

June 10, 2009.

**Patricia L. Toppings,**

*OSD Federal Register, Liaison Officer,  
Department of Defense.*

[FR Doc. E9-15116 Filed 6-25-09; 8:45 am]

**BILLING CODE 5001-06-C**

## DEPARTMENT OF ENERGY

[OE Docket No. EA-249-B]

### Application To Export Electric Energy; Exelon Generation Company, LLC

**AGENCY:** Office of Electricity Delivery and Energy Reliability, DOE.

**ACTION:** Notice of Application.

**SUMMARY:** Exelon Generation Company, LLC (Exelon) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

**DATES:** Comments, protests, or requests to intervene must be submitted on or before July 27, 2009.

**ADDRESSES:** Comments, protests or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability, Mail Code: OE-20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350 (FAX 202-586-8008).

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell (Program Office) 202-586-9624 or Michael Skinker (Program Attorney) 202-586-2793.

**SUPPLEMENTARY INFORMATION:** Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On October 15, 2001, the Department of Energy (DOE) issued Order No. EA-249 authorizing Exelon to transmit electric energy from the United States to Canada as a power marketer using certain international transmission facilities located at the United States border with Canada. On April 5, 2004, DOE issued Order No. EA-249-A which renewed that authorization for a five-year period. That Order expired on April 5, 2009. On June 8, 2009, Exelon filed an application with DOE to renew the export authority contained in Order No. EA-249-A for an additional five-year term.

Exelon is a power marketer that generates and sells electricity under its Federal Energy Regulatory Commission approved tariffs; Exelon does not have a franchised electric power service area. The electric energy which Exelon

proposes to export to Canada would be surplus energy from its own generation or purchased from third parties. Exelon proposes to export the electric energy using transmission lines authorized by Presidential permit at the U.S. border with Canada determined by DOE to be appropriate for third party use and available for open access transmission.

**Procedural Matters:** Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the Exelon application to export electric energy to Canada should be clearly marked with Docket No. EA-249-B. Additional copies are to be filed directly with Noel H. Tarsk, Lead Counsel, Exelon Power team, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348. 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](http://www.oe.energy.gov/permits_pending.htm), or by e-mailing Odessa Hopkins at [Odessa.Hopkins@hq.doe.gov](mailto: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. E9-15129 Filed 6-25-09; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

[OE Docket No. EA-358]

### Application To Export Electric Energy; Twin Cities Energy, L.L.C.

**AGENCY:** Office of Electricity Delivery and Energy Reliability, DOE.

**ACTION:** Notice of Application.

**SUMMARY:** Twin Cities Energy, L.L.C. (Twin Cities) has applied for authority

to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

**DATES:** Comments, protests, or requests to intervene must be submitted on or before July 27, 2009.

**ADDRESSES:** Comments, protests, or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability, Mail Code: OE-20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350 (FAX 202-586-8008).

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell (Program Office) 202-586-9624 or Michael Skinker (Program Attorney) 202-586-2793.

**SUPPLEMENTARY INFORMATION:** Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the FPA (16 U.S.C. 824a(e)).

On May 26, 2009, DOE received an application from Twin Cities for authority to transmit electric energy from the United States to Canada as a power marketer using international transmission facilities located at the United States border with Canada. Twin Cities does not own any electric transmission facilities nor does it hold a franchised service area. The electric energy which Twin Cities proposes to export to Canada would be surplus energy purchased from electric utilities, Federal power marketing agencies, and other entities within the United States. Twin Cities has requested an electricity export authorization with a 5-year term.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by Twin Cities has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

**Procedural Matters:** Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment, or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the Twin Cities application to export electric energy to Canada should be clearly marked with

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](http://www.oe.energy.gov/permits_pending.htm), or by e-mailing Odessa Hopkins at [Odessa.hopkins@hq.doe.gov](mailto: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](mailto: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.)