not anticipate recurrence of violations that gave rise to this PDL. As a result, under the authority in 20 U.S.C. 1234a(j), the Department has determined that compromise of this claim to $675,000 is appropriate. The public is invited to comment on the Department’s intent to compromise this claim. Additional information may be obtained by contacting the person listed under: FOR FURTHER INFORMATION CONTACT.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: http://www.ed.gov/news/fedregister. To use PDF you must have Adobe Acrobat Reader, which is available free at this site.


Program Authority: 20 U.S.C. 1234a(j).

Delegation of Authority: The Secretary of Education has delegated authority to Thomas Skelly, Director, Budget Service, to perform the functions and duties of the Chief Financial Officer of the Department of Education.

Dated: March 28, 2011.

Thomas Skelly,
Director, Budget Service.

[FR Doc. 2011–7638 Filed 3–30–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY


AGENCY: U.S. Department of Energy.


SUMMARY: The U.S. Department of Energy (DOE) announces the availability of the Draft Environmental Impact Statement for the DOE Loan Guarantee to Royal Bank of Scotland for Construction and Start-Up of the Topaz Solar Farm, San Luis Obispo County, California (DOE/EIS–04538D) (Draft EIS) for public review and comment, as well as the date, location and time for a public hearing. The Draft EIS analyzes the potential environmental impacts of the DOE’s proposed action of issuing a Federal loan guarantee to support construction and startup of the Topaz Solar Farm Project located in San Luis Obispo County, California (Proposed Project). The Royal Bank of Scotland plc, as Lender-Applicant, with Topaz Solar Farms, LLC (Topaz) as the borrower, submitted an application to DOE under the Federal loan guarantee program pursuant to the Energy Policy Act of 2005 (EPAct 2005). Topaz is a limited liability company that is owned by First Solar, Inc. The loan guarantee would support the financing arranged by the Royal Bank of Scotland for the construction and start up of the Proposed Project.

Topaz proposes to develop the Project on up to 4,100 acres of land. As proposed, the nominal 550-megawatt electric generation project would include the installation of about nine million photovoltaic (PV) solar modules within approximately 437 arrays and associated electric equipment. Generated electricity would be sold to Pacific Gas and Electric (PG&E) under a long-term power purchase agreement. The Project would be interconnected into PG&E’s existing Morro Bay-Midway 230-kilovolt (kV) transmission line, which runs in an east-to-west direction through the site and portions of Kern County.

DATES: DOE invites the public to submit comments on the Draft EIS during the public comment period, which began on March 25, 2011 and ends on May 9, 2011. DOE will consider all comments postmarked or received during the comment period in preparing the Final EIS. Comments received or postmarked after May 9, 2011, will be considered to the extent practicable. In addition to receiving comments in writing and by e-mail (See ADDRESSES), DOE will convene a public hearing at which government officials, state and local government officials, representatives of voluntary public interest, and individuals are invited to present oral and written comments on the Draft EIS. The public hearing will be held on April 13, 2011 at the Carrisa Plains Heritage Association Community Center, 10750 Carrisa Highway (Highway 58), Santa Margarita, California, 93458; located approximately one mile east of Soda Lake Road. Oral comments will be heard during the formal portion of the public hearing beginning at 6:30 pm. The public is also invited to an informal Question & Answer Open House beginning at 5:30 pm at the location above, during which DOE and Topaz personnel will be available for individual discussions with attendees to answer questions about the project and DOE’s Proposed Action. Displays and other forms of information about the proposed agency action, the EIS process, and Topaz’s Proposed Project will also be available for review.

DOE requests that anyone who wishes to present oral comments at the public hearing contact Ms. Colamaria by phone or e-mail (see ADDRESSES). Individuals who do not make advance arrangements to speak may register at the meeting. Speakers who need more than five minutes should indicate the length of time desired in their request. DOE may need to limit speakers to five minutes initially, but will provide additional opportunities as time permits. Written comments on the Draft EIS can also be submitted to DOE officials at the public hearing.

The public hearing and Question & Answer Open House will be accessible to people with disabilities. In addition, any individual needing specific assistance, such as a sign language interpreter or translator, should contact Ms. Colamaria (see ADDRESSES) at least 48 hours in advance of the hearing so that arrangements can be made.

