

notice in the **Federal Register**. The effect of each type of priority follows:

**Absolute priority:** Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

**Competitive preference priority:** Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

**Invitational priority:** Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

**Note:** This notice does not solicit applications. In any year in which we choose to use these priorities, we invite applications through a notice in the **Federal Register**.

**Executive Order 12866:** This notice has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this final regulatory action.

The potential costs associated with this final regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this final regulatory action, we have determined that the benefits of the final priorities justify the costs.

We have determined, also, that this final regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

#### *Summary of potential costs and benefits:*

The benefits of the RRTC program have been well-established over the years in that other RRTC projects have been completed successfully. The priorities announced in this notice will generate new knowledge through research and development activities.

Another benefit of these final priorities is that establishing new RRTCs will improve the lives of

individuals with disabilities. These new RRTCs will generate, disseminate, and promote the use of new information that will improve the options for individuals with disabilities to achieve improved education, employment, and independent living outcomes.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5075, PCP, Washington, DC 20202-2550. Telephone: (202) 245-7363. If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

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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>.

**Delegation of Authority:** The Secretary of Education has delegated authority to Andrew J. Pepin, Executive Administrator for the Office of Special Education and Rehabilitative Services, to perform the functions of the Assistant Secretary for Special Education and Rehabilitative Services.

Dated: July 15, 2009.

**Andrew J. Pepin,**

*Executive Administrator for Special Education and Rehabilitative Services.*

[FR Doc. E9-17233 Filed 7-20-09; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

[Case No. CAC-015]

### **Energy Conservation Program for Consumer Products: Notice of Modification of Petition for Waiver and Interim Waiver of Mitsubishi Electric From the Department of Energy Commercial Package Water-Source Heat Pump Test Procedure, and Modification of Interim Waiver**

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

**ACTION:** Notice of modification of interim waiver; request for comments.

**SUMMARY:** Today's notice announces receipt of and publishes a revised list of model numbers for which Mitsubishi Electric & Electronics USA, Inc. ("Mitsubishi") received an interim waiver of the test procedures applicable to commercial package water-source heat pumps. In addition, Mitsubishi has proposed that the definition of "tested combination," used in the alternate test procedure, be refined based upon the AHRI Draft Standard 1230. Through this document, DOE is soliciting comments with respect to the Mitsubishi Petition.

**DATES:** DOE will accept comments, data, and information with respect to the Mitsubishi Petition until, but no later than August 20, 2009.

**ADDRESSES:** You may submit comments, identified by case number "CAC-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*. Include either the case number [CAC-015], and/or "Mitsubishi Petition" 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.

**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 10 CFR 431.401(d). The contact information for the petitioner is: Mr. William Rau, Senior Vice President and General Manager, HVAC Advanced Products Division, Mitsubishi Electric & Electronics USA, Inc., 4300 Lawrenceville-Suwanee Road, Suwanee, GA 30024.

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 Application for Interim 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. Francine Pinto or Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0103. Telephone: (202) 586-9507. E-mail: [Francine.Pinto@hq.doe.gov](mailto:Francine.Pinto@hq.doe.gov) or [Michael.Kido@hq.doe.gov](mailto:Michael.Kido@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### II. Modified Petition for Waiver of Test Procedure and Application for Interim Waiver

##### III. Alternate Test Procedure

##### IV. Discussion

#### I. Background

On October 30, 2006, Mitsubishi submitted a Petition for Waiver and an Application for Interim Waiver from the test procedures applicable to its water-source WR2 and WY series models from its CITY MULTI VRFZ line of commercial package heat pump equipment. On April 9, 2007, DOE published Mitsubishi's Petition for Waiver for commercial package water-source heat pumps in the **Federal Register**. 72 FR 17533 (April 9, 2007). In the April 9, 2007 notice, DOE granted Mitsubishi's Application for Interim Waiver.

#### II. Modified Petition for Waiver of Test Procedure and Application for Interim Waiver

On July 30, 2008, Mitsubishi informed DOE that after it filed its Petition for Waiver in October 2006, it developed additional basic models in the WR2 and WY product line. These products are similar to the basic models listed in Mitsubishi's Petition for Waiver except that they have different capacities (the capacities of these new models fall within the applicable range of capacities for the ISO 13256-1 (1998) test procedure). The new outdoor models also have the additional ability to connect multiple outdoor units together to create larger capacity systems.

