extends the waiver granted to FOTILE in a Decision and Order issued on May 17, 2021 (86 FR 26712, "May 2021 Decision and Order") to include the FOTILE basic models specified in this waiver extension, as requested by FOTILE on May 18, 2021.¹ FOTILE must test and rate the specifically identified dishwasher basic models in accordance with the alternate test procedure specified in the May 2021 Decision and Order. FOTILE's representations concerning the energy and water consumption of the specified basic models must be based on testing according to the provisions and restrictions in the alternate test procedure set forth in the May 2021 Decision and Order, and the representations must fairly disclose the test results. Distributors, retailers, and private labelers are held to the same requirements when making representations regarding the energy and water consumption of these products. (42 U.S.C. 6293(c))

DOE makes decisions on waiver extensions for only those basic models specifically set out in the request, not future models that may be manufactured by the petitioner. FOTILE may submit a

new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of dishwashers. Alternatively, if appropriate, FOTILE may request that DOE extend the scope of a waiver or interim waiver to include additional basic models employing the same technology as the basic models set forth in the original petition consistent with 10 CFR 430.27(g).

Case Number 2020-020

Extension of Waiver

I. Background and Authority

The Energy Policy and Conservation Act, as amended ("EPCA"),¹ authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291-6317) Title III, Part B² of EPCA, Public Law 94-163 (42 U.S.C. 6291-6309, as codified), established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency for certain types of consumer products. These products include dishwashers, the focus of this document. (42 U.S.C. 6292(a)(6))

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6291), energy conservation standards (42 U.S.C. 6295), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that product (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the product complies with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered

¹ FOTILE's request is available at <https://www.regulations.gov/docket/EERE-2020-BT-WAV-0035-0005>. The specified basic models are: SD2F-P3 and SD2F-P3L.

¹ All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116-260 (Dec. 27, 2020).

² For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.