

SUPPLEMENTARY INFORMATION: Under the authority of the Recovery Act, section 1605(b)(1), the head of a Federal department or agency may issue a “determination of inapplicability” (a waiver of the Buy American provisions) if the application of section 1605 would be inconsistent with the public interest. On April 25, 2011, the Secretary of Energy delegated the authority to make all inapplicability determinations to the Assistant Secretary for Energy Efficiency and Renewable Energy, for EERE Recovery Act projects.

Pursuant to this delegation, the Acting Assistant Secretary has determined that application of section 1605 restrictions would be inconsistent with the public interest for items donated (provided at zero cost) to EERE-funded Recovery Act projects.

This determination waives the Buy American requirements in EERE-funded Recovery Act projects for donated manufactured goods. This waiver expires May 1, 2012.

Definitions—Donated means manufactured goods provided to the project at zero cost. These goods must not hold a caveat, expectation, or quid-pro-quo of any sort, nor may their donation bind the grant recipient in any way. The recipient, for example, may not agree to pay more for one item, so as to have another item donated, nor may they promise more business in the future in exchange for a donated item. The Contracting Officer and the Project Officer will be consulted to determine whether the goods qualify as donated; this will serve to prevent abuse of this waiver. This waiver applies only to the donated manufactured goods themselves. All funds used in the project are still subject to the Buy American requirements and other contract requirements.

The Buy American provision “prohibits use of recovery funds for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.” 2 CFR 176. However, in a number of cases, grant recipients and sub recipients have been able to secure offers of donation, for items already installed that are non-compliant with the Buy American provision of the Recovery Act. Offers of donation may free up the need to spend federal dollars that otherwise would have been spent on those donated items and that may also count towards the recipient’s cost share (10 CFR § 600.224) for grants that require cost sharing. When donated items are used in a project, freeing up allocated Recovery Act funds, grantees

will work with their Project Officers to allocate funds to other projects, or to broaden the existing project. The “freed-up” Recovery Act funds may not be used on the purchase of non-compliant manufactured goods in accordance with applicable laws.

For the reasons outlined above, I find that it is in the public interest to issue a waiver of the Recovery Act Buy American provisions that allows grantees to use donated manufactured goods in EERE funded projects. This waiver should not be used as a means to circumvent the Recovery Act Buy American provisions through encouraging recipients to knowingly accept non-compliant goods that would be used on a Recovery Act project to further leverage Recovery Act funds.

Issuance of this nationwide public interest waiver recognizes EERE’s commitment to expeditious costing of Recovery Act dollars by enabling grantees and vendors to easily ascertain whether a project complies with the Buy American provision. Issuance of this waiver removes any need for EERE to issue a Recovery Act Buy American non-compliance finding and negates economic waste that would result by having a recipient uninstall or remove a donated good that is otherwise compliant with the Recovery Act Buy American provisions.

In light of the foregoing, and under the authority of section 1605(b)(1) of Public Law 111-5 and the Redelegation Order of April 25, 2011, with respect to Recovery Act projects funded by EERE, on December 6, 2011, the Assistant Secretary issued a new “determination of inapplicability” (a waiver under the Recovery Act Buy American provisions for donated manufactured goods.

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

Authority: Public Law 111-5, section 1605.

Issued Washington, DC on December 6, 2011.

Henry Kelly,

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

[FR Doc. 2012-1623 Filed 1-25-12; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC12-59-000.

Applicants: Old Trail Wind Farm, LLC, Telocaset Wind Power Partners, LLC, High Prairie Wind Farm II, LLC, Cloud County Wind Farm, LLC, Pioneer Prairie Wind Farm I, LLC, Sagebrush Power Partners, LLC, Arlington Wind Power Project LLC, Marble River, LLC, Flat Rock Windpower LLC, Blue Canyon Windpower LLC, Wheat Field Wind Power Project LLC, Lost Lakes Wind Farm LLC, Blue Canyon Windpower V LLC, Blackstone Wind Farm LLC, Meadow Lake Wind Farm IV LLC, Blackstone Wind Farm II LLC, Blue Canyon Windpower II LLC, High Trail Wind Farm, LLC, Meadow Lake Wind Farm LLC, Meadow Lake Wind Farm II LLC, Meadow Lake Wind Farm III LLC, Rail Splitter Wind Farm, LLC, Flat Rock Windpower II LLC, Paudling Wind Farm II LLC, Blue Canyon Windpower VI LLC, China Three Gorges Corporation, China Three Gorges International (Europe) S.A.

Description: Application for Authorization for Disposition of Jurisdictional Facilities and Request for Expedited Action of Arlington Wind Power Project LLC, et al.

Filed Date: 1/17/12.

Accession Number: 20120117-5259.

Comments Due: 5 p.m. ET 2/7/12.

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

Docket Numbers: ER11-3876-001, ER11-2044-002; ER10-2611-001.

Applicants: Cordova Energy Company, LLC, MidAmerican Energy Company, Saranac Power Partners, L.P.

Description: Revised Attachment B to replace Attachment B in Applicant’s June 30 market analysis f Cordova Energy Company LLC, et al.