ADDRESSES: Public comments can be submitted electronically or by U.S. Mail. Written comments on the proposed EIS scope should be signed and addressed to the NEPA Document Manager for this project: Ms. Angela Colamaria, Loan Guarantee Program (LP–10), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Electronic submission of comments is encouraged due to processing time required for regular mail. Comments can be submitted electronically by sending an e-mail to: Topaz-EIS@hq.doe.gov. All electronic and written comments should reference the following document number: DOE/EIS–0458.

FOR FURTHER INFORMATION CONTACT: To obtain additional information about this EIS, the public hearing, or to receive a copy of the Draft EIS, contact Angela Colamaria by telephone: 202–287–5387; toll-free number: 800–832–0885 ext. 75387; or electronic mail: Angela.Colamaria@hq.doe.gov. For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; telephone: 202–586–4600; facsimile: 202–586–7031; electronic mail: askNEPA@hq.doe.gov;
or leave a toll-free message at 800–472–

SUPPLEMENTARY INFORMATION: Title XVII
of EPAct 2005 established a Federal
loan guarantee program for eligible
energy projects, and was amended by
the American Recovery and
Reinvestment Act of 2009 to create
Section 1705 of Title XVII (42 U.S.C.
16516), authorizing a new program for
rapid deployment of renewable energy
projects and related manufacturing
facilities, electric power transmission
projects, and leading edge biofuels
projects. The Section 1705 Program is
designed to address the current
economic conditions of the nation, in
part, through financing such projects.

The Royal Bank of Scotland plc, as
Lender-Applicant, with Topaz as the
borrower, applied to DOE for a federal
loan guarantee under the Solicitation
titled, “Federal Loan Guarantees for
Commercial Technology Renewable
Energy Generation Projects under the
Financial Institution Partnership
Program” (Solicitation No. DE–FOA–
0000166), issued on October 7, 2009.

The purpose and need for action by
DOE is to comply with its mandate
under EPAct 2005 by selecting eligible
projects that meet the goals of Section
1705 Program, as summarized above.
The EIS will inform DOE’s decision on
whether to issue a loan guarantee to
Topaz to support the Proposed Project.
DOE’s proposed action is to issue a loan
guarantee to Topaz to support
construction and start-up of the Topaz
Solar Farm. The Proposed Project would
be located in an unincorporated portion
of eastern San Luis Obispo County,
California, adjacent to Highway 58 and
east of Bitterwater Road. Topaz has
options to purchase approximately
10,000 acres of land in the Project area.
The Proposed Project would be
developed on up to 4,100 acres of land
within one of two overlapping study
areas.

The Proposed Project would consist of:
a solar field of approximately nine
million ground-mounted PV modules
that collect solar radiation to produce
electricity; an electrical collection
system that converts generated power
from direct current (DC) to alternating
current (AC) and delivers it to a new
Project substation which collects and
converts the generated power from 34.5
kV to 230 kV for delivery via a new
PG&E switching station to PG&E’s
existing Morro Bay-Midway 230-kV
transmission line; and the
aforementioned PG&E switching station
that is currently not available. Topaz proposed to
PG&E’s existing transmission line.

After construction, PG&E would own
and operate the switching station. As
part of the Proposed Project, Topaz
would also construct and operate a
Monitoring and Maintenance Facility
and a Solar Energy Learning Center
within the Proposed Project’s site
boundary. The Proposed Project would
also include up to 22 miles of on-site
access roads as well as leach field and
septic systems for the two facilities
listed above.

Topaz has interconnection agreements
in place for the first 400 MW of Project
capacity. The California Independent
System Operator has determined that
network upgrades would be required to
accommodate the Proposed Project’s
remaining 150 MW, as well as other
generation projects in the region.

Network upgrades could include the
reconductoring of 35 miles of the 230-
KV transmission lines between the new
PG&E switching station and the Midway
Substation. Such upgrades would
extend the height of every other existing
tower by 20 feet, but would not
introduce a new structure.

