

Dated: November 4, 2003.

Angela C. Arrington,

Leader, Regulatory Information Management  
Group, Office of the Chief Information Officer.

### Office of Innovation and Improvement

Type of Review: Reinstatement.

Title: Magnet Schools Assistance  
Program Application for Grants.

Frequency: Comp/once every three  
years.

Affected Public: State, Local, or Tribal  
Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour  
Burden:

Responses: 150.

Burden Hours: 6,000.

Abstract: The application is used by  
local education agencies to apply for  
grants under the Magnet Schools  
Assistance Program. Information in  
funded applications is used to describe  
to the public how grant funds are being  
used, for program evaluation, and as a  
basis for project monitoring.

This information collection is being  
submitted under the Streamlined  
Clearance Process for Discretionary  
Grant Information Collections (1890–  
0001). Therefore, the 30-day public  
comment period notice will be the only  
public comment notice published for  
this information collection.

Requests for copies of the submission  
for OMB review; comment request may  
be accessed from [http://  
edicsweb.ed.gov](http://edicsweb.ed.gov), by selecting the  
“Browse Pending Collections” link and  
by clicking on link number 2372. When  
you access the information collection,  
click on “Download Attachments” to  
view. Written requests for information  
should be addressed to Vivian Reese,  
Department of Education, 400 Maryland  
Avenue, SW., Room 4050, Regional  
Office Building 3, Washington, DC  
20202–4651 or to the e-mail address  
[vivan.reese@ed.gov](mailto:vivan.reese@ed.gov). Requests may also  
be electronically mailed to the internet  
address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to  
202–708–9346. Please specify the  
complete title of the information  
collection when making your request.

Comments regarding burden and/or  
the collection activity requirements  
should be directed to Kathy Axt at her  
e-mail address, [Kathy.Axt@ed.gov](mailto:Kathy.Axt@ed.gov).  
Individuals who use a  
telecommunications device for the deaf  
(TDD) may call the Federal Information  
Relay Service (FIRS) at  
1–800–877–8339.

[FR Doc. 03–28083 Filed 11–6–03; 8:45 am]

BILLING CODE 4000–01–P

### DEPARTMENT OF ENERGY

#### Office of Nonproliferation Policy; Proposed Subsequent Arrangement

AGENCY: Department of Energy.

ACTION: Notice of subsequent  
arrangement.

SUMMARY: This notice has been issued  
under the authority of Section 131 of the  
Atomic Energy Act of 1954, as amended  
(42 U.S.C. 2160). The Department is  
providing notice of a proposed  
“subsequent arrangement” under the  
Agreement for Cooperation Concerning  
Civil Uses of Atomic Energy between  
the United States and Canada and  
Agreement for Cooperation in the  
Peaceful Uses of Nuclear Energy  
between the United States and the  
European Atomic Energy Community  
(EURATOM).

This subsequent arrangement  
concerns the retransfer of 266,197 kg of  
U.S.-origin natural uranium  
hexafluoride, 180,000 kg of which is  
uranium, from Cogema Resources Inc.,  
Saskatoon, Saskatchewan, Canada to  
Eurodif Production, Pierrelatte France.  
The material, which is now located at  
Cameco Corp., Port Hope, Ontario, will  
be transferred to Eurodif for enrichment.  
Upon completion of the enrichment, the  
material will be retransferred to the  
Kansai Electric Power Co. Inc, Osaka,  
Japan, the Chugoku Electric Power Co.  
Inc, Hiroshima, Japan, and the Tohoku  
Electric Power Co Inc., Miyagi, Japan for  
use as fuel. The uranium hexafluoride  
was originally obtained by the Cameco  
Corp. from Power Resources, Inc.  
pursuant to export license number  
XSOU8744.

In accordance with Section 131 of the  
Atomic Energy Act of 1954, as amended,  
we have determined that this  
subsequent arrangement is not inimical  
to the common defense and security.

This subsequent arrangement will  
take effect no sooner than fifteen days  
after the date of publication of this  
notice.

For the Department of Energy.

Trisha Dedik,

Director, Office of Nonproliferation Policy.

