

officers and employees who have a need for the record in the performance of their duties. Recipients of this information pursuant to this routine use are subject to the same limitations applicable to Department officers and employees under the Privacy Act.

6. A record from this system may be disclosed as a routine use when (1) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored as paper records and electronic media.

RETRIEVABILITY:

Records are retrieved by the name of the concerned employee or complainant or other personal identifier, such as social security number.

SAFEGUARDS:

Paper records are maintained in locked cabinets and desks. Electronic records are controlled through established DOE computer center procedures (personnel screening and physical security), and they are password protected. Access is limited to those whose official duties require access to the records.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in the National Archives and Records Administration (NARA) General Records Schedule and DOE records schedules that have been approved by NARA.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters: Director, Office of Employee Concerns, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Field Offices: The managers of the Office of Employee Concerns at the

"System Locations" listed above are the system managers for their respective portions of this system.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy Act, at Title 10, Code of Federal Regulations, Part 1008, a request by an individual to determine if a system of records contains information about him/her should be directed to the U.S. Department of Energy, Headquarters, Privacy Act Officer, or the Privacy Act Officer at the appropriate address identified above under "System Locations." For records maintained by Laboratories or Field Site Offices, the request should be directed to the Privacy Act Officer for the site that has jurisdiction over the "System Location" as listed in the Correlation. The request should include the requester's complete name, time period for which records are sought, and the office location(s) where the requester believes the records are located.

RECORDS ACCESS PROCEDURES:

Same as Notification Procedures above. Records generally are kept at locations where the work is performed. In accordance with the DOE Privacy Act regulation, proper identification is required before a request is processed.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedures above.

RECORD SOURCE CATEGORIES:

The concerned employee or complainant; applicable management officials; program office records; and congressional offices.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The system is exempt under subsections 552a(k)(1), (2) and (5) of the Privacy Act to the extent that information within the system meets the criteria of those subsections of the Act. Such information has been exempted from the provisions of subsections (c)(3); 5 U.S.C. Sec. 552a(d); 5 U.S.C. 552a(e)(1) of the Act; see the Department's Privacy Act regulation at 10 CFR Part 1008.

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DEPARTMENT OF ENERGY

Variance for Certain Requirements Under the Department of Energy's National Environmental Policy Act Implementing Procedures for the Deployment of Combined Heat and Power, District Energy Systems, Waste Energy Recovery Systems, and Efficient Industrial Equipment Initiative

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 Deployment of Combined Heat and Power, District Energy Systems, Waste Energy Recovery Systems, and Efficient Industrial Equipment 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, as applicable, for projects 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 projects for possible future funding consistent with the sense of urgency underpinning the Recovery Act.

DATES: *Effective date:* August 18, 2009.

FOR FURTHER INFORMATION CONTACT: Dr. R. Paul Detwiler, Director, Office of Project Facilitation and Compliance, National Energy Technology Laboratory, 626 Cochrans 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 \$16.8 billion for DOE to further energy efficiency and renewable energy. (Recovery Act, Division A, Title IV) DOE decided to make \$156 million of these funds available for grants to entities that will deploy sustainable energy infrastructure projects and energy efficient industrial technologies in four areas: combined heat and power systems; district energy systems; industrial waste energy recovery; and efficient industrial equipment. To implement this decision, DOE issued a competitive financial assistance funding opportunity announcement on June 1, 2009. (*Recovery Act: Deployment of Combined Heat and Power (CHP) Systems, District Energy Systems, Waste Energy Systems, and Efficient Industrial Equipment*, DE-FOA-0000044).

This funding opportunity is critical to the deployment of new and replacement systems and equipment that are highly efficient and that make use of energy that would otherwise be wasted. In the areas of combined heat and power systems and district energy systems, new systems must have a thermal efficiency of at least 60 percent; replacement systems must provide an efficiency increase of at least 25 percent compared to the system being replaced. In the area of waste energy recovery systems, new systems must have a minimum efficiency of 30 percent; replacement systems must provide a 25 percent increase over the replaced system. As to energy efficient industrial equipment, applicants must deploy technologies that result in a minimum efficiency improvement of 25 percent. Deployment of these systems and equipment will produce substantial energy savings and aid in the nation's economic recovery by creating or retaining jobs in the United States.

