

a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. 42 U.S.C. 8311.

The following owner of a proposed new base load electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

*Owner:* Panda Patriot LLC  
*Capacity:* 829 megawatts (MW)  
*Plant Location:* Montgomery, PA  
*In-Service Date:* June 1, 2016

Issued in Washington, DC, on October 10, 2014.

**Brian Mills,**

*Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.*

[FR Doc. 2014-24898 Filed 10-17-14; 8:45 am]

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**DEPARTMENT OF ENERGY**

**[Certification Notice—228]**

**Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act**

**AGENCY:** Office of Electricity Delivery and Energy Reliability, DOE.

**ACTION:** Notice of filing.

**SUMMARY:** On September 5, 2014, Panda Temple Power II, LLC, as owner and operator of a new base load electric generating plant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to § 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the *Federal Register*. 42 U.S.C. 8311(d) and 10 CFR 501.61(c).

**ADDRESSES:** Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE-20, Room 8G-024, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Christopher Lawrence at (202) 586-5260.

**SUPPLEMENTARY INFORMATION:** Title II of FUA, as amended (42 U.S.C. 8301 *et*

*seq.*), provides that no new base load electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to FUA in order to meet the requirement of coal capability, the owner or operator of such a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. 42 U.S.C. 8311.

The following owner of a proposed new base load electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61: **OWNER:** Panda Temple Power II, LLC **CAPACITY:** 758 megawatts (MW) **PLANT LOCATION:** Temple, TX **IN-SERVICE DATE:** June 1, 2015

Issued in Washington, DC, on October 10, 2014.

**Brian Mills,**

*Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.*

[FR Doc. 2014-24909 Filed 10-17-14; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Office of Energy Efficiency and Renewable Energy**

**Wind and Water Power Program: Guidance for Hydroelectric Incentive Payments**

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

**ACTION:** Notice of availability of draft guidance.

**SUMMARY:** The U.S. Department of Energy (DOE) invites public comment on a second version of its draft *Guidance for EAct 2005 Section 242 Program*. The guidance describes how DOE intends to provide incentive payments to the owners or operators of qualified hydroelectric facilities for electric energy generated and sold for a specified 10-year period as authorized under section 242 of the Energy Policy Act of 2005.

**DATES:** Comments regarding this draft guidance must be received on or before November 4, 2014.

**ADDRESSES:** Written comments may be sent to the Office of Energy Efficiency

and Renewable Energy (EE-4), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585-0121, or by email at [hydroincentive@ee.doe.gov](mailto:hydroincentive@ee.doe.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Mr. Steven Lindenberg, Office of Energy Efficiency and Renewable Energy (EE-4), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585-0121, (202) 586-2783, [hydroincentive@ee.doe.gov](mailto:hydroincentive@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** In the Energy Policy Act of 2005 (EAct 2005; Pub. L. 109-58) Congress established a new program to support the expansion of hydropower energy development at existing dams and impoundments through an incentive payment procedure. Under section 242 of EAct 2005, the Secretary of Energy is directed to provide incentive payments to the owner or operator of qualified hydroelectric facilities for electric energy generated and sold by a qualified hydroelectric facility for a specified 10-year period. (See 42 U.S.C. 15881) DOE has not made these incentive payments in the past due to a lack of appropriations for the hydroelectric production incentive. The conference report to the Fiscal Year 2014 Omnibus Appropriations bill, however, includes \$3,600,000 for conventional hydropower under section 242 of EAct 2005.

In response, DOE developed draft guidance intended to describe the application process and the information necessary for DOE to make a determination of eligibility under section 242. On July 2, 2014, DOE issued draft guidance for public comment. See 79 FR 37733 and <http://energy.gov/eere/water/water-power-program>. A summary of the comments and the DOE response is available at: <http://energy.gov/eere/water/water-power-program>. Based on the comments received and a re-examination of the statutory intent of the program, DOE is proposing the following changes to the draft guidance and is accepting additional public comment:

- The definition of “existing dam or conduit” is amended to specify that generator penstocks associated with a new generator and a temporary increase in dam height that does not expand reservoir topographic area and is for purposes of flood control, hydroelectric generation efficiency improvement, and/or health and safety improvements would not eliminate facilities from eligibility.

- “Qualified hydroelectric facility” is redefined to recognize both conventional and new innovative technologies and that construction should not require any permanent enlargement of impoundment or diversion structure when installed.

- A definition for “qualified kilowatt-hours” is added.

- The definition of “sale” of electricity is amended to specify that not-for-profit electric cooperatives and municipal utilities are considered unrelated to their members for purposes of hydroelectric production incentive payments.

- Definitions in the guidance are appealable.

- The net electric energy generated and sold must either be metered or must be measured through an alternative means confirmed by a third party.