[FR Doc. 03–28211 Filed 11–6–03; 8:45 am]

BILLING CODE 6450–01–P

### DEPARTMENT OF ENERGY

#### Office of Energy Efficiency and Renewable Energy

#### Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Fisher & Paykel Appliances Limited From the DOE Clothes Washer Test Procedure

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

ACTION: Notice of petition for waiver and  
solicitation of comments.

SUMMARY: Today's notice grants an  
Interim Waiver to Fisher & Paykel  
Appliances Limited (Fisher & Paykel),  
publishes Fisher & Paykel's Petition for  
Waiver from the existing Department of  
Energy (DOE or Department) clothes  
washer test procedure for its IW model  
clothes washer which has an adaptive  
control system, and seeks comment on  
that Petition for Waiver. The DOE  
clothes washer test procedure requires  
manufacturers of non-conventional  
clothes washers with adaptive control  
systems other than adaptive water fill  
control systems to seek such a waiver.

Fisher & Paykel seeks a waiver  
because its clothes washer model IW  
has an adaptive control system with two  
sensing modes, water level sensing and  
fabric sensing, to assess the type of load  
in the washer. This model does not have  
the conventional “normal” cycle used  
by the DOE clothes washer test  
procedure set forth in 10 CFR part 430,  
subpart B, appendix J, or the energy test  
cycle for washing cotton or linen clothes  
used in Appendix J1. Instead, Fisher &  
Paykel seeks to test the washer by  
determining a cycle that is equivalent to  
the normal cycle and the energy test  
cycle. The company proposes to test the  
default cycle that begins when a user  
pushes the power button to start the  
washer. This default cycle is the  
midpoint of the five settings controlled  
by the washer's “How Dirty” button,  
setting three. This waiver seeks only to  
confirm which test cycle to use. Fisher  
& Paykel will then follow the remaining  
steps of the existing test procedure to  
determine the energy consumption of  
the clothes washer. The Department is  
soliciting comments, data, and  
information regarding the Petition for  
Waiver.

DATES: The Department will accept  
comments, data, and information  
regarding this Petition for Waiver not  
later than December 8, 2003.

**ADDRESSES:** Please submit comments, data, and information electronically if possible. Comments should be sent to the following Internet address: *clotheswasherwaiver@ee.doe.gov*. Electronic comments must be submitted in a WordPerfect, Microsoft Word, or PDF format, and avoid the use of special characters or any form of encryption. Comments in electronic format should be identified by the case number CW-012, and wherever possible carry the electronic signature of the author. Absent an electronic signature, comments submitted electronically must be followed and authenticated by submitting the signed original paper document. No telefacsimiles (telefaxes) will be accepted.

Written (paper) comments may be submitted to: Ms. Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE-2J, Case Number CW-012, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-2945. Please submit one signed copy—no telefacsimiles.

You may read copies of the public comments received in the resource room of the appliance office of the Building Technologies Program, room 1J-018 of the Forrestal Building at the U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards-Jones at the above telephone number for additional information regarding visiting the resource room.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Twigg, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-8714, e-mail: *barbara.twigg@ee.doe.gov*; or Francine Pinto, Esq., U.S. Department of Energy, Office of General Counsel, GC-72, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-7432, e-mail: *Francine.Pinto@hq.doe.gov*.

**SUPPLEMENTARY INFORMATION:** Title III of the Energy Policy and Conservation Act (EPCA) sets forth a variety of provisions designed to improve energy efficiency. Part B of title III (42 U.S.C. 6291-6309) provides for the Energy Conservation Program for Consumer Products Other Than Automobiles. Among its provisions, it requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including clothes

washers. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. The test procedures for clothes washers are set forth in 10 CFR part 430, subpart B, appendix J and J1.

The Department's regulations in 10 CFR 430.27, set forth a process by which an interested person may seek a waiver and an interim waiver from the test procedure requirements for a covered consumer product. The waiver process allows the Assistant Secretary for Conservation and Renewable Energy (now known as the Assistant Secretary for Energy Efficiency and Renewable Energy) to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until a revised test procedure becomes effective, thereby resolving the problem that is the subject of the waiver.