The funding opportunity announcement is a competitive solicitation. DOE has received more than 225 applications, which is more

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. One aspect of the merit review process is consideration of potential adverse environmental impacts. As part of the application process, each applicant was required to complete an environmental questionnaire; the environmental information in these questionnaires will be considered during the merit review. Consideration of potential environmental impacts will be facilitated by the participation of DOE NEPA Compliance Officers, who will assist the merit review panel in preparation of the Merit Review Report, and the selection official in his consideration of the report and of the proposals deemed suitable for funding.

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 Deployment of Combined Heat and Power Systems, District Energy Systems, Waste Energy Systems, and Efficient Industrial Equipment (DE-FOA-0000044) is soundly based on the interests of public welfare. Expediting the award of funding to promising proposals will accelerate deployment of sustainable energy infrastructure and energy efficient industrial technologies that will reduce energy use. In addition, it will facilitate the nation's economic recovery by creating and retaining jobs.

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 and discuss the potential environmental impacts of the proposals under consideration for selection. 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 August 12, 2009.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. E9-19763 Filed 8-17-09; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP09-452-000]

National Fuel Gas Supply Corporation; Notice of Request Under Blanket Authorization

August 11, 2009.

Take notice that on August 5, 2009, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, New York 14221, filed in Docket No. CP09-452-000, a prior notice request pursuant to sections 157.205 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act for authorization to abandon certain minor underground natural gas storage facilities, located in Jefferson County, Pennsylvania, 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 "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Specifically, National Fuel proposes to plug and abandon one injection/withdrawal well, Well 4885 and to abandon the associated well line GW-4885, consisting of approximately 500 feet of 4-inch diameter pipeline, in the Galbraith Storage Field, located in Jefferson County, Pennsylvania. National Fuel states that the well is no longer useful due to poor injection performance and poor deliverability and needs to be reconditioned or plugged due to deterioration of the well casing. National Fuel declares that the well line will serve no purpose once the well is plugged and abandoned. National Fuel asserts that due to the poor performance of Well 4885, the proposed abandonment will not result in a material decrease in service to customers.

Any questions regarding the application should be directed to David W. Reitz, Deputy General Counsel, National Fuel Gas Supply Corporation,

6363 Main Street, Williamsville, New York 14221, or call at (716) 857-7949.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

Kimberly D. Bose,

Secretary.

[FR Doc. E9-19729 Filed 8-17-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2009-NNNN; FRL-8943-2]

Availability of the External Peer Review Draft of Using Probabilistic Methods To Enhance the Role of Risk Analysis in Decision-Making With Case Study Examples

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of document availability for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing a 15-day public comment period for the external peer review draft of "Using Probabilistic Methods to Enhance the Role of Risk Analysis in Decision-Making With Case Study Examples," a white paper, and the "Manager's Summary" of the same document. All comments received by the closing date of September 1, 2009 will be shared with the external peer review panel for their consideration. Comments received after the close of the comment period may be considered by EPA when it finalizes the document. These draft interim papers do not represent and

should not be construed to represent any EPA policy, viewpoint, or determination. Members of the public may obtain the draft documents from <http://www.regulations.gov>; or <http://www.epa.gov/raf/prawhitepaper>; or from Gary Bangs via the contact information below.

EPA will convene a panel of invited experts to review the draft document. The external expert peer review will be conducted by letter and closed teleconference in the May 2009 time frame. The panel may consider public comments received in the official public docket for this activity under docket ID number EPA-HQ-ORD-2009-NNNN. The draft documents and peer-review charge are available at <http://www.epa.gov/raf/prawhitepaper>. In preparing a final document, EPA will consider the public comments submitted to EPA's docket during the public comment period as well as the comments and recommendations from the external peer-reviewers.

EPA is releasing these draft documents solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. These documents have not been formally disseminated by the EPA. They do not represent and should not be construed to represent any Agency policy or determination.

DATES: All comments received by September 1, 2009 will be shared with the external peer review panel for their consideration. Comments received beyond that time may be considered by EPA when it finalizes the documents.

ADDRESSES: The draft documents are available electronically through the EPA Office of the Science Advisor's Web site at: <http://www.epa.gov/raf/prawhitepaper>.

Submit your comments, identified by Docket ID No. EPA-HQ-ORD-2009-NNNN, by one of the following methods:

- **Online at:** <http://www.regulations.gov>; Follow the on-line instructions for submitting comments.

- **E-mail:** ORD.Docket@epa.gov.

- **Mail:** ORD Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- **Hand Delivery:** EPA Docket Center (EPA/DC), Room 3334, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-ORD-2009-NNNN. Deliveries are only accepted from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information.