

was preferred over other alternatives because it represented the best capacity for meeting current and reasonably foreseeable national security requirements.

*Comment 9.* The Y-12 Final SWEIS wrongly declares that the demolition/disposal of existing facilities arising from relocation of operations to a new UPF is "not ripe."

*Response.* The Integrated Facility Disposition Program (IFDP) is DOE's program for disposing of legacy materials and facilities at the Oak Ridge National Laboratory (ORNL) and Y-12. The IFDP includes both existing excess facilities (e.g., facilities not required for DOE's needs or the discharge of its responsibilities) and newly identified excess (or soon to be excess) facilities. Under the IFDP, the decontamination and decommissioning (D&D) of approximately 188 facilities at ORNL, 112 facilities at Y-12, and remediation of soil and groundwater contamination would occur over the next 30 to 40 years. The IFDP will be conducted as a remedial action under the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA). Cleanup and D&D activities conducted under CERCLA are reviewed through the CERCLA process, which incorporates NEPA values. The potential impacts of the IFDP are analyzed in the cumulative impacts section of the SWEIS in chapter 6 (See comment-response 12.P on page 3-44 of Volume II of the Y-12 Final SWEIS). Although IFDP D&D activities are expected to commence within the next three to five years, the major IFDP D&D activities would not take place for many years (e.g., most likely any D&D activities associated with the action alternatives in this SWEIS would not take place prior to approximately 2018). These major D&D activities are to be resolved under the provisions of CERCLA and are beyond the planning basis for this SWEIS (See Section 5.16 on page 5-100 of Volume I of the Y-12 Final SWEIS). NNSA believes that the Y-12 Final SWEIS includes an analysis of all reasonable alternatives and all cleanup/waste management actions that are required to be included in a NEPA analysis.

*Comment 10.* The Tennessee Division of Radiological Health is not listed as a consulting agency. They should be given an opportunity, and time, to comment on the Y-12 Final SWEIS before any ROD is issued.

*Response.* During the Y-12 SWEIS process, NNSA specifically invited TDEC to be a cooperating agency in the preparation of the SWEIS and also requested that other agencies express their interest in being designated as a cooperating agency in the preparation of the Y-12 SWEIS (see 70 FR 71270, November 28, 2005). The Tennessee Division of Radiological Health is part of TDEC. TDEC comments on the Draft Y-12 SWEIS are contained on page 2-123 of Volume II of the Y-12 Final SWEIS.

*Comment 11.* Commentors stated that an article in the Knoxville News-Sentinel on March 31, 2011, casts new light on the seismic conditions of current facilities and underscores OREPA's concerns, first raised in 1994 and repeatedly in the succeeding years, about the structural integrity of

facilities at Y-12 including building 9212. The Y-12 Final SWEIS does not include a thorough assessment of risks associated with ongoing operations at Y-12 in the "No Action Alternative," and provides an inadequate evaluation in its accident scenarios.

*Response.* The Y-12 Final SWEIS considers potential impacts that could be caused by earthquakes and other natural phenomena such as wind, rain/snow, tornadoes and lightning (see Section D.9). Criticality is also considered. Table D.9.3-1 identifies the accidents that were considered for the major operations at Y-12. As shown in that table, the SWEIS considered potential impacts from earthquakes and other natural phenomena, including wind, flood, and lightning. The impacts associated with accidents analyzed in detail for the Y-12 Final SWEIS bound any impacts that would be associated with earthquakes and other natural phenomena. This is due to the fact that the accidents analyzed in detail in the SWEIS would be expected to result in greater radiological releases than reasonably foreseeable accidents caused by natural phenomena at Y-12.

With respect to potential accidents associated with existing/old facilities, as discussed in Section 5.14.1.1, the Y-12 Final SWEIS accident analysis process began with a review of all Y-12 facilities, including Building 9212, with emphasis on building hazard classification, radionuclide inventories, including type, quantity, and physical form, and storage and use conditions. For each of these facilities, the next step was to identify the most current documentation describing and quantifying the risks associated with its operation. Current safety documentation was obtained for all of these facilities. From these documents, potential accident scenarios and source terms (release rates and frequencies) associated with those facilities were identified. (See comment-response 12.M.1 on page 3-39 of Volume II of the Y-12 Final SWEIS).

[FR Doc. 2011-18312 Filed 7-19-11; 8:45 am]  
BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Western Area Power Administration [DOE/EIS-0469]

#### Notice of Intent To Prepare an Environmental Impact Statement and to Conduct Scoping Meetings; Proposed Wilton IV Wind Energy Center Project, North Dakota

**AGENCY:** Western Area Power Administration, DOE.  
**ACTION:** Notice.

**SUMMARY:** NextEra Energy Resources (NextEra) applied to interconnect its proposed 99-megawatt (MW) Wilton IV Wind Energy Center Project (Project) with Western Area Power Administration's (Western) existing

Hilken Switching Station in Burleigh County, North Dakota. The proposed Project would consist of up to 62 1.6-MW wind turbine generators and associated infrastructure located across approximately 15,725 acres of land in Burleigh County, about 20 miles north of Bismarck. In addition to constructing and operating the above proposed Project, NextEra has requested to operate its nearby existing Wilton I (also known as Burleigh), Wilton II, and Baldwin Wind Energy Center projects at levels exceeding 50 average annual MW, when wind conditions warrant. Western will prepare an environmental impact statement (EIS) on NextEra's proposal to interconnect their Project and to operate its existing projects above 50 average annual MW in accordance with the National Environmental Protection Act (NEPA), U.S. Department of Energy (DOE) NEPA Implementing Procedures, and the Council on Environmental Quality (CEQ) regulations for implementing NEPA. Portions of NextEra's proposed Project may affect floodplains and wetlands, so this Notice of Intent (NOI) also serves as a notice of proposed floodplain or wetland action in accordance with DOE floodplain and wetland environmental review requirements.

