based on the appropriate level of subject matter knowledge for grade levels to be assessed, or the age of the students, as the case may be.

In preparation for reporting the results of the new assessment of reading at grades 4, 8, and 12, the Governing Board convened panels of reading content experts to participate in a study for producing draft achievement levels descriptions. The Governing Board seeks comment on the draft achievement levels descriptions and recommendations for improvements. All responses will be taken into consideration before finalizing the definitions for Board adoption. Once adopted, these descriptions will be used in reporting performance on NAEP relative to the achievement levels in 2009 and for all subsequent assessments until a new framework is developed for the reading NAEP.

Review Materials for Comment and Review

Materials for this review are located at *http://www.nagb.org/newsroom/release/release-012710.htm.*

(1) *Policy Definitions:* The Governing Board adopted *policy definitions* of student performance that identify in very general terms what is meant by Basic, Proficient, and Advanced achievement levels. These policy definitions apply for any subject and grade assessed in NAEP, and they are used for developing the achievement levels descriptions to be used in reporting NAEP results in a specific subject and grade—such as for the 2009 reading NAEP at grades 4, 8, and 12. The policy definitions are posted on the web site for this review.

(2) *Draft Achievement Level Descriptions for Reading:* The *draft achievement levels descriptions* for reading at the Basic, Proficient, and Advanced levels for grades 4, 8, and 12. The achievement levels descriptions (ALDs) were written to describe how students *should* be able to perform on the reading NAEP assessment in order to demonstrate achievement that the Governing Board has defined as Basic, Proficient, and Advanced for NAEP.

(3) *Reading Framework:* In addition to the policy definitions of Basic, Proficient, and Advanced achievement, the achievement levels descriptions must represent the *framework* used for developing the reading NAEP. Please see chapter 2 of the *Reading Framework for the 2009 National Assessment of Educational Progress* for more information about the NAEP reading assessment and details regarding the cognitive targets assessed.

(4) *Focus Questions:* Finally, some of the *aspects of the achievement levels descriptions* that the Governing Board must address are included. All comments will be appreciated, and your comments on and recommendations regarding these aspects will be especially appreciated.

The Board is seeking comment from policymakers, teachers, researchers, state and local reading specialists, members of professional reading and teacher organizations, and members of the public.

It is anticipated that the finalized achievement levels descriptions will be presented for approval at the Governing Board meeting on March 4–6, 2010.

Timelines

Comments must be received by February 10, 2010 and sent to:

National Assessment Governing Board, 800 North Capitol Street, NW., Suite 825, Washington, DC 20002, Attention: Susan Loomis: Public Comment, FAX: (202) 357–6945, E-mail: *Susan.Loomis@ed.gov.*

FOR FURTHER INFORMATION CONTACT: Susan Loomis, National Assessment Governing Board, 800 North Capitol Street, NW., Suite 825, Washington, DC 20002–4233, Telephone: (202) 357–6940.

SUPPLEMENTARY INFORMATION:

Specific questions that the Board seeks responses to include the following:

1. How well do the reading achievement levels descriptions (ALDs) for each grade and level represent the policy definitions *overall*? You may want to address each grade level separately.

2. Does the progression *within each grade* from Basic to Proficient to Advanced in the reading skills that students should demonstrate seem reasonable?

3. Does the progression across the three grade levels of reading skills required for performance *within each achievement level* (Basic/Proficient/Advanced) seem reasonable?

4. Is the relative emphasis of the cognitive targets in the achievement levels descriptions appropriate for each achievement level and grade?

5. Finally, are the achievement definitions useful, i.e., do they convey an understanding of what students should be able to do in reading at the different grade levels?

Your comments and recommendations for improving the achievement levels descriptions will be appreciated.

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister/index.html.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: February 2, 2010.

Mary Crovo,

Deputy Executive Director, National Assessment Governing Board, U.S. Department of Education.

[FR Doc. 2010–2550 Filed 2–4–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Case No. CAC–022]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver to Hallowell International (Hallowell) From the Department of Energy Residential Central Air Conditioner and Heat Pump Test Procedures

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

ACTION: Decision and order.