Filed Date: 7/6/11.

Accession Number: 20110706-5086.

Comments Due: 5 p.m. ET 1/25/12.

Docket Numbers: ER12-817-000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35: 01-17-12 RAR Compliance Filing to be effective 7/28/2010.

Filed Date: 1/17/12.

Accession Number: 20120117-5229.

Comments Due: 5 p.m. ET 2/7/12.

Docket Numbers: ER12-818-000.

Applicants: El Paso Electric Company.
Description: El Paso Electric Company submits tariff filing per 35.13(a)(2)(iii): Arlington Valley Solar II IA to be effective 1/13/2012.

Filed Date: 1/17/12.

Accession Number: 20120117-5243.

Comments Due: 5 p.m. ET 2/7/12.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF12-164-000.

Applicants: Smithfield Packing Company.

Description: Form 556—Notice of self-certification as qualifying cogeneration facility status.

Filed Date: 1/17/12.

Accession Number: 20120117-5199.

Comments Due: None Applicable.

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

Docket Numbers: RD11-3-000.

Applicants: North American Electric Reliability Corporation.

Description: Compliance Filing of the North American Electric Reliability Corporation in Response to November 17, 2011 Order Approving Reliability Standard FAC-013-2—Assessment of Transfer Capability for the Near-Term Transmission Planning Horizon.

Filed Date: 1/17/12.

Accession Number: 20120117-5202.

Comments Due: 5 p.m. ET 2/16/12.

Docket Numbers: RD11-10-000.

Applicants: North American Electric Reliability Corporation.

Description: Compliance Filing of the North American Electric Reliability Corporation in Response to November 17, 2011 Order Approving Reliability Standard FAC-008-3—Facility Ratings.

Filed Date: 1/17/12.

Accession Number: 20120117-5203.

Comments Due: 5 p.m. ET 2/16/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/>

docs-filing/efiling/filing-req.pdf. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: January 18, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012-1611 Filed 1-25-12; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

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

Docket Numbers: ER03-1182-000; ER10-3079-000.

Applicants: Tyr Energy, LLC.

Description: Supplement to Request for Category 1 Seller Determination, Tariff Amendment, and, in the Alternative, Request for Exemption.

Filed Date: 1/6/12.

Accession Number: 20120106-5105.

Comments Due: 5 p.m. ET 1/27/12.

Docket Numbers: ER12-819-000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii): Corrections to Conform Lang. in Section I.1.2 to be effective 1/31/2011.

Filed Date: 1/18/12.

Accession Number: 20120118-5028.

Comments Due: 5 p.m. ET 2/8/12.

Docket Numbers: ER12-820-000.

Applicants: PJM Interconnection,

L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Notice of Cancellation of Original SA No. 2800 in Docket No. ER11-3203-000 to be effective 12/19/2011.

Filed Date: 1/18/12.

Accession Number: 20120118-5029.

Comments Due: 5 p.m. ET 2/8/12.

Docket Numbers: ER12-821-000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii): True-Up to SGIA and Svc Agmt w/County Sanitation Districts of LA County to be effective 3/19/2012.

Filed Date: 1/18/12.

Accession Number: 20120118-5049.

Comments Due: 5 p.m. ET 2/8/12.

Docket Numbers: ER12-822-000.

Applicants: Public Service Company of New Hampshire.

Description: Public Service Company of New Hampshire submits tariff filing per 35.13(a)(2)(iii): PSNH and Former CVEC Interconnection Agreements to be effective 3/18/2012.

Filed Date: 1/18/12.

Accession Number: 20120118-5057.

Comments Due: 5 p.m. ET 2/8/12.

Docket Numbers: ER12-823-000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Original Service Agreement No. 3162; Queue No. X2-087 to be effective 12/20/2011.

Filed Date: 1/18/12.

Accession Number: 20120118-5058.

Comments Due: 5 p.m. ET 2/8/12.

Docket Numbers: ER12-824-000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Queue Position W2-050; Original Service Agreement No. 3175 to be effective 12/19/2011.

Filed Date: 1/18/12.

Accession Number: 20120118-5064.

Comments Due: 5 p.m. ET 2/8/12.

Docket Numbers: ER12-825-000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 01-18-12 Att L-Mod E_RAR filing to be effective 3/19/2012.

Filed Date: 1/18/12.

Accession Number: 20120118-5066.

Comments Due: 5 p.m. ET 2/8/12.

Docket Numbers: ER12-826-000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Original Service Agreement No. 3163; Queue No. X1-113 to be effective 12/20/2011.

Filed Date: 1/18/12.

Accession Number: 20120118-5094.

Comments Due: 5 p.m. ET 2/8/12.

Docket Numbers: ER12-827-000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii): 1883R1 Westar Energy, Inc. NITSA NOA to be effective 12/1/2011.

Filed Date: 1/18/12.

Accession Number: 20120118-5095.

Comments Due: 5 p.m. ET 2/8/12.

Docket Numbers: ER12-828-000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii): 1884R1 Westar Energy, Inc. NITSA NOA to be effective 12/1/2011.

Filed Date: 1/18/12.