

proposed when needed and, after consideration and approval by the full NNM CAB, may be sent to DOE-EM for action.

*Purpose of the Waste Management Committee:* The Waste Management Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNM CAB regarding waste management operations at the Los Alamos site.

#### Tentative Agenda

- Welcome and introductions.
- Administrative issues.
  - Approval of meeting agenda.
  - Approval of June 9, 2010, committee meeting minutes.
  - Items from Co-Deputy Designated Federal Officers.
- Public comments.
- New business.
  - Discussion of Draft NNM CAB Recommendations.
  - 2011 Committee Work Plan Development
- Old business.
- Presentation by Los Alamos National Security Subject Matter Expert.
- Wrap-up discussion and adjournment.

*Public Participation:* The NNM CAB's EMS&R and Waste Management Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: <http://www.nnmcab.org/>.

Issued at Washington, DC on June 16, 2010.

**Rachel Samuel,**

*Deputy Committee Management Officer.*

[FR Doc. 2010-15027 Filed 6-21-10; 8:45 am]

**BILLING CODE 6405-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, July 14, 2010, 6 p.m.

**ADDRESSES:** DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, Tennessee.

**FOR FURTHER INFORMATION CONTACT:**

Patricia J. Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831. Phone (865) 576-4025; Fax (865) 576-2347 or e-mail: [halseypj@oro.doe.gov](mailto:halseypj@oro.doe.gov) or check the Web site at <http://www.oakridge.doe.gov/em/ssab>.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities.

*Tentative Agenda:* The main meeting presentation will be Long-Term Stewardship for Contaminated Areas on the Oak Ridge Reservation.

*Public Participation:* The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Patricia J. Halsey at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Patricia J. Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the

presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Patricia J. Halsey at the address and phone number listed above. Minutes will also be available at the following Web site: <http://www.oakridge.doe.gov/em/ssab/minutes.htm>.

Issued at Washington, DC, on June 15, 2010.

**Rachel Samuel,**

*Deputy Committee Management Officer.*

[FR Doc. 2010-15026 Filed 6-21-10; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### Buy American Exception Under the American Recovery and Reinvestment Act of 2009; Nationwide Limited Public Interest and Domestic Nonavailability Waivers Under Section 1605

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

**ACTION:** Notice of a determination of inapplicability (waiver).

**SUMMARY:** The U.S. Department of Energy (DOE) is providing notice of a determination of inapplicability (waiver) of the American Reinvestment and Recovery Act of 2009 (Recovery Act) to EERE-funded projects for non-residential programmable thermostats; commercial scale fully-automatic wood pellet boiler systems; facility and small district wood pellet and chip boiler furnaces; variable refrigerant flow zoning and inverter-driven ductless mini-split HVAC systems; electrical "smart" strips/surge protectors; gas or propane tankless water heaters up to 200,000 BTUs; and fully-enclosed continuous composting systems (additional technical information for these items is detailed below).

DOE is also providing notice of a determination that the application of the restrictions of section 1605 of the Recovery Act would be inconsistent with the public interest with respect to incidental items that comprise in total a *de minimis* amount of the total cost of the iron, steel and manufactured goods used in the project; that is, any such incidental items up to a limit of no more

than 5 percent of the total cost of the iron, steel, and manufactured goods used in and incorporated into a project.

**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, section 1605(b)(1) and (2), 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 the restrictions of section 1605 would be inconsistent with the public interest, or 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 November 10, 2009, the Secretary of Energy delegated the authority to make all inapplicability determinations under the Buy American provisions of the Recovery Act to the Assistant Secretary for Energy Efficiency and Renewable Energy (EERE) for EERE projects under the Recovery Act.

#### Waiver for Nonavailability

Pursuant to the above-referenced delegation the Assistant Secretary, EERE, has concluded that non-residential programmable thermostats; commercial scale fully-automatic wood pellet boiler systems; facility and small district wood pellet and chip boiler furnaces; variable refrigerant flow zoning and inverter-driven ductless minisplit HVAC systems; electrical “smart” strips/surge protectors; gas or propane tankless water heaters up to 200,000 BTUs; and fully-enclosed continuous composting systems all qualify for the “nonavailability” waiver determination.

EERE has developed a process to ascertain in a systematic and expedient manner whether domestic manufacturing capacity exists for the items submitted for a waiver of the Recovery Act Buy American provision. This process involves a close collaboration with the National Institute of Standards and Technology (NIST) Manufacturing Extension Partnership (MEP), to disseminate the technical specifications for the manufactured goods being submitted to EERE for waiver consideration, in order to scour the manufacturing landscape in search of producers before making any nonavailability determination.