An Interim Waiver will be granted by the Assistant Secretary for Energy Efficiency and Renewable Energy 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 on the Petition for Waiver. 10 CFR 430.27 (g). An Interim Waiver remains in effect for a period of 180 days from the date of issuance or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary. 10 CFR 430.27(h).

In addition to the waiver process outlined in 10 CFR 430.27, the clothes washer test procedure published August 27, 1997, specifically requires manufacturers of clothes washers with an adaptive control system, other than an adaptive water fill control system, to obtain a waiver to establish an acceptable test procedure for each such clothes washer. 62 FR 45501, 45514. Neither Appendix J (in effect through December 31, 2003) nor Appendix J1 (effective January 1, 2004) of that test procedure provides a means for determining the energy consumption of

a clothes washer with an adaptive control system.

On March 26, 2003, Fisher & Paykel filed an Application for Interim Waiver and a Petition for Waiver regarding its clothes washer model IW which has an adaptive control system that affects more than the water fill and cannot be tested accurately using the existing test procedure. Instead of having a means to select a "normal" cycle for testing (per Appendix J) or an energy test cycle for washing cottons and linens for testing (per Appendix J1), the machine features two sensing modes, water level sensing and fabric sensing, to determine the wash action. Both sensing modes employ specific agitator strokes and then assess the load's response to those agitator strokes. When a customer pushes the start button, the IW washer will, like many washers, go through an automatic sensing process to determine the water level. However, it will also sense the fabric type of the load and assign an agitator profile for that cycle. With additional input from the "How Dirty" setting, the washer will automatically select the appropriate wash action. Although users can adjust the "How Dirty" setting according to their assessment of the dirtiness of the load of clothes, if no choice is made, the power/start button will automatically select the midpoint of the "How Dirty" response as the default setting. This midpoint, setting three out of five possible settings, instructs the washer to wash on a medium soil level, the soil level suggested in the Fisher & Paykel user guide for washing a normal wash load with the IW model. Fisher & Paykel proposes to test the IW clothes washer on this midpoint, default setting activated by the power/start button, believing that it is the closest equivalent to a "normal" cycle. After the initiation of the default cycle, Fisher & Paykel will conduct the remainder of the energy consumption test according to the established test procedure.

Fisher & Paykel states that the "How Dirty" setting only affects the energy consumed by the motor, a small proportion of the total energy consumed by the wash cycle. The company provided test data to show the energy used per cycle by the five "How Dirty" settings, ranging from 0.086 kWhr/cycle to 0.121 kWhr/cycle. Since the variation in energy consumption among the five "How Dirty" settings will be insignificant compared to the total energy consumption of the clothes washer, the selection of the default cycle at the midpoint setting would seem to provide a fair equivalent of the traditional "normal" cycle for testing.

On August 4, 2003, Fisher & Paykel certified to the Department that it had circulated copies of its Application for Interim Waiver and Petition for Waiver to all known clothes washer manufacturers for comment. On September 15, 2003, the Department received copies of questions submitted by members of the Association of Home Appliance Manufacturers (AHAM) to Fisher & Paykel, in response to the circulated waiver, along with minutes from a conference call held on August 21, 2003, between AHAM Home Laundry Specialists and Fisher & Paykel, to discuss the waiver. The AHAM members requested clarifications on two points: (1) Confirmation that the #3 "How Dirty" setting met the 70 percent minimum run time requirement for the test procedure, and (2) Fisher & Paykel's intent regarding the selection of both maximum and minimum spin cycles. Subsequent to this discussion, Fisher & Paykel made changes to the waiver to clarify these issues. It added a table to show the wash times for each "How Dirty" setting and language to make clear that both the maximum and minimum spin speeds would be included in the test. Fisher & Paykel resubmitted its waiver to the Department with the revisions requested by the AHAM clothes washer

manufacturers on August 31, 2003. On September 15, 2003, AHAM reported to the Department that the changes made to the waiver by Fisher & Paykel were acceptable to its members. DOE received no additional comments.

Based on the above, the Department agrees that the Fisher & Paykel IW clothes washer, using an adaptive control system without a "normal" cycle, has a design characteristic which prevents the company from testing that model according to the prescribed test procedures. Because Fisher & Paykel has suggested a reasonable method for selecting an equivalent cycle for testing and will conduct the remainder of the test procedure according to the established DOE test procedure, the Department believes that it is likely that this Petition for Waiver will be granted. To deny Fisher & Paykel the ability to test and market an adaptive control clothes washer in the United States would discourage innovation, deny consumers new options in clothes washer features, and create economic hardship for the company.

The Department is therefore granting Fisher & Paykel the Interim Waiver it has requested for its IW clothes washer. Fisher & Paykel shall be permitted to test its adaptive control clothes washer using the default cycle which begins when a consumer presses the power/

start button and does not manually select an alternative "How Dirty" setting.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be removed or modified at any time upon a determination that the factual basis underlying the Application is incorrect.

This Interim Waiver shall remain in effect for a period of 180 days after issuance or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary. Pursuant to 10 CFR 430.27(b), DOE is hereby publishing the "Petition for Waiver" in its entirety. The Petition contains no confidential information. The Department solicits comments, data, and information respecting the Petition. Any person submitting written comments to DOE concerning either the Petition for Waiver or Interim Waiver must also send a copy of such comments to the petitioner. 10 CFR 430.27(b)(1)(iv) and 430.27(d).

Issued in Washington, DC, on October 30, 2003.

**David K. Garman,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

**BILLING CODE 6450-01-P**

**Fisher & Paykel Appliances**

Fisher & Paykel Appliances Limited  
78 Springs Road, East Tamaki  
PO Box 58-732, Greenmount  
Auckland, New Zealand

Telephone +64 9 273 0680  
DDI +64 9 273 0532  
FAX +64 9 273 0689  
[www.fisherpaykel.co.nz](http://www.fisherpaykel.co.nz)

22<sup>nd</sup> August 2003.

Assistant Secretary,  
Conservation and Renewable Energy,  
Department of Energy,  
1000 Independence Ave, Washington, DC

**Application for Interim Waiver and Petition for Waiver for App J and App J1 of Subpart B, CFR Part 430, Test Method for Clothes Washers with Adaptive Control.**

Dear Assistant Secretary,

This application for an Interim Waiver and Petition for Waiver is submitted pursuant to 10 CFR 430.27, which provides for modification of the test method if the machine has characteristics that prevent it being tested to the relevant Appendix.

Clothes washers must be tested to App J for the EnergyGuide label and to App J1 for EnergyStar. Both these Appendices have a definition for Adaptive Control Clause 1.1. At the end of both of these definitions is a note stating that if a machine has adaptive control then a waiver to establish an acceptable test procedure, must be applied for.

Fisher & Paykel Appliances seeks to test its IW model washer to the DOE requirements and cannot do so as this model has adaptive control.

This waiver seeks to determine the equivalent of the Normal Cycle for J (and Energy Test Cycle for J1) and hence confirm the test cycle. Once this is determined then either J or J1 procedures can be applied as is and no deviations are sought in this waiver to either of the actual test procedures.

**IW Washer Description.**

IW is a vertical axis high efficiency clothes washer with 1000rpm spin speed. It is based on the GWL11 model that is currently marketed but has a different user interface. This model has 2 sensing modes:

- Water level sensing.
- Fabric sensing.

Both sensing modes employ special specific agitator strokes and then assess the load's response to those agitator strokes.

The washer has 4 main buttons: a 'Power', 'How Dirty', 'Fabric Care', and 'Start/Pause' buttons. The washer does not have a 'normal' cycle that the user can select as such. A console photo is attached at the end of this waiver application.

- The 'Power' button turns the washer on and sets it to 'How Dirty' setting 3 and 'Fabric Care' on Auto sensing. .
- 'How Dirty' button is the main customer input. The "How Dirty" level is indicated on the washer console by a column of LEDS ranging from 1 to 5. The washer is programmed to default to level 3 (midpoint) when the 'Power' button is pushed. It can then be increased or decreased by the customer to suit the requirements for the particular load being washed. The User Guide for this washer states: "For a normal wash load we suggest the medium soil level ..."
- 'Fabric Care' button defaults to 'Auto sensing' when the washer is turned on. This button is only used to select other (than normal) cycles such as Permanent Press, Wool or Handwash. As these are not cycles ever tested by DOE this button is not used for testing.
- 'Start/Pause' starts the washer with either the default settings or with any changes that the customer has made.

