

Docket No. EA-358. Additional copies are to be filed directly with Larry S. Severson, Severson, Sheldon, Dougherty & Molenda P.A., Suite 600, 7300 West 147th Street, Apple Valley, Minnesota 55124-7580 and Michael Tufte, Twin Cities Power, LLC, 17725 Juniper Path, Lakeville, Minnesota 55044. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at http://www.oe.energy.gov/permits_pending.htm, or by e-mailing Odessa Hopkins at Odessa.hopkins@hq.doe.gov.

Issued in Washington, DC, on June 19, 2009.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E9-15127 Filed 6-25-09; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Variance for Certain Requirements for the Electric Drive Vehicle Battery and Component Manufacturing Initiative Under the Department of Energy's National Environmental Policy Act Implementing Procedures

AGENCY: U.S. Department of Energy.

ACTION: Notice of variance.

SUMMARY: This notice announces the Department of Energy's (DOE's) decision, pursuant to 10 CFR 1021.343(c), that it is in the interest of public welfare to grant a variance from certain requirements of its National Environmental Policy Act (NEPA) Implementing Procedures (10 CFR part 1021) in regard to the review of applications under the Electric Drive Vehicle Battery and Component Manufacturing Initiative funded by the American Recovery and Reinvestment Act of 2009 (Recovery Act). The variance is limited to certain requirements identified in 10 CFR 1021.216, *Procurement, Financial Assistance, and Joint Ventures*. The variance in no way affects the requirement to prepare an environmental assessment or environmental impact statement for any

application selected for funding. The merit review of applications in response to this funding opportunity will include consideration of the potentially significant environmental impacts of the projects proposed for funding that are within the competitive range. By providing this variance, DOE can reduce the time needed to select applications for possible future funding consistent with the sense of urgency underpinning the Recovery Act.

DATES: *Effective date:* June 26, 2009.

FOR FURTHER INFORMATION CONTACT: Dr. R. Paul Detwiler, Director, Office of Project Facilitation and Compliance, National Energy Technology Laboratory, 626 Cochran Mill Road, P.O. Box 10940, Pittsburgh, PA 15236-0940 or Ralph.Detwiler@netl.doe.gov.

SUPPLEMENTARY INFORMATION:

Background

The purposes of the Recovery Act are to: (1) Preserve and create jobs and promote economic recovery; (2) assist those most impacted by the recession; (3) provide investments needed to increase economic efficiency by spurring technological advances in science and health; (4) invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and (5) stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. Federal departments must manage and expend funds made available through the Recovery Act to achieve these purposes, "including commencing expenditures and activities as quickly as possible consistent with prudent management." (Recovery Act, Section 3)

In the Recovery Act, the Congress appropriated \$2 billion for DOE to provide grants to manufacturers of advanced battery systems and vehicle batteries to be produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, and software designers. (Recovery Act, Title IV) To implement this provision, DOE issued a financial assistance funding opportunity announcement on March 19, 2009, for the Electric Drive Vehicle Battery and Component Manufacturing Initiative. (DE-FOA-0000026)

This initiative is critical to the development and production of electric drive vehicle systems that will substantially reduce petroleum consumption. In addition, as stated in the funding opportunity announcement,

the grants will meaningfully aid in the nation's economic recovery by creating U.S. based manufacturing jobs.

The funding opportunity announcement is a competitive solicitation, and DOE has received more applications than it expects to be able to fund. DOE is now reviewing the merits of the applications in order to select those to which it may provide funding. Criterion 4 of the merit review criteria includes consideration of anticipated environmental impacts. As with environmental reviews under NEPA, the focus will be on potentially significant environmental impacts. As part of the application process, each applicant was required to complete an environmental questionnaire, which will be considered during the merit review. Consideration of potential environmental impacts will be facilitated by the participation of a DOE NEPA Compliance Officer as a resource to the merit review panel and the selection official.

DOE's NEPA implementing procedures, at 10 CFR 1021.216, establish a process for the consideration of potential environmental impacts prior to selection. The central element of this process is preparation by DOE of an environmental critique containing, among other things, a "brief comparative evaluation of the potential environmental impacts of the offers, which will address direct and indirect effects, short-term and long-term effects, proposed mitigation measures, adverse effects that cannot be avoided, areas where important environmental information is incomplete and unavailable, unresolved environmental issues and practicable mitigating measures not included in the offeror's proposal." (10 CFR 1021.216(g)(3)) This environmental critique forms the basis for an environmental synopsis, which is made available to the public and is incorporated into any environmental assessment or environmental impact statement prepared. (10 CFR 1021.216(h)) Another feature of the environmental critique is that, in addition to information provided by the applicant, "it may also evaluate supplemental information developed by DOE as necessary for a reasoned decision." (10 CFR 1021.216(f)) This contrasts with the merit review process, which is limited to information provided in the application. Some other components of an environmental critique (e.g., brief discussion of the purpose of the funding opportunity and of the applicants' proposals) repeat information that is already part of the Merit Review Report that is prepared for the selection official. (The Merit Review Report is not publicly available.)

DOE's existing NEPA regulations provide for certain variances "soundly based on the interests of national security or the public health, safety, or welfare." (10 CFR 1021.343(c)) Any such variance must have the advance written approval of the General Counsel,¹ and DOE must publish a notice in the **Federal Register** specifying the variance granted and the reasons.

