

control. They are an inexpensive item, a search through the library at a local plumbing supply company revealed 12 potential suppliers, none of whom manufacture these valves in the US. MEP did not reveal any potential or current manufacturers.

(3) 28 and 30 W 180 degree LED replacement bulbs for HID street lights.

Only for these unique wattages where no other bulbs will fit. No US manufacturer was identified that produced a product with this wattage by MEP or EERE.

(4) 100% Oil free rotary screw variable speed drive water cooled air compressor with a factory installed dryer capable of supplying air at < -20 degree dew point temperature.

The compressed air needs to be oil free and supplied with no humidity because it will damage the process equipment connected to the system, and in addition, as the product manufactured is hygroscopic in nature, it will tend to absorb humidity of the air thus damaging the product. MEP and DOE originally identified 2 possible matches, however, neither could provide air with the required humidity levels.

(5) High speed electronic governors with actuators to replace existing mechanical UG8 and UG40 engine governors; upgraded fuel injectors and regulators; and replacement engine pistons and cylinder liners; for energy efficiency upgrades in an existing Mitsubishi 52/55B or 40/54A diesel generator engine.

These upgrades will improve fuel efficiency and to allow the plant to begin using ultra-low sulfur diesel fuel (<15 ppm)—to comply with US EPA 2010 Emissions Regulation—because the engines were originally made in Japan, the only suppliers of these parts identified were Japanese or German.

(6) Universal control modules for use with Novar proprietary communication protocols, where a Novar system was installed previously, and where utilizing a domestic control module would mean that the existing energy management controls would have to be removed and a new energy management controls system would have to replace the existing Novar system.

In these cases, the grantee is unable to use a domestic control module because the existing system runs off of a proprietary communication protocol (rather than LON or BACnet), and the entire system would have to be replaced to install additional controllers. Trade organizations, DOE and MEP all agreed that this was the only controller capable of properly interfacing with this protocol.

In light of the foregoing, and under the authority of section 1605(b)(2) of Public Law 111-5 and Redesignation 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) Absorption chillers rated at 205 and 250 tons; (2) Thermostatic Regulator Valves that regulate the flow of hot water or low pressure steam through free-standing radiators, baseboards, or convectors in hot water and two-pipe steam systems; (3) 28 and 30 W 180 degree replacement bulbs for HID street lights for use in Northern Mariana Islands; (4) 100% Oil free rotary screw variable speed drive water cooled air compressor with a factory installed dryer capable of supplying air at < -20 degree dew point temperature; (5) high speed electronic governors with actuators to replace existing mechanical UG8 and UG40 engine governors; upgraded fuel injectors and regulators; and replacement engine pistons and cylinder liners; for energy efficiency upgrades in an existing Mitsubishi 52/55B or 40/54A diesel generator engine; and (6) Universal control modules for use with Novar proprietary communication protocols.

Having established a proper justification based on domestic nonavailability, EERE hereby provides notice that on October 24, 2011, six (6) 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 October 24, 2011.

**Henry Kelly,**

*Acting 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. EL12-14-000]

#### Trans-Allegheny Interstate Line Company; Notice of Amendment To Petition for Declaratory Order

Take notice that on December 20, 2011, Trans-Allegheny Interstate Line Company (TrAILCo) filed an amendment to its December 14, 2011 filing of Petition for Declaratory Order, in response to the Federal Energy Regulatory Commission Staff's informal request.

Any person desiring 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, 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 comment date. On or before the comment date, it is not necessary to 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 14 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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [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 December 27, 2011.

Dated: December 21, 2011.

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

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