

obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an

agency's comments must also be sent to the Applicant's representatives.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2010-26480 Filed 10-20-10; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. PR11-1-000; Docket No. PR11-2-000; Docket No. PR11-3-000]

**Notice of Baseline Filings**

October 14, 2010.

|                                       |                       |
|---------------------------------------|-----------------------|
| Cranberry Pipeline Corporation .....  | Docket No. PR11-1-000 |
| New Mexico Gas Company, Inc .....     | Docket No. PR11-2-000 |
| Peoples Natural Gas Company LLC ..... | Docket No. PR11-3-000 |
|                                       | (Not Consolidated)    |

Take notice that on October 8, 2010, and October 13, 2010, respectively the applicants listed above submitted their baseline filing of its Statement of Operating Conditions for services provided under section 311 of the Natural Gas Policy Act of 1978 (NGPA).

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing 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). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail

[FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern time on Monday, October 25, 2010.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2010-26482 Filed 10-20-10; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. PR10-11-003]

**ECOP Gas Company, LLC; Notice of Compliance Filing**

October 13, 2010.

Take notice that on October 8, 2010, ECOP Gas Company, LLC (ECOP) filed its Refund Report pursuant to its July 30, 2010, Settlement Agreement approved by an August 12, 2010, Letter Order.

Any person desiring to participate in this rate filing 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). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the

"eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time Friday, October 22, 2010.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2010-26481 Filed 10-20-10; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Office of Energy Efficiency and Renewable Energy**

**Nationwide Limited Public Interest Waiver 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 waiver.

**SUMMARY:** The U.S. Department of Energy (DOE) is hereby granting an Amended nationwide limited waiver of the Buy American requirements of section 1605 of the Recovery Act under the authority of Section 1605(b)(1) (amended public interest waiver), with respect to the following solar photo-

voltaic (PV) equipment:

(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.

This amended determination clarifies and supersedes the solar public interest waiver issued on August 6, 2010. Specifically, this amended public interest determination clarifies that thin-film and flexible PV installations are also subject to the terms of this waiver.

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

**FOR FURTHER INFORMATION CONTACT:**

Benjamin Goldstein, Recovery Act Buy American Coordinator, Weatherization and Intergovernmental Program, Office of Energy Efficiency and Renewable Energy (EERE), (202) 287-1553, [buyamerican@ee.doe.gov](mailto:buyamerican@ee.doe.gov), 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), 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 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, for EERE Recovery Act projects.

Pursuant to this delegation, the Assistant Secretary has determined that application of section 1605 restrictions would be inconsistent with the public interest for incidental and/or ancillary solar Photovoltaic (PV) equipment, when this equipment is utilized in solar

installations containing domestically manufactured PV cells or modules (panels).

This amended determination clarifies and supersedes the solar public interest waiver issued on August 6, 2010. Specifically, this amended public interest determination clarifies that thin-film and flexible PV installations are also subject to the terms of this waiver.

This amended public interest determination waives the Buy American requirements in EERE-funded Recovery Act projects for the purchase of the following solar PV equipment:

(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.

**Definitions—Solar cells** are the basic building block of PV technologies. The cells are functional semiconductors, made by processing and treating crystalline silicon or other photo-sensitive materials to create a layered product that generates electricity by absorbing light photons. The individual cells are cut and/or assembled into larger groups known as *panels* or *modules*. These two terms are synonymous and used interchangeably in this memorandum. The panel is the end product, and consists of a series of solar cells, a backing surface, and a covering to protect the cells from weather and other types of damage. A solar *array* is created by installing multiple modules in the same location to increase the electrical generating capacity. Operational solar PV modules and arrays use cells to capture and transfer solar-generated electricity. The solar modules and cells represent the highest intellectual content and dollar-value items associated with solar PV energy generation.

The Buy American provisions contain no requirement with regard to the origin of components or subcomponents in manufactured goods used in a project, as long as the manufacturing occurs in the United States [(2 CFR 176.70(a)(2)(ii)]. However, determining where final manufacturing occurs in the context of the solar production chain is complicated. Under a plain reading of the Recovery Act Buy American provisions, only the PV modules would need to be manufactured in the United States, but the source of the component parts—including the high-value cells—would not be relevant to complying with the Buy American requirements.

EERE and the National Renewable Energy Laboratory have conducted extensive research into the nature of the domestic solar manufacturing industry to determine the best way to apply the Buy American requirements to solar PV projects. EERE considered three basic options: (1) Follow the current interpretation of the Buy American provisions and require that only the modules be produced in the United States, irrespective of the origin of the cells contained in the modules; (2) apply the interpretation that the modules and cells are distinct manufactured goods and thus both must be produced in the United States; and (3) choose a more inclusive approach that allows a solar installation to comply if either the cells or the modules are manufactured in the United States.

Of the options considered, only option (3) recognizes EERE’s determination that the manufacturing process for cells and the final PV module production represent distinct and significant stages in the solar PV manufacturing chain. Conducting either of these discrete activities in the United States creates roughly equal numbers of American jobs. Furthermore, the design and manufacture of the cells captures the largest portion of the intellectual property present in a solar installation.

For all the reasons outlined above, EERE believes the public interest is best served by supporting the domestic cell manufacturing industry. It is therefore in the public interest to issue a waiver of the Recovery Act Buy American provisions that allows grantees to purchase foreign modules made with domestically-manufactured cells, in addition to domestic modules with foreign-produced cells.

Because EERE believes strongly in strengthening the domestic PV manufacturing supply chain in the United States, EERE is limiting the duration of this waiver to six months from the date it was originally issued, with the expectation that there will be

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.*

[FR Doc. 2010-26518 Filed 10-20-10; 8:45 am]

**BILLING CODE 6450-01-P**

## 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](mailto:shana.murray@ferc.gov).

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2010-26479 Filed 10-20-10; 8:45 am]

**BILLING CODE 6717-01-P**

## 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.