SUMMARY: This notice publishes the U.S. Department of Energy's (DOE) decision and order in Case No. CAC–022. DOE grants a waiver to Hallowell from the existing DOE test procedure applicable to residential central air conditioners and heat pumps. The waiver pertains to Hallowell's boosted compression heat pumps, a product line that uses three-stage technology to enable efficient heating at very low outdoor temperatures. The existing test procedure accounts for two-capacity operation, but not three-capacity operation. Therefore, Hallowell has suggested an alternate test procedure to calculate the heating performance of its three-stage boosted compression products. As a condition of this waiver, Hallowell must test and rate its boosted compression heat pump products according to the alternate test procedure set forth in this notice.

DATES: This decision and order is effective February 5, 2010.

FOR FURTHER INFORMATION CONTACT: Dr. Michael G. Raymond, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–9611. E-mail: *AS_Waiver_Requests@ee.doe.gov.*

Francine Pinto, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–71, 1000 Independence Avenue, SW., Washington, DC 20585–0103. Telephone: (202) 586–7432. E-mail: *Francine.Pinto@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 430.27(l), DOE gives notice of the issuance of its decision and order as set forth below. In this decision and order, DOE grants Hallowell a waiver from the applicable residential central air conditioner and heat pump test procedures at 10 CFR part 430 subpart B, appendix M, for certain basic models of its three-stage boosted compression heat pumps, provided that Hallowell tests and rates such products using the alternate test procedure described in this notice. Further, today's decision requires that Hallowell may not make any representations concerning the energy efficiency of these products unless such product has been tested consistent with the provisions and restrictions in the alternate test procedure set forth in the decision and order below, and such representations fairly disclose the results of such testing. (42 U.S.C. 6314(d)) Distributors, retailers, and private labelers are held to the same standard when making representations regarding the energy efficiency of these products. (42 U.S.C. 6293(c)).

Issued in Washington, DC, on January 29, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order

In the Matter of: Hallowell International (Hallowell) (Case No. CAC–022).

Background

Title III of the Energy Policy and Conservation Act sets forth a variety of provisions concerning energy efficiency. Part A of Title III provides for the "Energy Conservation Program for Consumer Products Other Than Automobiles." (42 U.S.C. 6291–6309) Part A includes definitions, test procedures, labeling provisions, energy conservation standards, and the authority to require information and reports from manufacturers. Further, Part A authorizes the Secretary of Energy to prescribe test procedures that are reasonably designed to produce results that measure energy efficiency, energy use, or estimated annual operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)).

Today's notice involves residential products under Part A. Relevant to the current petition for waiver, the test procedure for residential central air conditioners and heat pumps is contained in 10 CFR part 430, subpart B, appendix M.

DOE's regulations allow a person to seek a waiver from the test procedure requirements for covered consumer products, when the petitioner's basic model contains one or more design characteristics that prevent testing according to the prescribed test procedure, or when they 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).

The waiver process also allows any interested person who has submitted a petition for waiver to 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).

On July 29, 2008, Hallowell filed a petition for waiver and an application for interim waiver from the test procedures applicable to residential central air conditioners and heat pumps, found at 10 CFR part 430, subpart B, appendix M. Hallowell requested the waiver for its residential boosted compression products that use three-speed compressor technology, stating that the existing test procedure is applicable only to products with one- and two-speed compressors. Hallowell included an alternate test procedure in its July 29, 2008, submittal, but DOE advised Hallowell that the alternate procedure was incomplete. On April 25, 2009, Hallowell submitted a revised petition and alternate test procedure. On May 29, 2009, Hallowell submitted a revised petition with additional evidence of financial hardship. On December 2, 2009, DOE granted Hallowell an interim waiver and published Hallowell's petition for waiver. 74 FR 63131. DOE received no comments on the Hallowell petition.

Assertions and Determinations

Hallowell's Petition for Waiver

Hallowell seeks a waiver from the DOE test procedures because its boosted compression heat pump systems contain design characteristics that prevent testing according to the current DOE test procedure. The DOE test procedure covers systems with a single speed, with two steps or stages of modulation, and with continuous modulation over a finite range through the incorporation of a variable-speed or digital compressor. Hallowell's product deviates from the anticipated form—a system whose performance falls between that of a two-capacity system and a conventional variable-capacity system—because the three-capacity capability is limited to heating mode operation. Moreover, the additional stage of heating capacity is used specifically at the lowest outdoor temperatures to maximize the total heating contributed by the heat pump, relative to the total heating supplied by the auxiliary heat source (usually electric resistance). Another unique feature of Hallowell's low-temperature heat pump system is that for any given outdoor temperature, only two stages of heating are permitted; one stage is always locked out. Hallowell's three-speed boosted compression heat pumps are also capable of efficient operation at much lower temperatures than two-speed heat pumps (Hallowell measured a coefficient of performance of 2.1 at −15 °F), making them potentially very desirable for heating in cold climates.

