

approximate. EERE is aware of companies in the process of moving manufacturing capacity into and out of the United States, and new companies may emerge that were not included in the most recent round of research. As a result, these numbers may fluctuate. In addition, thin-film solar PV modules are not covered by this waiver, as grantees have stated, and EERE's research has confirmed, that these products do not meet the specifications for most Recovery Act projects funded by EERE. In the event that a thin film installation is being purchased with EERE Recovery Act funds, then it would meet the Buy American provisions as long as the modules were manufactured in the U.S.

Option 1 is consistent with the current interpretation of the Buy American provisions, which are satisfied as long as final manufacturing takes place in the U.S. However, if EERE were to choose Option 1, there would be only four companies producing solar PV modules in the United States that could sell their products to EERE grantees. If Option 2 were chosen, the market would be even more limited, with only two companies producing both the cell and the module in the United States. Finally, for Option 3, an additional five companies would be able to compete for grantees' solar PV projects in addition to the four that produce modules, bringing the total U.S. marketplace benefit to nine companies.

This public interest waiver affirms 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. The design and manufacture of the cells also captures the largest portion of the intellectual property present in a solar array. Designing and increasing the efficiency of cells is high-value work that directly affects the end product. EERE believes the public interest is best served by supporting the domestic cell manufacturing industry at this time. 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 the Assistant Secretary believes strongly in increasing the domestic PV manufacturing capacity in the United States, she is limiting the duration of this waiver to six months from the date it goes into effect, with the expectation that there will be an

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

This 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, such as 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 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.

Having established a proper justification based on the public interest, EERE hereby provides notice that on August 6, 2010, a nationwide public interest waiver of section 1605 of the Recovery Act was issued for ancillary solar Photovoltaic (PV) equipment 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. This waiver expires on February 6, 2011, six months from the day it took effect. Furthermore, the Assistant Secretary reserves the right to revisit and amend this determination based on new information or new developments.

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

Issued in Washington, DC on August 16, 2010.

**Cathy Zoi,**

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

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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: 24-leaf, motorized DMX iris units; induction lamps and ballasts for induction lighting systems (excluding fixtures for induction lighting); Enphase micro-inverters for solar photovoltaic systems; gas or propane commercial-scale high efficiency condensing wall hung boiler with indirect water heater, 94% or greater efficiency and a BTU output below 350,000, constructed with SA240-316 Ti stainless steel; large-format solar thermal collectors for integrated district heating systems (includes only high-performance flat plate solar collectors that possess the ability to limit the convective heat loss from the absorber plate to the cover glass, effectively minimizing heat losses to less than 2.6 W/m<sup>2</sup>K; the capability of sustaining output temperatures of 195 degrees F; and a gross collector area of greater than 150 ft<sup>2</sup>); turbochargers for Mitsubishi/Man 52/55B diesel generator engine (only in circumstances where replacing an existing MAN/NA48T turbocharger); and Liebert Variable Speed Upgrade Kits and Liebert iCOM Control Upgrade kits for the Liebert Chilled Water Deluxe heating, cooling, and humidification space conditioner that will be used on eligible EERE-Recovery Act funded projects.

**DATES:** *Effective Date:* August 11, 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 24-leaf, motorized DMX iris units (items used in conjunction with a Source 4 lighting instrument in the theatrical lighting business); Induction lamps and ballasts for induction lighting systems (this waiver does not include fixtures for induction lighting, which are readily available from domestic manufacturers); Enphase micro-inverters for solar photovoltaic systems; gas or propane commercial-scale high efficiency condensing wall hung boiler with indirect water heater, 94% or greater efficiency and a BTU output below 350,000, constructed with SA240-316 Ti stainless steel; large-format solar thermal collectors for integrated district heating systems (includes only high-performance flat plate solar collectors that possess the ability to limit the convective heat loss from the absorber plate to the cover glass, effectively minimizing heat losses to less than 2.6 W/m<sup>2</sup>K; the capability of sustaining output temperatures of 195 degrees F; and a gross collector area of greater than 150 ft<sup>2</sup>); turbochargers for Mitsubishi/Man 52/55B diesel generator engine (only in circumstances where replacing an existing MAN/NA48T turbocharger); and Liebert Variable Speed Upgrade Kits and Liebert iCOM Control Upgrade kits for the Liebert Chilled Water Deluxe heating, cooling, and humidification space conditioner 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 seven 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 August 11, 2010, seven 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 August 16, 2010.

**Cathy Zoi,**

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

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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

**[Docket No. CP10-483-000]**

**Dominion Transmission, Inc.; Notice of Request Under Blanket Authorization**

August 18, 2010.

Take notice that on August 11, 2010, Dominion Transmission, Inc. (Dominion), 120 Tredegar Street, Richmond, Virginia 23219, filed a prior notice request pursuant to sections 157.205, 157.208, and 157.211 of the Commission’s regulations under the Natural Gas Act (NGA) for authorization to drill two new wells located in the North Summit Storage Field in Fayette County, Pennsylvania. Specifically, Dominion proposes to drill two new injection/withdrawal wells (UW-209 and UW-210). Dominion states that the certificated physical parameters, including total inventory, reservoir pressure, reservoir and buffer boundaries, and certificated capacity (including injection and withdrawal capacity) of the North Summit Storage Field will remain unchanged with the drilling of the two new wells, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at <http://www.ferc.gov> using the