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### VIII. Other Information

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Dated: May 26, 2010.

**Alexa Posny,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2010-13143 Filed 6-1-10; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Notice of a Waiver of Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA) for Poplar School District, Poplar, MT

**ACTION:** Notice of a Waiver of Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA) for Poplar School District, Poplar, Montana.

**SUMMARY:** In this notice, the Department of Education (the Department) announces its waiver of the Buy American requirements in section 1605(a) of the ARRA (Buy American Requirements) for the Poplar School District in Poplar, Montana (Poplar District) and the justification for this waiver. This waiver permits use of imported T8 4-foot electronic ballasts in the Poplar District's lighting project,

which is supported with Impact Aid funds appropriated under the ARRA.

**SUPPLEMENTARY INFORMATION:** The Department provided Poplar District with an Impact Aid ARRA formula grant for school construction activities authorized under section 8007(a) of the Elementary and Secondary Education Act of 1965, as amended. The Poplar District proposes to use these funds for a lighting project, but reports that the particular lights needed (T8 4-foot electronic ballasts) for this construction project are not produced in the United States.

In accordance with section 1605(c) of the ARRA, the Department hereby provides notice that it is granting a waiver of the Buy American Requirements for the Poplar District's lighting project. This notice constitutes the detailed written justification that the Department is required to publish in instances when it grants such a waiver pursuant to section 1605(b) of the ARRA.

Section 1605(a) of the ARRA requires that none of the appropriated funds be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. The ARRA further provides that this requirement does not apply, and that a waiver may be granted, when the head of the Federal department or agency involved finds that: (1) Applying these requirements would be inconsistent with the public interest; (2) iron, steel, and relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and relevant manufactured goods produced in the United States will increase the overall cost of the project by more than 25 percent.

The Secretary has determined that a section 1605(b) waiver of the Buy American Requirements is appropriate for the Poplar District's lighting project because, based on the Department's research, the particular lights needed for this project are not manufactured in the United States. The Department bases this determination on information provided by the Poplar District as well as the Department's own research. The Poplar District has provided information to the Department documenting that there are no T8 4-foot electronic ballast manufacturers in the United States. In addition, based on the Department's own research (Internet product literature searches) and to the best of the Department's knowledge at the time of

its review of the Poplar District's waiver request, there do not appear to be U.S.-manufactured T8 4-foot electronic ballasts available to the Poplar District for the ARRA-funded lighting project.

Furthermore, the purpose of the ARRA is to stimulate economic recovery, in part, by funding current infrastructure construction, and not to delay projects that are "shovel ready" by requiring the revision of standards and specifications or a new bidding process. The imposition of the Buy American Requirements on such otherwise eligible projects would result in unreasonable delay, and to further delay construction would be in direct conflict with a fundamental economic purpose of the ARRA, which is to create or retain jobs.

The Department has reviewed the Poplar District's waiver request and has determined that the supporting documentation is sufficient to demonstrate that a waiver is justified under section 1605(b)(2) of the ARRA. Having established both a proper basis to specify the particular good required for this project, and that this manufactured good is not available from a producer in the United States, the Poplar District is hereby granted a waiver from the Buy American Requirements reflected in section 1605(a) of the ARRA for the purchase of T8 4-foot electronic ballasts using ARRA funds as specified in the Poplar District's request.

#### FOR FURTHER INFORMATION CONTACT:

Kristen Walls-Rivas, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 260-1357 or via Internet: [Kristen.Walls-Rivas@ed.gov](mailto:Kristen.Walls-Rivas@ed.gov).

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Access at: <http://www.gpoaccess.gov/nara/index.html>.

**Authority:** Section 1605 of the American Recovery and Reinvestment Act, Public Law 111-5.

Dated: May 28, 2010.

**Arne Duncan,**

*Secretary of Education.*

[FR Doc. 2010-13308 Filed 6-1-10; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Notice of Intent To Prepare an Environmental Impact Statement for Texas Clean Energy Project, Ector County, TX

**AGENCY:** Department of Energy.

**ACTION:** Notice of Intent To Prepare An Environmental Impact Statement.

**SUMMARY:** The U.S. Department of Energy (DOE or Department) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) NEPA regulations (40 CFR parts 1500-1508), and DOE NEPA implementing procedures (10 CFR part 1021), to assess the potential environmental impacts for the proposed action of providing Federal funding for the proposed Texas Clean Energy Project (TCEP) near Odessa, Texas. The project would comprise planning, design, construction and operation by Summit Texas Clean Energy, LLC (Summit) of a coal-fueled electric power and chemicals production plant integrated with carbon dioxide (CO<sub>2</sub>) capture and geologic sequestration. DOE selected this project for an award of financial assistance through a competitive process under the Clean Coal Power Initiative (CCPI) program (Round 3).