Rating Hallowell's boosted compression products requires modified calculation algorithms and testing at an additional, lower temperature to capture the effect on both capacity and power of the additional stage/level of heating operation. The building load assigned within the heating seasonal performance factor (HSPF) calculation requires

evaluation based on the case where the high-stage compressor capacity for heating exceeds the high-stage compressor capacity for cooling. Finally, the test procedure must account for the control feature that limits the number of heating mode capacity levels to two for any given outdoor temperature. The Hallowell alternate test procedure is a logical extension of DOE's two-capacity test method to cover Hallowell's three-capacity compressor. The two (of three potential) active stages of heating capacity available for each bin temperature calculation are based on Hallowell's control logic. The HSPF algorithm follows the algorithm in the DOE test procedure used for two-capacity heat pumps.

In the DOE test procedure, heating mode tests are conducted at 62°F, 47°F, 35°F, and 17°F. This method does not collect enough operating characteristics to create an accurate trend, and does not consider the performance of 3-speed equipment at cold temperatures, so an additional test point at 0°F is added. The DOE test procedure also linearly interpolates to capture the effect of varying outdoor temperature. The Hallowell product uses a different system configuration for the high compressor capacity tests at 47°F and 17°F; therefore the algorithm used to calculate HSPF was modified to create a more accurate performance map.

DOE notes that the existing DOE test procedure accurately covers the 2 speed air conditioning performance of the Hallowell product because the Booster Compressor is not allowed to operate in cooling mode, effectively making the system a standard two speed air conditioner. Therefore, the waiver is applicable only to heating mode.

Consultations With Other Agencies

DOE consulted with the Federal Trade Commission (FTC) staff concerning the Hallowell Petition for Waiver. The FTC staff did not have any objections to the issuance of a waiver to Hallowell.

Conclusion

After careful consideration of all the materials submitted by Hallowell, the absence of any comments, and consultation with the FTC staff, it is ordered that:

(1) The "Petition for Waiver" filed by Hallowell International (Hallowell) (Case No. CAC–022) is hereby granted as set forth in the paragraphs below.

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

ACADIA024, ACADIA036, ACADIA048, 36C35H, 42C46H, ACHP03642, ACHP02431

(3) Alternate Test Procedure

Add section 3.6.6 to address the heating mode tests conducted on units having a triple-capacity compressor.

3.6.6 Tests for a heat pump having a triple-capacity compressor. Test triple-capacity, northern heat pumps for the heating mode as follows:

a. Conduct one Maximum Temperature Test ($H0_1$), two High Temperature Tests ($H1_2$ and $H1_1$), two Frost Accumulation Tests ($H2_2$ and $H2_1$), three Low Temperature Tests ($H3_1$, $H3_2$, and $H3_3$), and one Minimum Temperature Test ($H4_3$). An alternative to conducting the $H2_1$ Frost Accumulation Test to determine $\dot{Q}_h^{k=1}$ (35) and $\dot{E}_h^{k=3}$ (35) is to use the following equations to approximate this capacity and electrical power:

$$\dot{Q}_h^{k=1}(35) = 0.90 \cdot \left\{\dot{Q}_h^{k=1}(17) + 0.6 \cdot \left[\dot{Q}_h^{k=1}(47) - \dot{Q}_h^{k=1}(17)\right]\right\}$$

$$\dot{E}_h^{k=1}(35) = 0.985 \cdot \left\{\dot{E}_h^{k=1}(17) + 0.6 \cdot \left[\dot{E}_h^{k=1}(47) - \dot{E}_h^{k=1}(17)\right]\right\}$$

In evaluating the above equations, determine the quantities $\dot{Q}_h^{k=1}$ (47) and $\dot{E}_h^{k=1}$ (47) from the $H1_1$ Test and evaluate them according to Section 3.7. Determine the quantities $\dot{Q}_h^{k=1}$ (17) and $\dot{E}_h^{k=1}$ (17) from the $H3_1$ Test and evaluate them according to Section 3.10. If the manufacturer conducts the $H2_1$ Test, the option of using the above default equations is not forfeited. Use the paired values of $\dot{Q}_h^{k=1}$ (35) and $\dot{E}_h^{k=1}$ (35) derived from conducting the $H2_1$ Frost Accumulation Test and evaluated as specified in section 3.9.1 or use the paired values calculated using the above default equations, whichever paired values contribute to a higher Region IV HSPF based on the DHR_{min}.

