

to use this priority, 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 priority justify the costs.

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

The benefits of the Disability and Rehabilitation Research Projects and Centers Programs have been well established over the years in that similar projects have been completed successfully. This final priority will generate new knowledge through research and development. Another benefit of this final priority is that the establishment of new DRRPs will improve the lives of individuals with disabilities. The new DRRP will provide support and assistance for NIDRR grantees as they generate, disseminate, and promote the use of new information that will improve the options for individuals with disabilities to perform activities of their choice in the community.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or compact disc) 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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Dated: February 9, 2012.

**Alexa Posny,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2012–3416 Filed 2–13–12; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### National Assessment Governing Board; Meeting

**AGENCY:** U.S. Department of Education, National Assessment Governing Board.

**ACTION:** Notice of open and closed meeting sessions.

**SUMMARY:** This notice sets forth the schedule and proposed agenda for the upcoming meeting of the National Assessment Governing Board (Board) and also describes the specific functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This notice is issued to provide members of the general public with an opportunity to attend and/or provide comments. Individuals who will need special accommodations in order to attend the meeting (e.g. interpreting services, assistive listening devices, materials in alternative format) should notify Munira Mwalimu at 202–357–6938 or at [Munira.Mwalimu@ed.gov](mailto:Munira.Mwalimu@ed.gov) no later than February 17, 2012. We will attempt to meet requests after this date but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

**DATES:** February 29, 2012 and March 1–3, 2012.

**Times:** February 29: *Committee Meeting: Assessment Development Committee (ADC):* Closed Session: 9 a.m.–3 p.m.

*Open Session:* 3 p.m.–5 p.m.

#### March 1

##### *Committee Meetings*

*Ad Hoc Committee:* Open Session 2:30 p.m.–4 p.m.

*Executive Committee:* Open Session: 4:30 p.m.–5 p.m.; Closed Session: 5 p.m.–6 p.m.

#### March 2

*Full Board:* Open Session: 8:15 a.m.–9:30 a.m.; Closed Session: 12:15 p.m.–

1:30 p.m.; Open Session: 1:45 p.m.–4:30 p.m.

#### *Committee Meetings*

*Assessment Development Committee (ADC):* Open Session: 9:45 a.m.–11:30 a.m.; Closed Session: 11:30 a.m.–12:15 p.m.

*Committee on Standards, Design and Methodology (COSDAM):* Open Session: 9:45 a.m.–11:30 a.m. Closed Session: 11:30 a.m.–12:15 p.m.

*Reporting and Dissemination Committee (R&D):* Open Session: 9:45 a.m.–12:15 p.m.

#### March 3

*Nominations Committee:* Closed Session: 7:30 a.m.–8:15 a.m.

*Full Board:* Closed Session: 8:30 a.m.–9 a.m.; Open Session: 9 a.m.–11:30 a.m.

**Location:** Hyatt Regency New Orleans, 601 Loyola Avenue, New Orleans, LA 70113.

#### **FOR FURTHER INFORMATION CONTACT:**

Munira Mwalimu, Operations Officer, National Assessment Governing Board, 800 North Capitol Street NW., Suite 825, Washington, DC, 20002–4233, Telephone: (202) 357–6938.

**SUPPLEMENTARY INFORMATION:** The National Assessment Governing Board (Board) is established under section 412 of the National Education Statistics Act of 1994, as amended.

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress (NAEP). The Board's responsibilities include the following: selecting subject areas to be assessed, developing assessment frameworks and specifications, developing appropriate student achievement levels for each grade and subject tested, developing standards and procedures for interstate and national comparisons, developing guidelines for reporting and disseminating results, and releasing initial NAEP results to the public.