There is also an LCD screen with several buttons. This is used to enter other modes such as wash temperature selection, time delay, spin speed etc. The only use for these in J/J1 testing is for the wash temperature and spin speed selection. Different values of each of these parameters can be selected by using the LCD screen. The waiver is not required and has no effect on these selections. Hence the screen will be used for selecting both the wash temperature, and the maximum and minimum spin speeds to give values of  $RMC_{max}$  and  $RMC_{min}$  for use in the test method.

When the 'Start/Pause' button is pushed the washer will start to fill and go through an automatic sensing routine to determine the water level. The washer will then sense the fabric type of the load and assign an 'agitator profile' for that cycle.

The agitator profile determines the wash action depending on the 'How Dirty' setting, water level, and type of clothes load. This wash action will come from a table of standard, predetermined wash actions. The wash process is different to traditional washers. The wash sequence is as follows. Washing takes place during items b, c & d.

- a) Fill with sufficient water to recirculate.
- b) Begin the washing action by recirculating the high concentration detergent solution.
- c) Fill to normal wash level.
- d) Standard agitate wash.
- e) Drain

The times for items b & d can vary for different 'How Dirty' settings but are incorporated in the software and are not independently variable by the customer. The 'How Dirty' button controls a number of parameters. These include agitator speed as well as recirculation and agitate times. There is no separate wash time setting or adjustment.

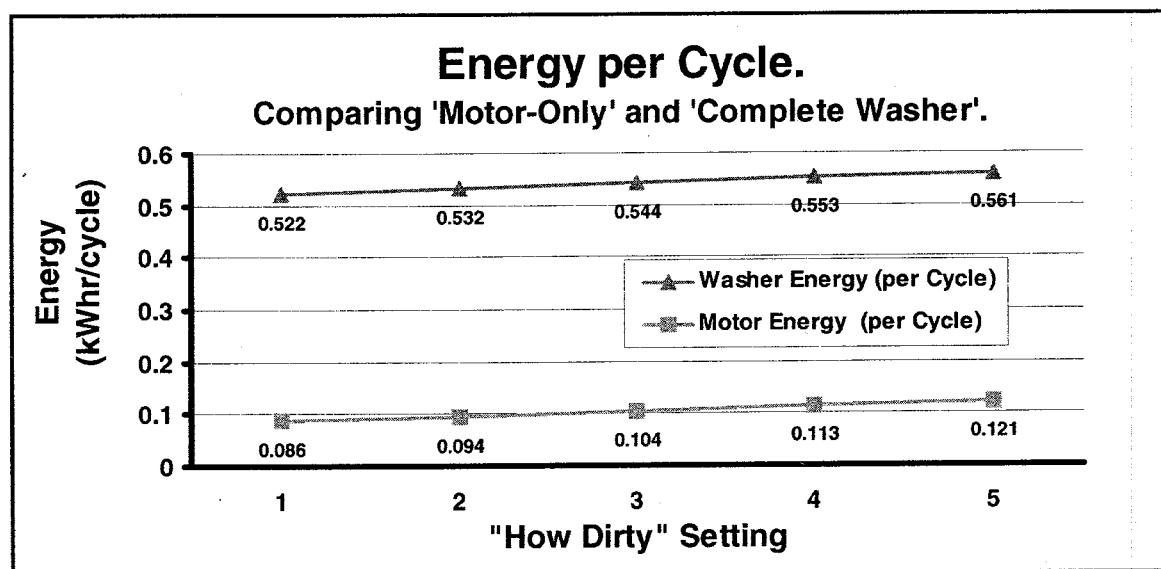
Below is a table showing the various wash times for our current production washer for the Australian/New Zealand market. The washer usually senses 'Medium' for the DOE load.