Variance

Pursuant to 10 CFR 1021.343(c), I have determined that granting a variance from the requirements of 10 CFR 1021.216(c) through (h) with respect to the Department's funding opportunity for the Electric Drive Vehicle Battery and Component Manufacturing Initiative (DE-FOA-0000026) is soundly based on the interests of public welfare. Expediting the award of funding to promising proposals will accelerate development and production of electric drive vehicles. In addition, it will facilitate the nation's economic recovery by creating and retaining jobs and by transforming the nation's industrial infrastructure.

I have concluded that the Department's process for making these funding awards will provide the selecting official with sufficient information regarding potential environmental impacts in the Merit Review Report, which will summarize the strengths and weaknesses of the proposals according to the merit review criteria, including but not limited to environmental impacts. This report also will provide certain other information called for in 10 CFR 1021.216(g).

This variance does not affect the requirements imposed by 10 CFR 1021.216(i). If projects selected for funding require preparation of an environmental assessment or environmental impact statement, these NEPA reviews will be completed before DOE takes any action that would have an adverse environmental impact or limit the choice of reasonable alternatives. In addition, consistent with the openness provisions of 10 CFR 1021.216(h), any such environmental assessment or environmental impact statement will describe the environmental factors noted in the Merit Review Report that are relevant to the proposal being analyzed.

¹ DOE's NEPA regulations state at 10 CFR 1021.343(c) that the Secretary of Energy must provide written approval of any variance under that section. However, this authority has been delegated to the General Counsel pursuant to *Department of Energy Delegation Order No. 00-015.00A to the General Counsel*.

Issued in Washington, DC, on June 22, 2009.

Scott Blake Harris,
General Counsel.

[FR Doc. E9-15126 Filed 6-25-09; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Western Area Power Administration

Construction, Operation, and Maintenance of the Proposed Transmission Agency of Northern California Transmission Project, California

AGENCY: Western Area Power Administration, DOE.

ACTION: Extension of scoping period.

SUMMARY: On February 23, 2009, Western Area Power Administration (Western), an agency of the Department of Energy (DOE), announced the Notice of Intent to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the construction, operation, and maintenance of the proposed Transmission Agency of Northern California (TANC) Transmission Project. In that notice, Western described the schedule for scoping meetings and advised the public that comments on the scope of the EIS/EIR were due by April 30, 2009. On May 8, 2009, Western published a notice in the **Federal Register** extending the comment period to May 31, 2009. By this notice, Western extends the due date for comments on the scope of the EIS/EIR to July 30, 2009.

DATES: The date to provide comments on the scope of the EIS/EIR is extended to July 30, 2009.

ADDRESSES: Written comments on the scope of the EIS/EIR should be addressed to Mr. David Young, National Environmental Policy Act (NEPA) Document Manager, Western Area Power Administration, Sierra Nevada Region, 114 Parkshore Drive, Folsom, CA 95630 or e-mail TTPEIS@wapa.gov.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Mr. David Young, NEPA Document Manager, Western Area Power Administration, Sierra Nevada Region, 114 Parkshore Drive, Folsom, CA 95630, telephone (916) 353-4777, fax (916) 353-4772, or e-mail TTPEIS@wapa.gov. Additional information on the proposed Project can also be found and comments submitted at <http://www.wapa.gov/transmission/ttp.htm>. For general information on DOE's NEPA review procedures or status of a NEPA review,

contact Ms. Carol M. Borgstrom, Director of NEPA Policy and Compliance, GC-20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone (202) 586-4600 or (800) 472-2756.

SUPPLEMENTARY INFORMATION: On February 23, 2009, Western announced the Notice of Intent to prepare an EIS for the construction, operation, and maintenance of the proposed TANC Transmission Project (74 FR 8086). In that notice, Western described the schedule for scoping meetings for the EIS/EIR, and advised the public that comments regarding the scope of the EIS/EIR were due by April 30, 2009. Western held all public scoping meetings as scheduled. On May 8, 2009, Western published a notice in the **Federal Register** extending the comment period to May 31, 2009 (74 FR 21674). Western has received requests for more time to comment. By this notice, Western further extends the due date for comments on the scope of the EIS/EIR to July 30, 2009.

Dated: June 17, 2009.

Harrison G. Pease,
Chief Financial Officer.

[FR Doc. E9-15048 Filed 6-25-09; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Western Area Power Administration

Big Stone II Power Plant and Transmission Project Final Environmental Impact Statement (DOE/EIS-0377)

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Availability.

SUMMARY: The Western Area Power Administration (Western) announces the availability of the Big Stone II Power Plant and Transmission Project (Project) Final Environmental Impact Statement (EIS). This Final EIS analyzes the environmental impacts of constructing and operating the proposed Project. Western is considering whether to grant a request to interconnect the proposed Project with Western's transmission system at Morris and Granite Falls substations in Minnesota, an action which requires Western to complete modifications to these substations to support the interconnection.¹ The U.S.

¹ As noted in Western's Notice of Intent to prepare a Big Stone II EIS, Western became the lead agency for preparation of the EIS because the construction of Big Stone II would incorporate a major new generation resource into Western's

Continued