Therefore, Mitsubishi requested that DOE include these additional models in the list of basic models for which the interim waiver was granted. In addition, Mitsubishi requested that DOE include these additional basic models in the list of models contained in the Petition for Waiver. These additional products have the ability to connect multiple outdoor units together to create larger capacity systems, up to 240,000 Btu/hr. Connecting two of the smallest capacity (72,000 Btu/h) outdoor units results in a system capacity of 144,000 Btu/h, which is above the maximum 135,000 Btu/h covered by the DOE test procedure. The multiple-outdoor-unit feature is therefore not relevant to this waiver because the resulting system capacities are outside the capacity range of the DOE test procedure for water-source central air conditioners and central air conditioning heat pumps. This waiver only covers systems with nominal cooling capacities less than 135,000 Btu/hr, which does not include any combined units.

Mitsubishi's modified list of products for which a waiver is requested, and for which a waiver can be granted, follows:

#### CITY MULTI Variable Refrigerant Flow Zoning System Outdoor Equipment:

WY-Series (PQHY) 208/230-3-60 and 460-3-60 split-system, water-sourced, variable-speed heat pumps with individual model nominal cooling capacities of 72,000, 96,000, 108,000 and 120,000 Btu/h.

WR2-Series (PQRY) 208/230-3-60 and 460-3-60 split-system, water-sourced, variable-speed heat pumps with heat recovery and with individual model nominal cooling capacities of 72,000, 96,000, 108,000 and 120,000 Btu/h.

#### CITY MULTI Variable Refrigerant Flow Zoning System Indoor Equipment:

P\*FY models, ranging from 6,000 to 48,000 Btu/h, 208/230-1-60 and from 72,000 to 120,000 Btu/h, 208/230-3-60 split system variable-capacity air conditioner or heat pump.

PCFY Series—Ceiling Suspended—with capacities of 12/18/24/30/36 MBtu/h.

PDFY Series—Ceiling Concealed Ducted—with capacities of 06/08/12/15/18/24/27/30/36/48 MBtu/h.

PEFY Series—Ceiling Concealed Ducted (Low Profile)—with capacities of 06/08/12/18/24 MBtu/h.

PEFY Series—Ceiling Concealed Ducted (Alternate High Static Option)—with capacities of 15/18/24/27/30/36/48/54/72/96 MBtu/h.

PEFY-F Series—Ceiling Concealed Ducted (100% OA Option)—with capacities of 30/54/72/96/120 MBtu/h.

PFFY Series—Floor Standing (Concealed)—with capacities of 06/08/12/15/18/24 MBtu/h.

PFFY Series—Floor Standing (Exposed)—with capacities of 06/08/12/15/18/24 MBtu/h.

PKFY Series—Wall-Mounted—with capacities of 06/08/12/18/24/30 MBtu/h.

PLFY Series—4-Way Airflow Ceiling Cassette—with capacities of 12/18/24/30/36 MBtu/h.

PMFY Series—1-Way Airflow Ceiling Cassette—with capacities of 06/08/12/15 MBtu/h.

#### III. Alternate Test Procedure

Mitsubishi's July 30, 2008 petition to extend its Interim Waiver also contains a modification to the alternate test procedure published April 9, 2007. 72 FR 17533. It contains a proposed, new definition of the term "tested combination." This proposed definition is the same as the one in Draft AHRI 1230, "Performance Rating of Variable Refrigerant Flow (VRF) Multi-Split Air-

Conditioning and Heat Pump.” This definition allows for systems with multiple outdoor units and has other differences for systems with nominal cooling capacities greater than 150,000 Btu/h. However, for the waiver under consideration here, which does not apply to systems with multiple outdoor units, nor to systems with cooling capacities greater than 135,000 Btu/h, the only change in the definition of “tested combination” that is relevant is its reference to “capacity” is changed to “nominal cooling capacity.” This does not substantially alter the original definition, but only clarifies it.