Conducting a Frost Accumulation Test ($H2_3$) with the heat pump operating at its booster capacity is optional. If this optional test is not conducted, determine $\dot{Q}_h^{k=3}$ (35) and $\dot{E}_h^{k=3}$ (35) using the following equations to approximate this capacity and electrical power:

$$\dot{Q}_h^{k=3}(35) = QR_h^{k=2}(35) \cdot \left\{\dot{Q}_h^{k=3}(17) + 1.20 \cdot \left[\dot{Q}_h^{k=3}(17) - \dot{Q}_h^{k=3}(2)\right]\right\}$$

$$\dot{E}_h^{k=3}(35) = PR_h^{k=2}(35) \cdot \left\{\dot{E}_h^{k=3}(17) + 1.20 \cdot \left[\dot{E}_h^{k=3}(17) - \dot{E}_h^{k=3}(2)\right]\right\}$$

Where,

$$QR_h^{k=2}(35) = \frac{\dot{Q}_h^{k=2}(35)}{\dot{Q}_h^{k=2}(17) + 0.6 \cdot \left[\dot{Q}_h^{k=2}(47) - \dot{Q}_h^{k=2}(17)\right]}$$

$$PR_h^{k=2}(35) = \frac{\dot{E}_h^{k=2}(35)}{\dot{E}_h^{k=2}(17) + 0.6 \cdot \left[\dot{E}_h^{k=2}(47) - \dot{E}_h^{k=2}(17)\right]}$$

Determine the quantities $\dot{Q}_h^{k=2}$ (47) and $\dot{E}_h^{k=2}$ (47)from the $H1_2$ Test and evaluate them according to Section 3.7. Determine the quantities $\dot{Q}_h^{k=2}$ (35) and $\dot{E}_h^{k=2}$ (35) from the $H2_2$ Test and evaluate them according to Section 3.9.1. Determine the quantities $\dot{Q}_h^{k=2}$ (17) and $\dot{E}_h^{k=2}$ (17) from the $H3_2$ Test, determine the quantities $\dot{Q}_h^{k=3}$ (17) and $\dot{E}_h^{k=3}$ (17) from the $H3_3$ Test, and determine the quantities $\dot{Q}_h^{k=3}$ (2) and $\dot{E}_h^{k=3}$ (2) from the $H4_3$ Test. Evaluate all six quantities according to Section 3.10. If the manufacturer conducts the $H2_3$ Test, the option of using the above default equations is not forfeited. Use the paired values of $\dot{Q}_h^{k=3}$ (35) and $\dot{E}_h^{k=3}$ (35) derived from conducting the $H2_3$ Frost Accumulation Test and calculated as specified in section 3.9.1 or use the paired values calculated using the above default equations, whichever paired values contribute to a higher Region IV HSPF based on the DHR_{min}.

Table A specifies test conditions for all thirteen tests.

TABLE A—HEATING MODE TEST CONDITIONS FOR UNITS HAVING A TRIPLE-CAPACITY COMPRESSOR

Test description	Air entering indoor unit temperature (°F)		Air entering outdoor unit temperature (°F)		Compressor capacity	Booster	Heating air volume rate
	Dry bulb	Wet bulb	Dry bulb	Wet bulb			
$H0_1$ Test (required, steady)	70	60(max)	62	56.5	Low	Off	Heating Minimum.[1]
$H1_2$ Test (required, steady)	70	60(max)	47	43	High	Off	Heating Full-Load.[2]
$H1C_2$ Test (optional, cyclic)	70	60(max)	47	43	High	Off	([3]).
$H1_1$ Test (required)	70	60(max)	47	43	Low	Off	Heating Minimum.[1]
$H1C_1$ Test (optional, cyclic)	70	60(max)	47	43	Low	Off	([4]).
$H2_3$ Test (optional, steady)	70	60(max)	35	33	High	On	Heating Full-Load.[2]
$H2_2$ Test (required)	70	60(max)	35	33	High	Off	Heating Full-Load.[2]
$H2_1$ Test[5 6] (required)	70	60(max)	35	33	Low	Off	Heating Minimum.[1]
$H3_2$ Test (required, steady)	70	60(max)	17	15	High	On	Heating Full-Load.[2]
$H3C_3$ Test (optional, cyclic)	70	60(max)	17	15	High	On	([7]).
$H3_2$ Test (required, steady)	70	60(max)	17	15	High	Off	Heating Full-Load.[2]
$H3_1$ Test[5] (required, steady)	70	60(max)	17	15	Low	Off	Heating Minimum.[1]
$H4_3$ Test (required, steady)	70	60(max)	0	−2	High	On	Heating Full-Load.[2]