Many of the items contained in this nonavailability waiver issued by the Assistant Secretary, EERE, were submitted to EERE as a result of a Request for Information published in the **Federal Register** on February 4, 2010, 75 FR 5783. Upon receipt of completed waiver requests in response to the RFI or independently, EERE reviewed the information provided and submitted the relevant technical information to the National Institute of Standards and Technology Manufacturing Extension Partnership (NIST MEP). MEP has a network of 59 centers across the country that work directly with domestic manufacturers and possess extensive knowledge of their specific capabilities. The EERE—MEP collaboration draws on these extensive network centers to “scout” for domestic manufacturers for the items submitted for Buy American waiver consideration by EERE Recovery Act grantees. The MEP centers reported that their scouting process did not locate any domestic manufacturers for these items.

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 the MEP’s scouting efforts. EERE’s efforts revealed that the goods included in the waiver issued by the Assistant Secretary, EERE, are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality.

The nonavailability determination was also informed by the communications 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. For example, EERE received four separate individual waiver requests for the types of HVAC systems included in the nonavailability waiver.

Specific technical information for the manufactured goods included in the nonavailability determination is detailed below:

(1) **Programmable Thermostats**—Includes devices that permit adjustment of heating or air-conditioning operations according to a pre-set schedule. Applies only to nonresidential programmable thermostat units.

(2) **Commercial Scale Fully-Automatic Wood Pellet Boiler System**—Includes wood pellet boilers featuring a

pneumatic conveyance system to transport wood pellets to the boiler, an automatic ignition system, continuously monitored and optimized combustion, ash removal/management system and the ability to control and integrate with other existing heat systems.

(3) **Facility and Small District Wood Pellet and Chip Boiler Furnaces**—Includes high efficiency, ultra-low emission biomass boilers for facility and small district heating, ranging from 35,000 Btu to 15,000,000 Btu.

(4) **Variable Refrigerant Flow Zoning HVAC Systems and Inverter-Driven Ductless Mini-Split HVAC Systems**—Includes variable refrigerant flow (VRF) multi-split heat pump (with or without heat recovery) and air conditioning systems; and inverter-driven ductless mini-split heat pump and air conditioner systems. This waiver includes the main condenser and heat pump units, wall and fan coil units, zone controllers, remote controls, and any other component of the larger HVAC system.

(5) **Electrical “Smart” Strips/Surge Protectors**—Includes power strips that detect activity in the attached equipment and cut power during periods of inactivity.

(6) **Gas or Propane Tankless Water Heaters up to 200,000 BTUs**—Does not apply to electric tankless water heaters, which are widely manufactured in the United States.

(7) **Fully-Enclosed Continuous Composting Systems**—Includes multi-zone, continuous loading, odor and moisture controlled composter with leachate recirculation and in-situ mixing capabilities.

#### De Minimis Public Interest Waiver

Pursuant to the above-referenced delegation the Assistant Secretary, EERE, determined that application of section 1605 restrictions would be inconsistent with the public interest for incidental items that comprise in total a *de minimis* amount of the total cost of the iron, steel and manufactured goods used in the project; that is, any such incidental items up to a limit of no more than 5 percent of the total cost of the iron, steel, and manufactured goods used in and incorporated into a project.

Recovery Act projects funded by EERE typically involve the use of literally thousands of miscellaneous, generally low-cost items that are essential for, but incidental to, the construction, alteration, maintenance or repair of a public building or public work and are incorporated into the physical structure of the project, such as nuts, bolts, wires, cables, switches, etc. For many of these incidental items, the

country of manufacture and the availability of alternatives are not always readily or reasonably identifiable in the normal course of business. More importantly, the miscellaneous character of these items, together with their low cost (both individually and when procured in bulk), characterize them as incidental to the project.

The Assistant Secretary, EERE, determined that there is a compelling case for adopting a *de minimis* waiver for recipients of EERE Recovery Act funding. The EERE waiver is 5 percent of the total iron, steel, and manufactured goods as opposed to the total materials cost.

Issuing the waiver will help EERE grantees avoid unnecessary delays in carrying out the Recovery Act. Requiring individual waivers for incidental items would be time prohibitive and overly burdensome for both applicants and for EERE.

Therefore, a nationwide limited *de minimis* waiver of incidental items up to a limit of no more than 5 percent of the total cost of the iron, steel and manufactured goods used in and incorporated into a project is justified in the public interest.