	<b>'How Dirty' Setting – Wash Times.</b>														
	<b>1</b>			<b>2</b>			<b>3</b>			<b>4</b>			<b>5</b>		
	Recirc. Time	Agitate Time	Wash Time	Recirc. Time	Agitate Time	Wash Time	Recirc. Time	Agitate Time	Wash Time	Recirc. Time	Agitate Time	Wash Time	Recirc. Time	Agitate Time	Wash Time
<b>Medium</b> (Minutes)	2	4	6	3	6	9	5	8	13	5	10	15	5	12	17

Hence Setting 3 wash time (13 minutes), is greater than 70% of the maximum wash time of Setting 5 (17 mins). See clause 2.10.

As stated the 'How Dirty' button has 5 settings. The current default is the midpoint, setting 3. This means that when the washer is turned on (push the 'Power' button), the '3' LED is illuminated and the washer will wash on this 'medium soil' level when the 'Start/Pause' button is pushed. A customer can adjust the 'How Dirty' setting by pushing either the 'Up' or 'Down' buttons. It is proposed to test the IW on this midpoint, which is the default setting. Changing the 'How Dirty' setting only affects the energy consumed by the motor. This is a small proportion of the total energy consumed. The following graphs demonstrate this.

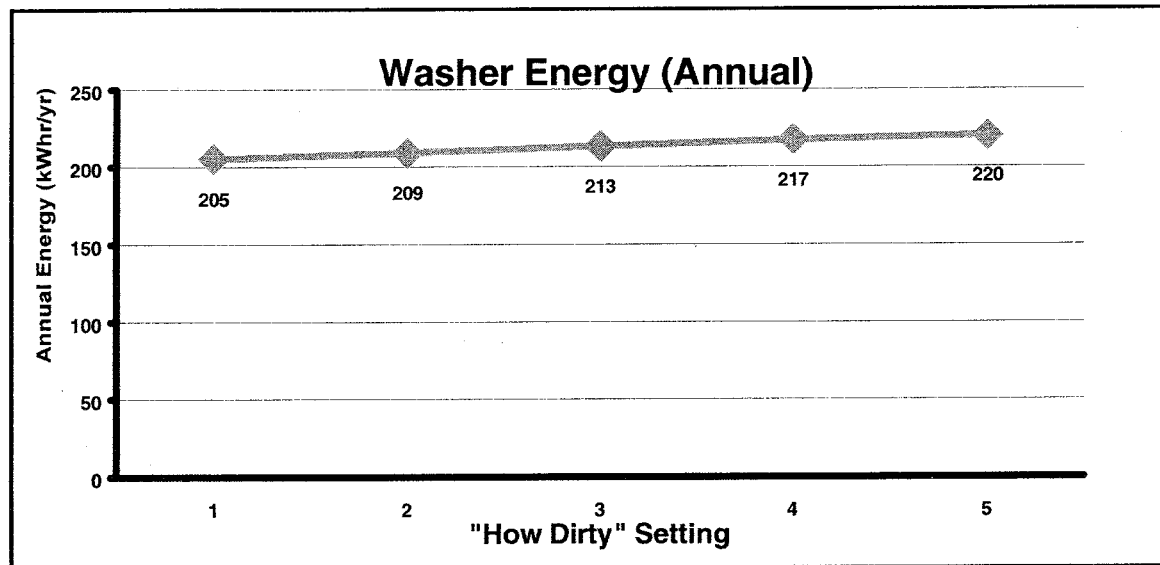
**Graph 1: Energy/cycle for different "How Dirty" settings.**  
(Motor only and for complete washer)



The above figures are based on limited, early testing. While the final results may differ slightly, the relative differences should not vary.

The next graph shows the effect on annual consumption

**Graph 2: Annual Energy (Equivalent to Energy on 'J1 Label').**



### **CFR430 Subpart B, App J & J1**

#### **Current Status.**

Fisher & Paykel Appliances intends to market a model of clothes washer that has adaptive control in North America. Adaptive control is not covered by these test methods. Many other washers on the US market have water level sensing but Fisher & Paykel Appliances knows of no other product that has fabric sensing and hence adaptive control.

#### **Appendix J.**

Appendix J defines the Normal Cycle as

*Clause 1.14 Normal cycle means the cycle recommended by the manufacturer for washing cotton and/or linen clothes.*

The settings for the Normal Cycle are referred to in Clause 2.11.1 as part of the Testing Conditions.

#### **Appendix J1.**

Appendix J1 refers to that cycle as the Energy Test Cycle (Clause 1.7), which is called up in Clause 3.2

### **Proposal to Modify App J & J1:**

#### **App J, Clause 1.14 Normal Cycle.**

For the Fisher & Paykel IW the Normal Cycle is Setting 3 on the 'How Dirty' button. As well as being the midpoint it is where the washer defaults to when turned on.

App J1, Clause 1.7 Energy Test Cycle.

For the Fisher & Paykel IW the Energy Test Cycle is Setting 3 on the 'How Dirty' button. As well as being the midpoint it is where the washer defaults to when turned on.

Other options considered were:

- To test on the highest possible 'How Dirty' setting. Clearly this is unfair as research has shown that about 65% of customers do not change the setting from default. Those that do change it can either increase it or decrease it. Note however changes to this setting only affect motor energy, which is a small percentage of the total energy.
- Testing to the lowest, midpoint and highest setting and then applying relevant usage factors. There is no relevant data on which to provide a basis for any Usage Factors.
- At the end of both J (Section 7) and J1 (Section 6), there is provision for a field test to provide comparative results. Consideration was given to this. However it is very difficult to test an adaptive control washer. Customers take some time to adapt to using the features especially ones that are totally different to those they have used before.

Interim Waiver.

Fisher & Paykel Appliances also requests immediate relief by the granting of an Interim Waiver for washer model IW.

Likely Success of Waiver.

The Petition for Waiver is likely to be granted as Fisher & Paykel Appliances is not seeking to drastically change a test method but merely to confirm the cycle to which the existing test method is applied. We do not feel that this is a particularly radical step and that such innovation must be allowed onto the market.

Economic Hardship.

Fisher & Paykel Appliances currently markets only 1 model of washer in the US. In its major other markets (Australia & New Zealand), many models are marketed, including the local equivalent of the IW. Experience there has proved the sensing technology in the IW is an innovation that provides customers with real benefits.

Fisher & Paykel Appliances needs to introduce a wider model range. Lack of a test method must never be allowed to hinder innovation.

Fisher & Paykel Appliances wishes to maintain its position as an innovator in the top loading clothes washer market and as such needs to keep producing control systems that optimize customer benefits.

Accompanying this application is the User Guide and an interactive CD that are supplied with the equivalent model locally. These will give a good understanding of the product function.



Richard Bollard  
Standards & Approvals Manager,  
Fisher & Paykel Appliances.  
Box 58-732, Greenmount, Auckland, New Zealand  
Ph +64 9 273 0532  
FAX +64 9 273 0689  
Email Richard.Bollard@fp.co.nz



[FR Doc. 03-28096 Filed 11-6-03; 8:45 am]  
BILLING CODE 6450-01-C

## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Pacific Northwest-Pacific Southwest Intertie Project—Firm and Nonfirm Transmission Service Rates—Rate Order No. WAPA-108

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of rate order.

**SUMMARY:** This action is taken to extend the existing Pacific Northwest-Pacific Southwest Intertie Project (AC Intertie) firm point-to-point transmission service rate for the 230/345-kilovolt (kV) transmission system, Rate Order No. WAPA-76, and firm point-to-point transmission service rate for the 500-kV transmission system, and the nonfirm point-to-point transmission service rate for the 230/345/500-kV, Rate Order No. WAPA-91, through December 31, 2006. AC Intertie Project rates will expire December 31, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jack Murray, Rates Team Lead, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005-6457, (602) 352-2442, or e-mail [jmurray@wapa.gov](mailto:jmurray@wapa.gov).

**SUPPLEMENTARY INFORMATION:** By Delegation Order No. 00-037.00 effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop long-term power and transmission rates on a non-exclusive basis to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove, such rates to the Federal Energy Regulatory Commission (FERC).

Western's firm point-to-point transmission service rate for the AC Intertie 230/345-kV transmission system was revised through Rate Order No. WAPA-76 and submitted to FERC for confirmation and approval on February 8, 1999. On June 22, 1999, in Docket No. EF99-5191-000, 87 FERC ¶ 61,346, FERC issued an order confirming, approving, and placing into effect on a final basis the firm point-to-point transmission service rate of \$12.00/kilowattyear for the AC Intertie 230/345-kV transmission system. The rate was approved for 5 years from January 1, 1999, to December 31, 2003.

