

LIST OF AFFECTED PROGRAMS

CFDA No. and name	Publication date and FEDERAL REGISTER citation	Original deadline for transmittal of applications	Revised deadline for transmittal of applications	Original deadline for inter-governmental review	Extended deadline for inter-governmental review
84.215N: Promise Neighborhoods Program—Implementation.	7/6/2011 76 FR 39615.	9/06/2011	9/13/2011	11/03/2011	11/10/2011
84.215P: Promise Neighborhoods Program—Planning.	7/06/2011 76 FR 39630.	9/06/2011	9/13/2011	11/03/2011	11/10/2011

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Dated: September 6, 2011.

James H. Shelton, III,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2011-23121 Filed 9-8-11; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY**Cancellation of Supplemental Environmental Impact Statement for Ancillary Facilities for the Richton Site of the Strategic Petroleum Reserve**

AGENCY: Department of Energy.

ACTION: Notice of Cancellation.

SUMMARY: The U.S. Department of Energy (DOE) announces the cancellation of a supplemental environmental impact statement (SEIS) for certain facilities associated with the 2007 selection of Richton, Mississippi, as the location of a new storage site for expanding the Strategic Petroleum Reserve (SPR). In April 2011, Congress rescinded all funding for the SPR expansion project.

FOR FURTHER INFORMATION CONTACT: For information on the cancellation of the

SEIS, contact Donald Silawsky, Acting Director, Office of Reserve Lands Management (FE-47), U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, e-mail donald.silawsky@hq.doe.gov, telephone 202-586-1892. For general information on the DOE NEPA process, contact Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC-54), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone 202-586-4600 or leave a message at 800-472-2756.

SUPPLEMENTARY INFORMATION: The Energy Policy Act of 2005 (EPACT, Pub. L. 109-58) directed DOE to expand the SPR from its current 727 million-barrel capacity to 1 billion barrels. To fulfill the requirements of the National Environmental Policy Act (NEPA) for this expansion project, DOE prepared an environmental impact statement for the *Site Selection for the Expansion of the Strategic Petroleum Reserve* (DOE/EIS-0385). In a Record of Decision (ROD) (72 FR 7964; February 22, 2007), DOE announced its selection of Richton, Mississippi, as the location of a new SPR facility as part of the expansion project.

After selecting the Richton site, DOE engaged in further consultations with the Mississippi Department of Environmental Quality, U.S. Fish and Wildlife Service, and other governmental entities. As a result of those consultations, and to reduce project impacts, DOE proposed alternative sites from those announced in the ROD for some of the ancillary facilities associated with the Richton site: the raw water intake structure, oil terminal, and brine diffuser. DOE determined that alternative locations for those ancillary facilities would present substantial changes to the proposal as analyzed in DOE/EIS-0385 that would be relevant to environmental concerns. DOE published a Notice of Intent to prepare an SEIS to analyze the impacts of potential new locations for the ancillary facilities associated with the Richton site (73 FR 11895; March 5, 2008) and conducted public scoping.

On February 1, 2010, the President submitted a budget request to Congress for Fiscal Year (FY) 2011 that included no new funding to continue SPR expansion efforts and proposed cancellation of previously appropriated expansion funds. In April 2011, Congress passed, and the President signed, the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10). Sections 1440 and 1464 of that Act rescinded all unspent balances of prior year funds that had been appropriated for SPR expansion. The President's FY 2012 budget includes no funds for SPR expansion.

With prior appropriated funds rescinded, and no new funds proposed, the SPR expansion project is effectively terminated. DOE is therefore cancelling the preparation of the SEIS for the ancillary facilities of the SPR expansion project at the Richton Site (DOE/EIS-0385-S1).

Issued in Washington, DC, on September 1, 2011.

David F. Johnson,

Deputy Assistant Secretary, Office of Petroleum Reserves.

[FR Doc. 2011-23087 Filed 9-8-11; 8:45 am]

BILLING CODE 6450-01-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 Recovery Act projects funded by EERE for: (1) Class 125 Iron (6", 8" and 12") Ball Valves (Standard: Mss SP-72, CWP Rating: 200 psig, Ends: flanged, Seats: PTFE or TFE; ASTM A126); (2) Low Temperature Thermostat (range of 15–55 Fahrenheit, automatic reset); (3) Two-stage, steam heated absorption chillers rated at 450 tons; and (4) 4 Watt 325 lumen dock lamp LED replacement bulbs.