#### IV. Discussion

The Department has reviewed Mitsubishi’s Initial Petition and its request to revise the list of model numbers for which Mitsubishi requested the waiver and interim waiver. The modified model list does not reflect any changes to the models listed in Mitsubishi’s Initial Petition with respect to the properties making them eligible for a waiver, which involved testing difficulties. Given that the modified list does not change in any way the basis for granting the interim waiver, DOE finds that it is appropriate that the interim waiver granted on April 9, 2007, apply to the models listed in the Modified Petition. DOE thus clarifies that the April 9, 2007, interim waiver applies to the models listed in the Modified Petition, and that DOE will use the modified list of model numbers in any future action on the pending Petition for Test Procedure Waiver.

Issued in Washington, DC, on July 9, 2009.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. E9–17287 Filed 7–20–09; 8:45 am]

BILLING CODE 6450–01–P

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Project No. 13528–000]

##### **Soule Hydro LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications**

July 13, 2009.

On July 1, 2009, Soule Hydro LLC filed an application pursuant to section 4(f) of the Federal Power Act to study the feasibility of the proposed Soule River Hydroelectric Project No. 13528 located on the Soule River, within the

Ketchikan Recording District, First Judicial District, near Hyder, Alaska. The project would occupy federal lands within the Tongass National Forest. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners’ express permission.

The proposed project would consist of: (1) A proposed concrete dam with a maximum height of 160 feet; (2) a proposed storage reservoir with a normal water surface area of 950 acres, an active storage capacity of approximately 60,000 acre-feet, and a gross storage capacity of approximately 74,000 acre-feet; (3) a proposed 12-foot-diameter, 12,000-foot-long penstock; (4) a proposed powerhouse containing 2 generating units with a total installed capacity of 75 megawatts; (5) an open channel tailrace; (6) a 138-kilovolt, 9.72 mile-long submarine cable transmission line connecting to the existing interconnection transmission system in Hyder, and (7) appurtenant facilities. The proposed Soule River Hydroelectric Project would have an average annual generation of 270 gigawatt-hours.

*Applicant Contact:* Mr. Norman Gross, Director, Soule Hydro LLC, 11978 Artery Drive, Fairfax, VA 22030; phone: (703) 751–2200. Mr. Bob Grimm, Alaska Power and Telephone Company, P.O. Box 3222, 193 Otto Street, Port Townsend, WA 98368; phone: (360) 385–1733 x120.

*FERC Contact:* Gina Krump, (202) 502–6704, [gina.krump@ferc.gov](mailto:gina.krump@ferc.gov).

*Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications:* 60 days from the issuance of this notice.

Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission’s Web site under the “e-Filing” link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission’s Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project, including a copy of the application, can be viewed or printed on

the “eLibrary” link of Commission’s Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P–13528) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9–17237 Filed 7–20–09; 8:45 am]

BILLING CODE 6717–01–P

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

##### Combined Notice of Filings # 1

July 10, 2009.

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

*Docket Numbers:* ER98–4515–010.

*Applicants:* Cadillac Renewable Energy LLC; Escanaba Paper Company.

*Description:* Cadillac Renewable Energy LLC request for Category 1 Seller designation in the Central region pursuant to section 35.36(a)(2) of the FERC’s regulations and the regional schedule set forth in Order 697–A.

*Filed Date:* 06/30/2009.

*Accession Number:* 20090701–0012.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, July 21, 2009.

*Docket Numbers:* ER09–1075–004.

*Applicants:* Falcon Energy LLC.

*Description:* Falcon Energy, LLC submits an Amended, Revised and Restated Application for Market-Based Rate Authorization and Request for Waivers and Blanket Authorizations and Request for Expedited Treatment of Falcon Energy, LLC.

*Filed Date:* 07/09/2009.

*Accession Number:* 20090709–0349.

*Comment Date:* 5 p.m. Eastern Time on Thursday, July 23, 2009.

*Docket Numbers:* ER09–1311–001.

*Applicants:* Entergy Arkansas, Inc.

*Description:* Entergy Services, Inc submits an errata to its notice of termination of Service Agreement No. 3.

*Filed Date:* 07/01/2009.

*Accession Number:* 20090702–0181.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, July 22, 2009.

*Docket Numbers:* ER09–1283–001.

*Applicants:* The Energy Cooperative of Pennsylvania.

*Description:* Energy Cooperative of Pennsylvania, Inc submits an Amended Petition for Acceptance of Initial Tariff, waiver and Blanket Authority.

*Filed Date:* 07/09/2009.

*Accession Number:* 20090709–0348.