

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.

Please include the project number (P-637-022) on any comments, motions, or recommendations filed.

k. *Description of the Application:* Public Utility District No. 1 Chelan County has filed a request for Commission approval to authorize Grandview on the Lake (formerly known as the Caravel Resort) to construct a new 17-slip marina on the lower tip of Lake Chelan within the project boundary.

l. *Location of the Application:* This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary

basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: February 14, 2011.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2011-3807 Filed 2-18-11; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 618-191]

#### Alabama Power Company; Notice of Application Accepted for Filing, and Soliciting Comments, Motions To Intervene, and Protests

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

a. *Types of Application:* Request for Temporary Variance of Minimum Flow Requirement.

b. *Project Nos.:* 618-191.

c. *Date Filed:* February 10, 2011.

d. *Applicants:* Alabama Power Company.

e. *Name of Projects:* Jordan Dam Hydroelectric Project.

f. *Location:* On the Coosa River, in Elmore, Chilton, and Coosa Counties, Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Barry Lovett, Alabama Power Company, 600 18th Street North, Birmingham, AL 35203-8180, (205) 257-1268.

i. *FERC Contact:* Mr. Jeremy Jessup, (202) 502-6779, [Jeremy.Jessup@ferc.gov](mailto:Jeremy.Jessup@ferc.gov).

j. *Deadline for filing comments, motions to intervene, and protests, is 15 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.

Please include the project number (P-618-191) on any comments, motions, or recommendations filed.

k. *Description of Request:* Alabama Power Company (APC) is requesting a temporary variance of the Jordan Dam Project's operation relating to minimum flow requirements due to anticipated drought conditions in the southeast, and to ensure, to the extent possible, that there will be sufficient water available in the Coosa River to support both reservoir and downstream environmental, municipal and industrial water supply and navigation needs. APC is requesting a variance to release from Jordan Dam no less than a continuous flow of 2,000 cfs,  $\pm$  5 percent, from the issuance date of an order by the Commission through December 31, 2011. The licensee indicates that, in 2011, it would be its intent to provide flows as close to normal operation as possible, while maintaining flexibility to adjust to changing drought conditions. Any adjustments that involve a reduction in flows from Jordan Dam will be achieved by ramping down the flows at an acceptable rate until the new target flow is achieved. The licensee is also proposing to facilitate conference calls with the resource agencies to discuss project flow releases and operations and to address drought-related issues. APC would also provide appropriate notice to the public of periods in which flows below the dam may be modified.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/>