

served by allowing either instance of substantial transformation to qualify the final solar installation or array as compliant with the Buy American provisions.

Conducting either of these discrete activities (production of the cells or the modules) in the United States creates roughly equal numbers of American jobs, and aligns squarely with purpose and the principles the Recovery Act Buy American provision by focusing on the highest-value and most labor-intensive processes along the solar PV manufacturing chain.

The extension of the Solar Public Interest Waiver also demonstrates EERE's commitment to the continued swift expenditure of Recovery Act funds, by permitting grantees to utilize a diverse range of existing American-manufactured solar technologies. This is a one-time extension encouraging grantees to complete their projects in an expedient manner; strengthening local clean energy infrastructure while leveraging Recovery Act dollars to support U.S. jobs along the solar manufacturing supply chain and in high-skill solar installation activities.

For all the reasons outlined above, the Assistant Secretary of EERE has determined it is in the public interest to issue a one-time extension of the Solar Public Interest Waiver of the Recovery Act Buy American provisions, permitting EERE Recovery Act grantees to utilize solar PV installations where either the cell or the module is manufactured in the United States.

In addition, this extended public interest determination waives the Buy American requirements for all ancillary items that are incidental in cost and technological significance, thus eliminating ambiguities concerning whether the incidental items are final manufactured goods or merely components of a larger solar module, installation or array. These items include, but are not limited to, charge controllers, combiners and disconnect boxes, breakers and fuses, racks, trackers, lugs, wires, and cables. Inverters and batteries remain subject to the Buy American provisions. This helps support the solar installation industry, because it removes the burden from businesses—especially small businesses—of verifying the origin of each of the many minor components of a solar installation or array. This also benefits grantees, businesses, American taxpayers and the Department of Energy by encouraging more competitive bids on solar projects.

Issuance of this nationwide public interest waiver recognizes EERE's

commitment to expeditious costing of Recovery Act dollars by enabling recipients to easily ascertain whether a given solar installation complies with the Buy American provision. Simultaneously, this waiver advances the purpose and the principles of the Buy American provision by focusing on the highest-value and most labor-intensive pieces of solar PV equipment.

In light of the foregoing, and under the authority of section 1605(b)(1) of Public Law 111-5 and the Redesignation Order, dated September 17, 2010, with respect to Recovery Act projects funded by EERE, the Assistant Secretary on February 4, 2011 issued an extension of the amended "determination of inapplicability" (a waiver under the Recovery Act Buy American provisions) for the following items: (1) Domestically-manufactured modules containing foreign-manufactured cells, (2) Foreign-manufactured modules, when completely comprised of domestically-manufactured cells, and (3) Any ancillary items and equipment (including, but not limited to, charge controllers, combiners and disconnect boxes, breakers and fuses, racks, trackers, lugs, wires, cables and all otherwise incidental equipment with the exception of inverters and batteries) when utilized in a solar installation involving a U.S. manufactured PV module, or a module manufactured abroad but comprised exclusively of domestically-manufactured cells until August 6, 2011.

This waiver expires August 6, 2011 (six months from the date of expiration of the original waiver). Recipients of EERE Recovery Act funds who have taken substantial steps to commit funds for the purchase of the items covered in this waiver by August 6, 2011 will not be impacted by the expiration of this waiver.

Furthermore, the Assistant Secretary reserves the right to revisit and amend this determination based on new information or new developments.

**Authority:** Pub. L. 111-5, section 1605.

Issued in Washington, DC, on February 4, 2011.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy, U.S. Department of Energy.*

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## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### Nationwide Categorical Waivers Under Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (Recovery Act)

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

**ACTION:** Notice of limited waivers.

**SUMMARY:** The U.S. Department of Energy (DOE) is hereby granting a nationwide limited waiver of the Buy American requirements of section 1605 of the Recovery Act under the authority of Section 1605(b)(2) (iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality) with respect to (1) two-stage, steam heated absorption chillers rated at 500–1,500 tons; (2) single wall evacuated tube collectors for solar thermal systems (when used in an educational context for the purposes of comparing relative efficiency of solar thermal technologies); (3) 2-ton adsorption chillers (for educational purposes, or where alternative technologies are not serviceable); (4) LED Lamp and controller for studio lights in a television broadcast studio (where a CRI (Color Rendition Index) sufficient to render accurate flesh tones and natural colors and a precise color tuning control to dial in exact color temperature for accurate colors under multiple lighting setups are required); (5) Global Positioning System (GPS) Time Source Modules (to serve as direct communication link between a county or city's Traffic Management System (TMS) and the Caltrans Traffic Signal Management and Surveillance System (CTNET)); and (6) elongated wall-hung rear spud toilets (bowl and hardware) that will be used on eligible EERE Recovery Act-funded projects.

**DATES:** *Effective Date:* January 12, 2011.

**FOR FURTHER INFORMATION CONTACT:** Benjamin Goldstein, Energy Technology Program Specialist, Office of Energy Efficiency and Renewable Energy (EERE), (202) 287-1553, Department of Energy, 1000 Independence Avenue SW., Mailstop EE-2K, Washington, DC 20585.