DATES: *Effective Date:* August 2, 2011.

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 American Recovery and Reinvestment Act of 2009 (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”). 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, in Redelegation Order No. 00–002.01E, dated April 25, 2011. Pursuant to this delegation the Acting Assistant Secretary, EERE, has concluded that: (1) Class 125 Iron (6", 8" and 12") Ball Valves (Standard: Mss SP-72, CWP Rating: 200 psig, Ends: flanged, Seats: PTFE or TFE; ASTM A126); (2) Low Temperature Thermostat (range of 15–55 Fahrenheit, automatic reset); (3) Two-stage, steam heated absorption chillers rated at 450 tons; and (4) 4 Watt 325 lumen dock lamp LED replacement bulbs are not produced or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality. The above items, when 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 determinations.

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 four products in the current waiver, EERE reviewed the information provided and submitted the relevant technical information to the 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 these exact or equivalent items.

In addition to the MEP collaboration outlined above, the EERE Buy American Coordinator worked with 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 for these items have been unsuccessful.

Specific technical information for the manufactured goods included in this non-availability determination is detailed below:

(1) Class 125 Iron (6", 8" and 12") Ball Valves (Standard: Mss SP-72, CWP Rating: 200 psig, Ends: Flanged, Seats: PTFE or TFE).

Neither MEP nor DOE was able to locate US made ball valves that meet project specifications because there are no US manufacturers of ball valves with the specified cast iron (ASTM A126), specific to valve pressure parts, pipe fittings, and flanges.

(2) Low Temperature Thermostat (range of 15–55 Fahrenheit, automatic reset).

This expands a waiver granted in November 2010 to include thermostats with a manual reset. There were no US manufacturers located by DOE, MEP or a number of trade groups. The electric low temperature detection thermostats are especially suited for sensing low temperature conditions to avoid freeze-up of hydronic heating coils, cooling coils, liquid heating pipes and similar applications. Typically, the switch opens an electrical circuit to stop the supply fan motor when the temperature at the sensing element falls below the setting of the instrument.

(3) Two-stage, steam heated absorption chillers rated at 450 tons.

There are US manufacturers of chillers, however, not that meet these specifications. MEP, DOE and a number of trade organizations were unable to locate a domestic manufacturer.

(4) 4 Watt 325 lumen dock lamp LED replacement bulbs.

The bulb is designed to fit into existing dock lighting sockets, but utilizes high efficiency LEDs rather than the existing bulb technology. MEP and DOE were unable to locate any other manufacturer making a compatible bulb, other than the foreign manufacturer proposed by the applying grantee.

In light of the foregoing, and under the authority of section 1605(b)(2) of Public Law 111–5 and Redelegation Order 00–002–01E, with respect to Recovery Act projects funded by EERE, I hereby issue a “determination of inapplicability” (a waiver under the Recovery Act Buy American provision) for: (1) Class 125 Iron (6", 8" and 12") Ball Valves (Standard: Mss SP-72, CWP Rating: 200 psig, Ends: flanged, Seats: PTFE or TFE; ASTM A126); (2) Low Temperature Thermostat (range of 15–55 Fahrenheit, automatic reset); (3) Two-stage, steam heated absorption chillers rated at 450 tons; and (4) 4 Watt 325 lumen dock lamp LED replacement bulbs.

Having established a proper justification based on domestic nonavailability, EERE hereby provides notice that on August 2, 2011, four (4) 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 his 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 August 2, 2011.

Henry Kelly,

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

[FR Doc. 2011–23076 Filed 9–8–11; 8:45 am]

BILLING CODE 6450–01–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 Public Interest Waiver.

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)(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.

DATES: Effective Date August 2, 2011.

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, 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 April 25, 2011, 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 determination replaces and supersedes the Solar Public Interest Waiver issued August 6, 2010, amended September 30, 2010 and extended February 4, 2011. Although the waiver extension issued February 4, 2011 was slated to be a one-time extension coinciding with the ramp-down of EERE Recovery Act-funded projects, EERE has determined that enough projects remain active to justify a new Public Interest waiver determination. This determination is valid until such time as the Assistant Secretary chooses to modify or revoke the waiver. The Assistant Secretary reserves the right to revisit and amend this determination based on new information or new developments.

This 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.

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 high-value and high-intellectual content 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