On February 29, 2012, the Assessment Development Committee (ADC) will meet in closed session from 9 a.m. to 3 p.m. to review secure items for three NAEP assessments—the NAEP 2013 NAEP operational Reading assessment at grades 4 and 8; secure items for the NAEP 2014 Pilot Civics Assessment at grades 4, 8, and 12; and computer-based tasks for the NAEP 2014 Technology and Engineering Literacy Assessment. During the closed session, ADC members will be provided specific test materials for review which are not yet releasable to the general public. Premature disclosure of these secure test items and materials would compromise the integrity and substantially impede

implementation of the NAEP assessments and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 of the United States Code. This same committee will meet in an open session from 3 p.m. to 5 p.m. to review background questions for the NAEP 2014 pilot tests in U.S. History, Geography, and Civics at grades 4, 8, and 12.

On March 1, 2012, two committee meetings will occur.

From 2:30 p.m. to 4 p.m. the Ad Hoc Committee on NAEP Parent Engagement will meet in open session. The Executive Committee will meet in open session from 4:30 p.m. to 5 p.m., and thereafter in closed session from 5 p.m. to 6 p.m. During the closed session, the Executive Committee will receive a briefing on government cost estimates for the NAEP budget during FY 2013 and beyond for various options for the NAEP schedule of assessments, and the impact of these options on the NAEP contracts. The discussion of assessment schedules and costs will address the congressionally mandated goals and Board policies on NAEP assessments. This portion of the meeting will be conducted in closed session because public discussion of this information would disclose independent government cost estimates and contracting options, adversely impacting the confidentiality of the contracting process. In addition, public disclosure of information discussed would reduce future contract competition and significantly impede implementation of the NAEP contracts and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 of the United States Code.

On March 2, 2012 the full Board will meet in open session from 8:15 a.m. to 10 a.m. The Board will review and approve the meeting agenda and meeting minutes from the December 2011 Board meeting, followed by the Chairman's remarks and a welcome from New Orleans Board member Doris Hicks and Patrick Dobard, Superintendent, Recovery School District of Louisiana. On March 2, from 9 a.m. to 9:10 a.m. the Executive Director of the Governing Board will provide a report to the Board, followed by updates from the Commissioner of the National Center for Education Statistics (NCES) and the Director of the Institute of Education Sciences (IES) from 9:10 a.m. to 9:30 a.m. Following these sessions, the Board will recess for Committee meetings from 9:45 a.m. to 12:15 p.m.

The Reporting and Dissemination Committee will meet in open session from 9:45 a.m. to 12:15 p.m.

The Assessment Development Committee (ADC) will meet in open session from 9:45 a.m. to 11:30 a.m. and thereafter in closed session from 11:30 a.m. to 12:15 p.m. During the closed session, the ADC will receive a briefing on preliminary findings from the NAEP 2011 computer-based mathematics special study. The Board will be provided with study results that cannot be discussed/disclosed in an open meeting prior to public release. Premature disclosure of these findings would significantly compromise the integrity and significantly impede implementation of the NAEP assessments, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 United States Code.

The Committee on Standards, Design and Methodology will meet in open session from 9:45 a.m. to 11:30 a.m. and in closed session from 11:30 a.m. to 12:15 p.m. During the closed session, the Committee will receive a briefing on secure data collected from the NAEP writing achievement levels-setting pilot study, second field trial, and operational studies. The Board will be provided with specific assessment data and achievement levels results that have not been approved for release by the NCES Commissioner and therefore cannot be disclosed to the public at this time. Premature disclosure of these secure test results would significantly impede implementation of the NAEP assessments and reporting, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

On March 2, 2012 from 12:15 p.m. to 1:30 p.m. the full Board will meet in closed session to receive a briefing from NCES and engage in discussions on the Hands-On and Interactive Computer Tasks from the 2009 NAEP Science Assessment. The Board will be provided with embargoed data and results that cannot be discussed in an open meeting prior to their official release by the National Center for Education Statistics on a date to be determined. Premature disclosure of these results would significantly impede implementation of the NAEP assessment program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 United States Code.

Following the closed session, the Board will meet in open sessions as follows: From 1:45 p.m. to 2:30 p.m., the Board will receive a briefing on NCES's initiative on the Future of NAEP. From 2:30 p.m. to 3:15 p.m., the Board will receive a report of the Expert Panel on NAEP Background Questions. The Board will receive a report from the Ad Hoc Committee on Parent Engagement from 3:30 p.m. to 4 p.m., followed by a

discussion session on Board initiatives on *Making a Difference* from 4 p.m. to 4:30 p.m. The March 2, 2012 session of the Board meeting is scheduled to conclude at 4:30 p.m.