**SUPPLEMENTARY INFORMATION:** Under the authority of the Recovery Act, Public Law 111-5, section 1605(b)(2), the head of a federal department or agency may issue a "determination of inapplicability" (a waiver of the Buy

American provision) if the iron, steel, or relevant manufactured good is not produced or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality ("nonavailability"). On September 17, 2010, the authority of the Secretary of Energy to make all inapplicability determinations was re-delegated to the Assistant Secretary for Energy Efficiency and Renewable Energy (EERE), for EERE projects under the Recovery Act. Pursuant to this delegation the Assistant Secretary, EERE, has concluded that (1) two-stage, steam heated absorption chillers rated at 500–1500 tons; (2) single wall evacuated tube collectors for solar thermal systems (when used in an educational context for the purposes of comparing relative efficiency of solar thermal technologies); (3) 2-ton adsorption chillers (for educational purposes, or where alternative technologies are not serviceable); (4) LED Lamp and controller for studio lights in a television broadcast studio (where a CRI (Color Rendition Index) sufficient to render accurate flesh tones and natural colors and a precise color tuning control to dial in exact color temperature for accurate colors under multiple lighting setups are required); (5) Global Positioning System (GPS) Time Source Modules (to serve as direct communication link between a county or city's Traffic Management System (TMS) and the Caltrans Traffic Signal Management and Surveillance System (CTNET)); and (6) elongated wall-hung rear spud toilets (bowl and hardware) that will be used on eligible EERE Recovery Act-funded projects qualify for the "nonavailability" waiver determination.

EERE has developed a rigorous process to ascertain in a systematic and expedient manner whether or not there is domestic manufacturing capacity for the items submitted for a waiver of the Recovery Act Buy American provision. This process involves a close collaboration with the United States Department of Commerce National Institute of Standards and Technology (NIST) Manufacturing Extension Partnership (MEP), in order to scour the domestic manufacturing landscape in search of producers before making any nonavailability determination.

The MEP has 59 regional centers with substantial knowledge of, and connections to, the domestic manufacturing sector. MEP uses their regional centers to "scout" for current or potential manufacturers of the product(s) submitted in a waiver request. In the course of this interagency collaboration, MEP has been able to find

exact or partial matches for manufactured goods that EERE grantees had been unable to locate. As a result, in those cases, EERE was able to work with the grantees to procure American-made products rather than granting a waiver.

Upon receipt of completed waiver requests for the six products in the current waiver, EERE reviewed the information provided and submitted the relevant technical information to the NIST MEP. The MEP then used their network of nationwide centers to scout for domestic manufacturers. The MEP reported that their scouting process did not locate any domestic manufacturers for the exact items needed to meet the product specifications required by the EERE grant recipient.

In addition to the MEP collaboration outlined above, the EERE Buy American Coordinator worked with labor unions, trade associations and other manufacturing stakeholders to scout for domestic manufacturing capacity or an equivalent product for each item contained in this waiver. EERE also conducted significant amounts of independent research to supplement MEP's scouting efforts, including utilizing technology experts employed by the Department of Energy or the Department of Energy's National Renewable Energy Laboratory. EERE's research efforts confirmed the MEP findings that the goods included in this waiver are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality.

The nonavailability determination is also informed by the numerous inquiries to EERE from recipients of EERE Recovery Act funds, and from suppliers, distributors, retailers and trade associations—all stating that their individual efforts to locate domestic manufacturers have been unsuccessful.

Having established a proper justification based on domestic nonavailability, EERE hereby provides notice that on January 12, 2011, six nationwide categorical waivers of section 1605 of the Recovery Act were issued as detailed *supra*. This notice constitutes the detailed written justification required by Section 1605(c) for waivers based on a finding under subsection (b).

This waiver determination is pursuant to the delegation of authority by the Secretary of Energy to the Assistant Secretary for Energy Efficiency and Renewable Energy with respect to expenditures within the purview of her responsibility. Consequently, this waiver applies to all EERE projects carried out under the Recovery Act.

**Authority:** Pub. L. 111–5, section 1605.

Issued in Washington, DC on January 19, 2011.

**Cathy Zoi,**

*Assistant Secretary, Energy Efficiency and Renewable Energy, U.S. Department of Energy.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 637–022]

#### Public Utility District No. 1 Chelan County; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

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

- a. *Application Type:* Non-Project Use of Project Lands and Waters.
- b. *Project No.:* 637–022.
- c. *Date Filed:* January 21, 2011.
- d. *Applicant:* Public Utility District No. 1 Chelan County.
- e. *Name of Project:* Lake Chelan Hydroelectric Project.
- f. *Location:* The project is located on the Chelan River in Chelan County near the City of Chelan, Washington.
- g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).
- h. *Applicant Contact:* Michele Smith, Licensing and Compliance Manager at P.O. Box 1231, Wenatchee, Washington. Phone: (509) 663–8121.
- i. *FERC Contact:* Patricia Grant at (312) 596–4435; e-mail: [patricia.grant@ferc.gov](mailto:patricia.grant@ferc.gov).
- j. Deadline for filing comments, motions to intervene, and protests, is 30 days from the issuance date of this notice. All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov/docs-filing/efiling.asp>. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments.