

an increase in the number of companies that produce solar PV modules in the United States containing domestically-manufactured cells.

This amended public interest waiver determination also resolves questions regarding the applicability of the Buy American provisions to numerous individual manufactured goods that are incidental in cost and technological significance but are ultimately incorporated into the final solar installation. These items, including, but not limited to, charge controllers, combiners and disconnect boxes, breakers and fuses, racks, trackers, lugs, wires, and cables—but excluding inverters and batteries—are generally low-cost incidental items that are incorporated into the installation of PV modules and arrays on public buildings and public works. This public interest waiver for all incidental and ancillary items eliminates potential questions and ambiguities concerning whether the incidental items are final manufactured goods or merely components of a larger solar module, installation or array.

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 Redelegation Order 00-002-01C, dated November 10, 2009, with respect to Recovery Act projects funded by EERE, the Assistant Secretary hereby issues an 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. This waiver expires February 6, 2011 (six

months from the date of the original waiver issuance). 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 February 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: Public Law 111-5, section 1605.

Issued in Washington, DC, on September 30, 2010.

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

[Docket No. AD09-9-000]

Small Hydropower Development in the United States; Notice of Small/Low-Impact Hydropower Webinar

October 13, 2010.

The Federal Energy Regulatory Commission will host a Small/Low-Impact Hydropower Webinar on November 10, 2010, from 12 noon to 1 p.m. Eastern Time. The webinar will be open to the public and advance registration is required.

The purpose of this webinar is to introduce the new Small/Low-Impact Hydropower Program website and walk participants through all phases of the licensing and exemption processes using the Web site. Specifically, the webinar will provide the opportunity for participants to learn about the small hydropower licensing process, find out how to get more information and assistance from FERC, and ask questions.

To register for this webinar, please go to <https://www.ferc.gov/whats-new/registration/hydro-form-11-10-10.asp>. Space is limited to the first 98 reservations. Once registered, you will receive a confirmation e-mail containing information about joining the webinar a few days prior to the start of the webinar.

For more information about this webinar, please contact Shana Murray at

(202) 502-8333 or shana.murray@ferc.gov.

Kimberly D. Bose,
Secretary.

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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) Motorized automatic two wing revolving doors that open via the motor upon a fire alarm to accommodate smoke evacuation, retract to full open position under Fire Alarm status and remain in the open position until the alarm is cleared, are compliant with the Americans with Disabilities Act, and possess both sliding and swinging door that allows entry/exit through the sliding doors while the revolving section is being serviced; (2) self-contained photovoltaic LED area lighting systems with a non-corrosive, stainless steel, powder-coated anti-weathering shell, that do not succumb to the sail effect, possess flat plate lens optics with directional lamp lens, dark sky capability, and full cutoff conformity; (3) ultrasonic directional sensors and DC300 facility controllers for a parking guidance system which integrates with American designed intelligent parking guidance system software allowing real-time updates to a central location and via the Internet; (4) load Management Ripple Control Receivers for an existing load management system; and (5) LED tube lights to replace T8 fluorescents that meet the April 2010 DOE recommended performance specifications that will be used on eligible EERE-Recovery Act funded projects.

DATES: *Effective Date:* September 30, 2010.

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 November 10, 2009, the Secretary of Energy delegated the authority to make all inapplicability determinations 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) motorized automatic two wing revolving doors that open via the motor upon a fire alarm to accommodate smoke evacuation, retract to full open position under Fire Alarm status and remain in the open position until the alarm is cleared, are compliant with the Americans with Disabilities Act, and possess both sliding and swinging door that allows entry/exit through the sliding doors while the revolving section is being serviced; (2) self-contained photovoltaic LED area lighting systems with a non-corrosive, stainless steel, powder-coated anti-weathering shell, that do not succumb to the sail effect, possess flat plate lens optics with directional lamp lens, dark sky capability, and full cutoff conformity; (3) ultrasonic directional sensors and DC300 facility controllers for a parking guidance system which integrates with American designed intelligent parking guidance system software allowing real-time updates to a central location and via the Internet; (4) Load Management Ripple Control Receivers for an existing load management system; and (5) LED tube lights to replace T8 fluorescents that meet the April 2010 DOE recommended performance specifications, available at http://apps1.eere.energy.gov/buildings/publications/pdfs/ssl/t8_replacement-lamps.pdf that will be used on eligible EERE-Recovery Act funded projects qualify for the "nonavailability" waiver determination.

EERE has developed a robust 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.

The NIST 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 five 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 NIST MEP reported that their scouting process did not locate any domestic manufacturers for these exact or equivalent 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 MEP's scouting efforts, including utilizing the solar experts employed by 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 inquiries and petitions 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 September 30, 2010 five 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 EERE projects carried out under the Recovery Act.

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

Issued in Washington, DC, on September 30, 2010.

Cathy Zoi,

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

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9216-6]

Access in Litigation to Confidential Business Information

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Notice of Transfer of Information Claimed as Confidential Business Information to the United States Department of Justice and Parties to Certain Litigation.

SUMMARY: The EPA has authorized the United States Department of Justice ("DOJ") to disclose, in response to discovery requests received in the litigation styled, *Tronox Incorporated, et al., v. Anadarko Petroleum Corp., et al.*, Adv. Proc. No. 09-01198 (ALG), pending in the United States Bankruptcy Court for the Southern District of New York (the "Litigation"), information which has been submitted to EPA by its contractors that is claimed to be, or has been determined to be, confidential business information ("CBI"). The EPA is providing notice of past disclosure and of ongoing and contemplated future disclosure. Interested persons may submit comments on this Notice to the address noted below.