- A definition for “first eligible for payment” is added and defined as the first Federal fiscal year that a qualified hydroelectric facility operates to sell electric energy and this change is repeated in other relevant portions of the guidance.

After receiving public comment asking for clarification about the date that hydropower facility owners or operators are first eligible for incentive payments, DOE reexamined the July draft guidance proposal that the 10-year eligibility period was to begin the first fiscal year in which the application for payment is made. The July draft guidance defined the period of eligibility to be “the fiscal year in which application for payment for electricity generated by the facility is first made and the facility is determined by DOE to be eligible for and receives an incentive payment.” See <http://energy.gov/eere/water/water-power-program>. DOE recognizes that the purpose of the section 242 program is to incentivize new hydropower development and production. The statute envisioned 10 years of consecutive payments to stimulate such investment. Moreover, the incentive period mentioned in section 242(a) refers to the period of 10 fiscal years that begins with the fiscal year in which the electric energy generated from the facility is first eligible for such payments.

Hydroelectric facilities are first eligible for such payments the date these facilities meet the “qualified hydroelectric facility” definition in section 242(b)(1), regardless of whether funds were appropriated in a given fiscal year. Congress only authorized appropriations for fiscal years 2006 through 2015, though it did not actually provide funding prior to fiscal year 2014, and limited the pool of qualified

hydroelectric facilities to those that begin operation between fiscal years 2006 through 2015. DOE is now proposing that the 10-year period of eligibility begins the date a qualified hydroelectric facility begins operation and generates energy for sale (must be between fiscal year 2006 and fiscal year 2015) and ends 10 fiscal years from that date. (See 42 U.S.C. 15881(a)–(d)) DOE is accepting comments on this and all other aspects of the draft guidance.

Issued in Washington, DC, on October 14, 2014.

**David Danielson,**

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. 2014–24919 Filed 10–17–14; 8:45 am]

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## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### Request for Information; Assisting Federal Facilities With Energy Conservation Technologies, Fiscal Year 2015

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

**ACTION:** Request for Information (RFI) and public comment.

**SUMMARY:** The Department of Energy (DOE) today invites public comment on its Request for Information (RFI) number DE–FOA–0001203 regarding “Assisting Federal Facilities with Energy Conservation Technologies Fiscal Year 2015.” The RFI document is posted at <https://eere-exchange.energy.gov/>.

EERE intends to issue, on behalf of the U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP), a Funding Opportunity Announcement (FOA) entitled “Assisting Federal Facilities with Energy Conservation Technologies Fiscal Year 2015 (AFFECT 2015).” This RFI seeks input from interested parties and stakeholders regarding the subject of the anticipated FOA and related details. If the FOA is issued, it will likely provide grants to Federal agencies for renewable energy projects that are incorporated into a privately financed performance contract, such as an Energy Savings Performance Contract or Utility Energy Service Contract, or as part of a renewable energy Power Purchase Agreement (PPA). Applications for renewable energy projects that are financed through appropriations will also be considered. If the FOA is issued, it will be released at some point in

Fiscal Year 2015, which began October 1, 2014 and ends September 30, 2015.

This is solely a Request for Information and not a Funding Opportunity Announcement (FOA). EERE is not accepting applications.

**DATES:** Responses to the RFI must be received by November 13, 2014.

**ADDRESSES:** The complete RFI document is located at <https://eere-exchange.energy.gov/>.

**FOR FURTHER INFORMATION CONTACT:**

Responses to the RFI should be sent via email or email attachment to [rfi.affect2015@hq.doe.gov](mailto:rfi.affect2015@hq.doe.gov). Further instruction can be found in the RFI document posted on EERE Exchange.

**SUPPLEMENTARY INFORMATION:** This RFI is not a Funding Opportunity Announcement (FOA); therefore, EERE is not accepting applications at this time. EERE may issue a FOA in the future based on or related to the content and responses to this RFI; however, EERE may also elect not to issue a FOA. There is no guarantee that a FOA will be issued as a result of this RFI. Responding to this RFI does not provide any advantage or disadvantage to potential applicants if EERE chooses to issue a FOA regarding the subject matter. Final details, including the anticipated award size, quantity, and timing of EERE funded awards, will be subject to Congressional appropriations and direction.

Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development; this RFI does not constitute a formal solicitation for proposals or abstracts. Your response to this notice will be treated as information only. EERE will review and consider all responses in its formulation of program strategies for the identified materials of interest that are the subject of this request. EERE will not provide reimbursement for costs incurred in responding to this RFI. Respondents are advised that EERE is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this RFI. Responses to this RFI do not bind EERE to any further actions related to this topic.

Issued on October 9, 2014.

**Timothy D. Unruh,**

*Director, Federal Energy Management Program, Energy Efficiency and Renewable Energy.*

[FR Doc. 2014–24867 Filed 10–17–14; 8:45 am]

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