[1] Defined in section 3.1.4.5.
[2] Defined in section 3.1.4.4.
[3] Maintain the airflow nozzle(s) static pressure difference or velocity pressure during the ON period at the same pressure or velocity as measured during the $H1_2$ Test.
[4] Maintain the airflow nozzle(s) static pressure difference or velocity pressure during the ON period at the same pressure or velocity as measured during the $H1_1$ Test.
[5] Required only if the heat pump's performance when operating at low compressor capacity and outdoor temperatures less than 37 °F is needed to complete the section 4.2.6 HSPF calculations.
[6] If table note #5 applies, the section 3.6.3 equations for $\dot{Q}_h^{k=1}$ (35) and $\dot{E}_h^{k=1}$ (17) may be used in lieu of conducting the $H2_1$ Test.
[7] Maintain the airflow nozzle(s) static pressure difference or velocity pressure during the ON period at the same pressure or velocity measured during the $H3_3$ Test.

Section 4.2.3 of appendix M shall be revised to read as follows:

4.2.3. Additional steps for calculating the HSPF of a heat pump having a triple-capacity compressor. * * *

a. Evaluate the space heating capacity and electrical power consumption of the heat pump at outdoor temperature T_j and with a first stage call from the thermostat (k=1), and with a second stage call from the thermostat (k=2) using:

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$$\dot{Q}_h^{k=1}(T_j) = \begin{cases} \dot{Q}_h^{k=1}(47) + \dfrac{[\dot{Q}_h^{k=1}(62) - \dot{Q}_h^{k=1}(47)] \cdot (T_j - 47)}{62 - 47}, & \text{if } T_j > 41°F \\ \dot{Q}_h^{k=1}(17) + \dfrac{[\dot{Q}_h^{k=1}(35) - \dot{Q}_h^{k=1}(17)] \cdot (T_j - 17)}{35 - 17}, & \text{if } 15°F < T_j \leq 41°F \\ \dot{Q}_h^{k=2}(0) + \dfrac{[\dot{Q}_h^{k=2}(17) - \dot{Q}_h^{k=2}(0)] \cdot (T_j - 0)}{17 - 0}, & \text{if } -30°F < T_j \leq 15°F \end{cases}$$

$$\dot{Q}_h^{k=2}(T_j) = \begin{cases} \dot{Q}_h^{k=1}(47) + \dfrac{[\dot{Q}_h^{k=1}(62) - \dot{Q}_h^{k=1}(47)] \cdot (T_j - 47)}{62 - 47}, & \text{if } T_j > 62°F \\ \dot{Q}_h^{k=1}(17) + \dfrac{[\dot{Q}_h^{k=1}(35) - \dot{Q}_h^{k=1}(17)] \cdot (T_j - 17)}{35 - 17}, & \text{if } 25°F < T_j \leq 62°F \\ \dot{Q}_h^{k=2}(0) + \dfrac{[\dot{Q}_h^{k=2}(17) - \dot{Q}_h^{k=2}(0)] \cdot (T_j - 0)}{17 - 0}, & \text{if } -30°F < T_j \leq 25°F \end{cases}$$