This **SUPPLEMENTARY INFORMATION** constitutes the detailed written justification required by section 1605(c) for waivers based on a finding under subsection (b).

The waiver determination is pursuant to the delegation of authority by the Secretary of Energy to the Assistant Secretary for EERE with respect to EERE Recovery Act-funded projects. Consequently, the waiver applies to EERE projects carried out under the Recovery Act. The Assistant Secretary reserves the right to revisit and amend the determinations based on new developments or new information.

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

Dated: June 16, 2010.

**Cathy Zoi,**

*Assistant Secretary for Energy Efficiency and Renewable Energy.*

[FR Doc. 2010-15030 Filed 6-21-10; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

June 14, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

*Docket Numbers:* RP10-836-000.

*Applicants:* Wyoming Interstate Company, LLC.

*Description:* Wyoming Interstate Company, LLC submits tariff filing per 154.204: Tariff Update to be effective 6/1/2010.

*Filed Date:* 06/10/2010.

*Accession Number:* 20100610-5075.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, June 22, 2010.

*Docket Numbers:* RP10-837-000.

*Applicants:* Dominion Transmission, Inc.

*Description:* Dominion Transmission, Inc. submits tariff filing per 154.203: DTI 6-11-10 Operational Gas Sales Report to be effective N/A.

*Filed Date:* 06/11/2010.

*Accession Number:* 20100611-5016.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, June 23, 2010.

*Docket Numbers:* RP10-838-000.

*Applicants:* Gulfstream Natural Gas System, LLC.

*Description:* Gulfstream Natural Gas System, LLC submits Second Revised Sheet No 8A to FERC Gas Tariff, Original Volume No. 1, to be effective 6/1/10.

*Filed Date:* 06/10/2010.

*Accession Number:* 20100611-0201.

*Comment Date:* 5 p.m. Eastern Time on Tuesday, June 22, 2010.

*Docket Numbers:* RP10-839-000.

*Applicants:* Rockies Express Pipeline LLC.

*Description:* Rockies Express Pipeline LLC submits tariff filing per 154.203: Baseline to be effective 6/11/2010.

*Filed Date:* 06/11/2010.

*Accession Number:* 20100611-5028.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, June 23, 2010.

*Docket Numbers:* RP10-840-000.

*Applicants:* Northern Natural Gas Company.

*Description:* Northern Natural Gas Company submits Fifth Revised Sheet No. 80B to FERC Gas Tariff, Fifth Revised Volume No. 1, to be effective 7/12/10.

*Filed Date:* 06/11/2010.

*Accession Number:* 20100611-0210.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, June 23, 2010.

*Docket Numbers:* RP10-841-000.

*Applicants:* Northern Natural Gas Company.

*Description:* Northern Natural Gas Company submits First Revised Sheet No 55A *et al.* to FERC Gas Tariff, Fifth Revised Volume No. 1, to be effective 7/12/10.

*Filed Date:* 06/11/2010.

*Accession Number:* 20100611-0209.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, June 23, 2010.

*Docket Numbers:* RP10-842-000.

*Applicants:* Florida Gas Transmission Company, LLC.

*Description:* Florida Gas Transmission Company, LLC's Third Revised Sheet No. 2 *et al.* to FERC Gas Tariff, Fourth Revised Volume No. 1, to be effective 7/12/10.

*Filed Date:* 06/11/2010.

*Accession Number:* 20100611-0208.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, June 23, 2010.

*Docket Numbers:* RP10-843-000.

*Applicants:* Tennessee Gas Pipeline Company.

*Description:* Tennessee Gas Pipeline Company submits tariff filing per 154.203: Amend Baseline to be effective 4/19/2010.

*Filed Date:* 06/11/2010.

*Accession Number:* 20100611-5035.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, June 23, 2010.

*Docket Numbers:* RP10-844-000.

*Applicants:* Alliance Pipeline LP.

*Description:* Petition of Alliance Pipeline LP for a Limited Waiver of Tariff Provisions.

*Filed Date:* 06/11/2010.

*Accession Number:* 20100611-5081.

*Comment Date:* 5 p.m. Eastern Time on Wednesday, June 23, 2010.

*Docket Numbers:* RP10-845-000.

*Applicants:* Saltville Gas Storage Company LLC.

*Description:* Saltville Gas Storage Company LLC submits the baseline tariff filing, FERC Gas Tariff, First Revised Volume 1, per 154.203, to be effective 6/14/2010.

*Filed Date:* 06/14/2010.

*Accession Number:* 20100614-5020.

*Comment Date:* 5 p.m. Eastern Time on Monday, June 28, 2010.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and