During the firm point-to-point transmission service rate development for the AC Intertie 230/345-kV transmission system (Rate Order No. WAPA-76), Western determined that it would take about 10 years for the AC Intertie 500-kV transmission system to be subscribed to a level sufficient to meet its own revenue repayment requirements. The ratesetting Power Repayment Study (PRS) established for the AC Intertie 230/345/500-kV transmission system (Rate Order No. WAPA-76) reflected the phasing-in of AC Intertie 500-kV transmission system revenues starting in fiscal year (FY) 1999 through FY 2008. The projected firm transmission sales in the 500-kV transmission system PRS assume that in 10 years the 500-kV Project will be economically viable and capable of demonstrating repayment. The PRS was programmed for first year sales of 62.5 megawatt (MW) and annual increases of 100 MW through the tenth year. Based on that projection, the total sales target projected at the end of fiscal year 2003 was 562.5 MW. The 500-kV system contractual commitments are currently 664 MW. The 230/345-kV system contractual commitments are 1,059 MW. The total combined firm transmission sales beginning in FY 2004 is projected to be 1,723 MW. This ratesetting PRS methodology remains valid. Projected revenue levels from sales of firm and nonfirm point-to-point transmission service and miscellaneous items will recover project expenses and capital requirements through FY 2049 for the AC Intertie 230/345/500-kV transmission system.

On August 15, 2000, the Deputy Secretary approved Rate Order WAPA-91. This extended the existing firm point-to-point transmission service rate of \$17.23/kilowattyear for the AC Intertie 500-kV transmission system, and the existing nonfirm point-to-point transmission service rate of 2.00 mills/kWh for the AC Intertie 230/345/500-kV transmission system through December 31, 2003.

Western has decided to extend the existing firm point-to-point transmission service rate of \$17.23/kilowattyear for the AC Intertie 500-kV transmission system, firm point-to-point transmission service rate of \$12.00/kilowattyear for the AC Intertie 230/345-kV transmission system, and the nonfirm point-to-point transmission service rate of 2.00 mills/kilowattyear for the AC Intertie 230/345/500-kV transmission system through December 31, 2006. This extension will also allow Western time to evaluate impacts of combining revenue requirements of the Desert Southwest Region's transmission

systems and to determine a methodology to put in place a multi-system transmission rate. Western proposes to extend the current rates pursuant to 10 CFR 903.23. Upon its approval, Rate Order No. WAPA-76 and Rate Order No. WAPA-91 will be extended under Rate Order No. WAPA-108. Under 10 CFR 903.23(a)(2), Western did not have a consultation and comment period. Western held an informal public information forum.

Following review of Western's proposal within the Department of Energy, I approved Rate Order No. WAPA-108, which extends the existing firm point-to-point transmission service rate of \$17.23/kilowattyear for the AC Intertie 500-kV transmission system, the firm point-to-point transmission service rate of \$12.00/kilowattyear for the AC Intertie 230/345-kV transmission system, and the nonfirm point-to-point transmission service rate of 2.00 mills/kilowattyear for the AC Intertie 230/345/500-kV transmission system on an interim basis through December 31, 2006. Rate Order No. WAPA-108 will be submitted to FERC for confirmation and approval on a final basis.

Dated: October 27, 2003.

**Kyle E. McSlarrow,**  
*Deputy Secretary.*

#### Order Confirming and Approving an Extension of the Pacific Northwest-Pacific Southwest Intertie Project Firm and Nonfirm Transmission Service Rates

The Pacific Northwest-Pacific Southwest Intertie Project (AC Intertie) transmission service rates were established following section 302(a) of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152(a)). This act transferred to and vested in the Secretary of Energy (Secretary) the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902, ch. 1093, 32 Stat. 388, as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), and other acts that specifically apply to the project system involved.

By Delegation Order No. 00-037.00 effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop long-term power and transmission rates on a non-exclusive basis to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove, such rates to the Federal Energy Regulatory Commission (FERC). This rate extension is issued following the Delegation Order and the DOE rate extension procedures at 10 CFR part 903.