Alternatives
In determining the range of reasonable
alternatives to be considered in the EIS
for the Proposed Project, DOE identified
the reasonable alternatives that would
satisfy the underlying purpose and need
for agency action. Rather than being
directly responsible for the siting,
construction, and operation of
respective projects selected in response
to solicitations under EPAct 2005,
DOE’s actions are limited to
guaranteeing the debt obligation for the
project. Therefore, DOE’s overall
decision will be to either provide a loan
guarantee for the Proposed Project or to
decide to provide a loan guarantee (i.e.,
the No Action alternative, as discussed
below). The potential environmental
impacts of a No Action alternative, as
well as two Project-Specific alternatives,
are analyzed in the EIS.

The Project-Specific alternatives
include alternate configurations for the
solar arrays. Within the Proposed
Project site, Topaz identified two Study
Areas (Study Area A and Study Area B)
that would be suitable for the Proposed
Project, although construction of the
Proposed Project would take place on
only one Study Area if the Proposed
Project is approved. DOE analyzed both
Study Areas available to Topaz as
project-specific alternatives (Project-
Specific Alternative A and Project-
Specific Alternative B).

Under the No Action alternative, DOE
would not provide the loan guarantee to
Topaz. Doing so may have
greater difficulty obtaining financing for
the Project, which may result in a delay
in the start of construction, construction
in smaller phases over a longer time
period, potentially increased project
cost, or could possibly result in the
Proposed Project not being built.

Although Topaz may still pursue the
Project without the loan guarantee, as
defined above, for purposes of the Draft
EIS analysis, it is assumed that the No
Action alternative would result in no
Project or in a no build scenario. DOE
does not have a preferred alternative at
this time, and will identify its preferred
alternative in the Final EIS.

Floodplain Assessment
In the October 22, 2010 Notice of
Intent to Prepare an Environmental
Impact Statement (75 FR 65306), DOE
provided notice of a proposed DOE
action in a floodplain pursuant to DOE
Floodplain and Wetland Environmental
Review Requirements (10 CFR Part
1022). Overhead electrical lines would
need to cross 100-year floodplains
(unnamed drainages within the Carrizo
Plain, northwest of Soda Lake). Since
some of the floodplains on the project
site are greater than 200 feet wide and
posts are needed every 200 feet to
support overhead lines, the installation
of posts within the floodplain is
anticipated. DOE has prepared a
floodplain assessment as required by
DOE regulations. Interested parties may
comment on the floodplain assessment,
which has been incorporated into the
Draft EIS.

Scope of Draft EIS and Environmental
Review Process
The DOE prepared this Draft EIS
pursuant to the National Environmental
Policy Act of 1969, as amended (NEPA),
the Council on Environmental Quality
(CEQ) NEPA regulations, and the DOE
NEPA implementing procedures. The
Draft EIS analyzes the environmental
consequences that may result from the
Proposed Action, including the
alternative layout options, and the No
Action Alternative. Potential impacts
identified during the scoping process
and analyzed in the Draft EIS related to
the following: Air quality; greenhouse
gas emissions and climate change;
energy use and production; water
resources, including groundwater and
surface waters; wetlands and
floodplains; geological resources;
ecological resources, including species
of special concern and threatened and
deranged species such as the San
Joaquin kit fox, longhorn fairy shrimp
and vernal pool fairy shrimp; cultural
resources, including historic
structures and properties, sites of religious and
cultural significance to Tribes, and
archaeological resources; land use;
visual resources and aesthetics; transportation and traffic; noise and vibration; hazardous materials and solid waste management; human health and safety; accidents and terrorism; socioeconomics, including impacts to community services; environmental justice; and cumulative impacts. Because the Proposed Project may affect listed species under the Endangered Species Act (ESA), DOE has also initiated consultation regarding the project with the U.S. Department of the Interior’s Fish and Wildlife Service under Section 7 of the ESA.

The Topaz Proposed Project site is expected to impact waters subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE); therefore the Proposed Project will require a Clean Water Act (CWA) Section 404 Permit. As a result, USACE has participated as a cooperating agency in the preparation of this Draft EIS and will use this EIS (in part) to determine whether to issue a Section 404 permit. USACE will issue a separate decision document on the CWA Section 404 permit for the Proposed Project that will incorporate the environmental analyses from this EIS.