$$\dot{E}_h^{k=1}(T_j) = \begin{cases} \dot{E}_h^{k=1}(47) + \dfrac{[\dot{E}_h^{k=1}(62) - \dot{E}_h^{k=1}(47)] \cdot (T_j - 47)}{62 - 47}, & \text{if } T_j > 41°F \\ \dot{E}_h^{k=1}(17) + \dfrac{[\dot{E}_h^{k=1}(35) - \dot{E}_h^{k=1}(17)] \cdot (T_j - 17)}{35 - 17}, & \text{if } 15°F < T_j \leq 41°F \\ \dot{E}_h^{k=2}(0) + \dfrac{[\dot{E}_h^{k=2}(17) - \dot{E}_h^{k=2}(0)] \cdot (T_j - 0)}{17 - 0}, & \text{if } -30°F < T_j \leq 15°F \end{cases}$$

$$\dot{E}_h^{k=2}(T_j) = \begin{cases} \dot{E}_h^{k=1}(47) + \dfrac{[\dot{E}_h^{k=1}(62) - \dot{E}_h^{k=1}(47)] \cdot (T_j - 47)}{62 - 47}, & \text{if } T_j > 62°F \\ \dot{E}_h^{k=1}(17) + \dfrac{[\dot{E}_h^{k=1}(35) - \dot{E}_h^{k=1}(17)] \cdot (T_j - 17)}{35 - 17}, & \text{if } 25°F < T_j \leq 62°F \\ \dot{E}_h^{k=2}(0) + \dfrac{[\dot{E}_h^{k=2}(17) - \dot{E}_h^{k=2}(0)] \cdot (T_j - 0)}{17 - 0}, & \text{if } -30°F < T_j \leq 25°F \end{cases}$$

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(4) Representations. Hallowell may make representations about the energy use of its boosted compression three-stage central air conditioners and heat pump 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 from the date of issuance of this order consistent with the provisions of 10 CFR 430.27(m).

(6) This waiver is conditioned upon the presumed validity of statements, representations, and documentary materials provided by the petitioner. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition for waiver is incorrect, or DOE determines that the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

Issued in Washington, DC, on January 29, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2010–2515 Filed 2–4–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford (known locally as the Hanford Advisory Board [HAB]), River and Plateau, Tank Waste, Public Involvement, Health Safety and Environmental Protection and Budgets and Contracts Subcommittees. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register.**

DATES: Tuesday, February 16, 2010–1 p.m.–5 p.m., Wednesday, February 17, 2010—8:30 a.m.–4 p.m.

ADDRESSES: Hampton Inn, Columbia Pointe Ballroom, 486 Bradley, Richland, WA.

FOR FURTHER INFORMATION CONTACT: Paula Call, Federal Coordinator, Department of Energy Richland Operations Office, 825 Jadwin Avenue, P.O. Box 550, A7–75, Richland, WA, 99352; Phone: (509) 376–2048; or E-mail: *Paula_K_Call@rl.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

- Review by technical expert on his analysis of remediation alternatives examined in the Draft Tank Closure (TC) and Waste Management (WM) Environmental Impact Statement (EIS)
- Overview of the Draft TC and WM EIS findings by other stakeholder groups
- Discussion of HAB member comments on the TC and WM EIS
- Development of HAB advice principles
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, welcomes the attendance of the public at its advisory subcommittee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Paula Call at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Paula Call at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. This notice is being published less than 15 days prior to the meeting date due to programmatic issues that had to be resolved prior to the meeting date.

Minutes: Minutes will be available by writing or calling Paula Call's office at the address or phone number listed above. Minutes will also be available at the following Web site: *http://www.hanford.gov/?page=413&parent=397.*

Issued at Washington, DC, on February 1, 2010.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2010–2517 Filed 2–4–10; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10808–043]

Boyce Hydro Power, LLC; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

January 29, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Temporary Amendment of License.

b. *Project No.:* 10808–043.

c. *Date Filed:* September 2, 2009, and supplemented on November 4, 2009.

d. *Applicant:* Boyce Hydro Power, LLC (BHP).

e. *Name of Project:* Edenville Hydroelectric Project.

f. *Location:* The project is located on the Tittabawassee River in Gladwin and Midland Counties, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Frank Christie, General Manager, Boyce Hydro Power, LLC, 6000 South M–30, P.O. Box 15, Edenville, Michigan 48624; telephone (989) 689–3161.

i. *FERC Contact:* Anthony DeLuca, telephone: (202) 502–6632, and e-mail: *anthony.deluca@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* March 1, 2010.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-filing" link. The Commission strongly encourages electronic filings.

All documents (original and eight copies) filed by paper should be sent to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–10808–043) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener 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. A copy of any