On March 3, 2011, the Nominations Committee will meet in closed session from 7:30 p.m. to 8:15 a.m. to review the proposed slates of finalists for Board terms beginning in October 2012. Thereafter, the full Board will meet in closed session from 8:30 a.m. to 9 a.m. to receive and take action on the recommendations from the Nominations Committee on final candidates for Board vacancies for submission to the Office of Secretary of Education. Both the Committee and full Board discussions pertain solely to internal personnel rules and practices of an agency and will disclose information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of section 552b(c) of Title 5 of the United States Code.

On March 3, from 9 a.m. to 10:15 a.m. the Board will receive a briefing on the Program for International Student Assessment. From 10:15 a.m. to 11 a.m. the Board will receive briefings and discuss 12th grade Preparedness Reporting. The Board will receive Committee reports and take action on Committee recommendations from 11 a.m. to 11:30 a.m. upon which the March 3, 2011 meeting will conclude.

Detailed minutes of the meeting, including summaries of the activities of the closed sessions and related matters that are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street, NW., Washington, DC, from 9 a.m. to 5 p.m. Eastern Time, Monday through Friday.

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**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: [www.gpoaccess.gov/nara/index.html](http://www.gpoaccess.gov/nara/index.html).

Dated: February 8, 2011.

**Cornelia S. Orr,**

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

[FR Doc. 2012-3314 Filed 2-13-12; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

[Case No. RF-023]

#### Notice of Petition for Waiver of GE Appliances From the Department of Energy Residential Refrigerator and Refrigerator-Freezer Test Procedure, and Grant of Interim Waiver

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

**ACTION:** Notice of petition for waiver, notice of grant of interim waiver, and request for comments.

**SUMMARY:** This notice announces receipt of and publishes the GE Appliances (GE) petition for waiver (hereafter, "petition") from specified portions of the U.S. Department of Energy (DOE) test procedure for determining the energy consumption of certain specific electric refrigerators and refrigerator-freezers. In its petition, GE provides an alternate test procedure and DOE solicits comments, data, and information concerning GE's petition and the suggested alternate test procedure. Today's notice also grants GE an interim waiver from the electric refrigerator and refrigerator-freezer test procedure, subject to use of the alternative test procedure set forth in this notice.

**DATES:** DOE will accept comments, data, and information with respect to the GE Petition until March 15, 2012.

**ADDRESSES:** You may submit comments, identified by case number "RF-023," 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-023] in the subject line of the message.

- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building

Technologies Program, Mailstop EE-2J/ 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., 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 waivers and rulemakings regarding similar refrigerator-freezer products. Please call Ms. Brenda Edwards at the above telephone number for additional information.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bryan Berringer, U.S. Department of Energy, Building Technologies Program, Mail Stop EE-2J, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585-0121.

Telephone: (202) 586-0371. E-mail: [AS\\_Waiver\\_Requests@ee.doe.gov](mailto:AS_Waiver_Requests@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, 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 that 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.

The regulations set forth in 10 CFR 430.27 contain provisions that enable a person to seek a waiver from the test procedure requirements for covered products under certain conditions. In particular, the Assistant Secretary for Energy Efficiency and Renewable Energy (the Assistant Secretary) may grant a waiver if it is determined that (1) the basic model for which the petition for waiver was submitted contains one or more design characteristics that prevents testing of the basic model according to the prescribed test procedures, or (2) 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. 10 CFR 430.27(l). 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. 10 CFR 430.27(b)(1)(iii).

The Assistant Secretary may grant the 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 may 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). If granted, an interim waiver remains in effect for 180 days or until DOE issues its determination on the petition for waiver, whichever is sooner. DOE may extend an interim waiver for an additional 180 days. 10 CFR 430.27(h).

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

On January 26, 2012, GE submitted a petition for waiver from the test procedure applicable to residential electric refrigerators and refrigerator-

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