The DOE will use and coordinate the NEPA public comment process to satisfy the public involvement requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) as provided for in 36 CFR 800.2(d)(3). DOE has invited Federally-recognized American Indian Tribes that have historic interests in the area to also participate in government-to-government consultation regarding the Proposed Project. In addition to these Federally-recognized tribes, the California Native American Heritage Commission provided DOE with a Native American contacts list in the project area. DOE contacted parties on the list to solicit concerns or comments on the Proposed Project.

Availability of the Draft EIS
Copies of the Draft EIS have been distributed to: Members of Congress; Native American Tribal governments, Federal, State, and local officials; and agencies, organizations and individuals who may be interested or affected. The Draft EIS is on the Department of Energy’s NEPA Web site at http://www.nepa.energy.gov under “DOE NEPA Documents” and on the Loan Program Office’s Web site at http://www.lpprogram.energy.gov/NEPA_EIS.html.

Copies of the Draft EIS are also available for review at the Simmler Public Library/California Valley Community Service District; 13080 Soda Lake Road; California Valley, CA 93453 and the San Luis Obispo County Department of Planning and Building; 976 Osos St. Room 300; San Luis Obispo, CA 93408.

Issued in Washington, DC, on March 25, 2011.

Jonathan M. Silver, Executive Director, Loan Programs Office.

[FR Doc. 2011–7583 Filed 3–30–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Objective Merit Review of Discretionary Financial Assistance and Other Transaction Authority Applications


ACTION: Notice of Objective Merit Review Procedure.

SUMMARY: This Notice establishes the procedure for program offices operating under the authority of the Assistant Secretary for Energy Efficiency and Renewable Energy in conducting the objective merit review of discretionary financial assistance and Other Transaction Authority funding applications. The effective date for the Objective Merit Review Procedure contained in this notice is March 18, 2011.


SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Applicability of Notice
III. Objective Merit Review Procedure
IV. Merit Review Advisory Report
V. Application of Program Policy Factors
VI. Selection
VII. Deviations

I. Introduction—The Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy (EERE) hereby gives notice of the procedure for the objective merit review of projects seeking discretionary financial assistance. The procedures described in this notice implement the objective merit review provisions of the DOE Financial Assistance Rules at 10 CFR 600.13. Specifically, this notice covers the procedure for applications received competitively and non-competitively. This notice also provides procedures for establishing peer and merit review panels, naming a Federal Merit Review Manager, conducting merit reviews, and preparing a Merit Review Advisory Report for the Selection Official.

DOE provides financial assistance, in the form of grants cooperative agreements and technology investment agreements. The principal purpose of these transactions is the transfer of a thing of value, usually money but occasionally property or other items of value, to a recipient to accomplish a public purpose identified. DOE funds only those programs authorized by Federal statute. Financial assistance may be either discretionary or mandatory. Discretionary financial assistance means DOE provides funding to a recipient of DOE’s choosing; DOE has the discretion to select a recipient as well as the size of the award. Mandatory financial assistance means DOE must provide the assistance to the entities named and the amounts stated by statute.

These procedures do not cover acquisition. Financial assistance differs from an acquisition, which refers to instruments used when the principal purpose of the transaction is the acquisition of supplies or services for the direct benefit of the Government. The procedures pursuant to this notice do not apply to acquisitions, which are covered by the Federal Acquisition Regulations (FAR).

II. Applicability of Notice—These procedures apply to the evaluation of discretionary financial assistance applications received for programs within the DOE EERE.

(a) Distinction Between Solicited Applications and Unsolicited Proposals—Solicited applications constitute direct responses by interested organizations or individuals to DOE Funding Opportunity Announcements (FOA) in the form of applications for discretionary financial assistance awards. Funding opportunities are announced using the process set forth in 10 CFR 600.8. When a proposal is submitted solely on the proposer’s initiative, and the idea, method or approach would be ineligible for assistance under a recent, current, or planned solicitation, and if, as determined by DOE, a competitive solicitation would not be appropriate, the proposal is considered an unsolicited proposal. Unsolicited proposals are awarded on a non-competitive basis using the criteria set forth in 10 CFR 600.6(c). The two types of proposals are treated differently for...