The EIS (DOE/EIS-0444) will inform DOE's decision on whether to provide financial assistance under its CCPI program. DOE proposes to provide Summit with approximately \$350 million in funding for this project, which would demonstrate the full integration of CO<sub>2</sub> capture and sequestration with a commercial, integrated gasification combined-cycle (IGCC) poly-generation (electricity and chemicals) plant. DOE's contribution of \$350 million would constitute about 20 percent of the estimated total development and capital cost of the project, which is estimated to be \$1.73 billion (2009 dollars). TCEP would employ advanced clean coal technologies to reduce the levels of CO<sub>2</sub> emissions below that of conventional

technologies used to generate electricity from fossil fuels, including natural gas.

Summit proposes to build its IGCC plant adjacent to an oil field in Ector County, Texas. The plant would use coal as its feedstock. It would capture, in the form of CO<sub>2</sub>, about 90% of the carbon in the portion of its coal fuel supply used for power production. The plant would employ two gasifiers, feeding a single, combined-cycle power island to generate about 400 MW (gross) of electricity, with the co-production of sulfuric acid and urea (for fertilizer) or other chemicals. About 275 MW of electricity would be put onto the power grid, with the remaining power used for commercial loads on the project site, such as urea production and CO<sub>2</sub> compression. During DOE demonstration phase of the project, it would permanently sequester CO<sub>2</sub> at a maximum rate of about 3 million tons per year by piping it to Permian Basin oil fields, where it would be used by field operators for enhanced oil recovery (EOR). Summit is owned jointly by the Summit Power Group, Inc. and CW NextGen, Inc. (CWNI), a Clayton Williams company. The project team includes Summit Power Group, Inc.; Blue Source, LLC; Siemens, AG; and CWNI; among others.

DOE issues this Notice of Intent (NOI) to inform interested parties of the pending EIS and to invite public comments on the proposed action, including: (1) The proposed plans for implementing the project, (2) the range of environmental issues and alternatives to be analyzed, and (3) the analysis methods to be used or considered during preparation of the EIS.

**DATES:** DOE invites comments on the proposed scope and content of the EIS from all interested parties. Comments must be received by July 2, 2010, to ensure consideration. Late comments will be considered to the extent practicable. In addition to accepting comments in writing (formal letters, faxes and e-mails) and by telephone (See **ADDRESSES** below), DOE will conduct a public scoping meeting in which government agencies, private-sector organizations, and the general public are invited to present oral comments or suggestions with regard to the alternatives and issues to be considered in the EIS. The scoping meeting will be held beginning at 7 p.m. on Thursday, June 17, 2010, in the Saulsbury Meeting Room of the Electronics Technology Building at Odessa College, 201 West University Blvd, Odessa, Texas 79764. The public is also invited to learn more about the proposed project at an informal session at this location beginning at 4 p.m.

Displays and other information about DOE's proposed action and Summit's project will be available, and representatives from DOE and Summit will be present at the informal session to discuss the proposed project, DOE's CCPI program, and the EIS process.

**ADDRESSES:** Written comments on the scope of the EIS and requests to participate in the public scoping meeting should be addressed to: Mr. Mark L. McKoy, U.S. Department of Energy, National Energy Technology Laboratory, 3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507-0880. Individuals and organizations who would like to provide oral or electronic comments, or request copies of the Draft EIS, should contact Mr. McKoy by telephone (304-285-4426), toll-free telephone (1-800-432-8330 (ext. 4426), fax (304-285-4403), e-mail ([Summit.EIS@netl.doe.gov](mailto:Summit.EIS@netl.doe.gov)), or formal mail submitted to the address given above.

**FOR FURTHER INFORMATION CONTACT:** For further information about this project, contact Mr. Mark L. McKoy, as described above. 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 20585-0103; telephone: 202-586-4600; fax: 202-586-7031; or leave a toll-free message at 1-800-472-2756.

#### SUPPLEMENTARY INFORMATION:

##### Background

Since the early 1970s, DOE and its predecessor agencies have pursued research and development programs that include large, technically complex projects in pursuit of innovation in a wide variety of coal technologies through the proof-of-concept stage. However, helping a technology reach the proof-of-concept stage does not ensure its continued development or commercialization. Before a technology can be considered seriously for commercialization, it must be demonstrated at a sufficient scale to prove its reliability and economically competitive performance. The financial risk associated with such large-scale demonstration projects is often too high for the private sector to assume in the absence of strong incentives.

The CCPI program was established in 2002 as a government and private sector partnership to implement the recommendation in President Bush's National Energy Policy to increase investment in clean coal technology.