**DATES:** A public scoping meeting will be held on July 26, 2011, from 5 to 8 p.m. in Wilton, North Dakota. Local notification of this meeting has been made through direct mailings to affected parties and by advertising in local media to ensure at least 15 days of prior notice. The public scoping period starts with the publication of this notice and ends on September 6, 2011. Western will consider all comments on the scope of the EIS received or postmarked by that date. The public is invited to submit comments on the proposed Project at any time during the EIS process.

**ADDRESSES:** Western will host a public scoping meeting at the Wilton Memorial Hall, 105 Dover Avenue, Wilton, North Dakota, to provide information on the Project and gather comments on the proposal. Oral or written comments may be provided at the public scoping meeting or mailed or e-mailed to Matt Marsh, Upper Great Plains Regional Office, Western Area Power Administration, P.O. Box 35800, Billings, MT 59107-5800, e-mail [MMarsh@wapa.gov](mailto:MMarsh@wapa.gov), telephone (800) 358-3415.

**FOR FURTHER INFORMATION CONTACT:** For additional information on the proposed Project, the EIS process, or to receive a copy of the Draft EIS when it is published, contact Matt Marsh at the

addresses above. For general information on the DOE's NEPA review process, contact Carol M. Borgstrom, Director of NEPA Policy and Compliance, GC-54, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0119, telephone (202) 586-4600 or (800) 472-2756, facsimile (202) 586-7031.

**SUPPLEMENTARY INFORMATION:** Western is a Federal power marketing agency within the DOE that markets and delivers Federal wholesale electric power (principally hydroelectric power) to municipalities, rural electric cooperatives, public utilities, irrigation districts, Federal and State agencies, and Native American tribes in 15 western and central states. NextEra's proposed Project would be located within Western's Upper Great Plains Region, which operates in North and South Dakota, most of Montana, and portions of Iowa, Minnesota, and Nebraska. Western will prepare an EIS on NextEra's application to interconnect their proposed Wilton IV Wind Project and their proposal to operate its three existing projects above 50 average annual MW, when feasible, in accordance with NEPA (42 U.S.C. 4321-4347); DOE NEPA Implementing Procedures (10 CFR part 1021), and the CEQ regulations for implementing NEPA (40 CFR Parts 1500-1508).<sup>1</sup> Projects generating more than 50 average annual MW normally require the preparation of an EIS under DOE NEPA regulations.

Western will coordinate with appropriate Federal, State, and local agencies and potentially affected Native American tribes during the preparation of the EIS. While there are no designated cooperating agencies at this time, cooperating agencies could be identified at a later date.

#### **Purpose and Need for Agency Action**

Western's need for agency action is precipitated by NextEra's application to interconnect its proposed Wilton IV Wind Project with Western's power transmission system, and its intention of operating the three existing wind energy center projects at a level exceeding 50 average annual MW. Western needs to consider NextEra's interconnection request under Western's Open Access Transmission Service Tariff (Tariff), which provides for interconnection to its transmission system if there is available transmission capacity.

<sup>1</sup> On October 4, 1999, DOE's Assistant Secretary for Environmental, Safety and Health delegated to Western's Administrator the authority to approve EISs for integrating transmission facilities with Western's transmission grid.

This EIS will address Western's Federal action of interconnecting NextEra's proposed Project with its Hilken Switching Station. As part of its normal interconnection analysis, Western determines if any changes within the substation or any system modifications are needed to accommodate the interconnection. In this case the physical interconnection is already in place and operating at Hilken, and preliminary studies indicate that the power system can accommodate the proposed interconnection without negatively affecting system reliability or power deliveries to existing customers. However, final system studies could still determine that network and/or transmission system upgrades are required. Any such upgrades would be funded by NextEra as a condition of the interconnection.

NextEra's proposal to operate the existing Wilton I, Wilton II, and Baldwin Wind Energy Center projects at levels exceeding 50 average annual MW creates the need for Western to revisit the interconnection agreements prepared for each of these projects. Projects generating over 50 average annual MW normally require the preparation of an EIS under DOE NEPA regulations, and the existing interconnection agreements call for curtailing generation, or completing an EIS prior to generating above that cap. None of the environmental assessments<sup>2</sup> originally prepared for these projects identified potential significant impacts resulting from the construction, operation, and maintenance of the three wind energy projects.

#### **Proposed Action**

In compliance with the provisions of the Tariff, and considering the environmental impacts of NextEra's proposed Project as identified by the EIS process, Western will consider NextEra's interconnection request. If approved, any necessary system changes would be made to accomplish the interconnection, and power generated by the proposed Project would use Western's transmission system to reach the market. Western will contact the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the North Dakota State Historic Preservation Office under section 106 of the National Historic Preservation Act. Section 7 and 106 consultations were

<sup>2</sup> Burleigh County Wind Energy Center, Burleigh County, North Dakota [Wilton I], DOE/EA-1542, 2006; EA Supplement to DOE/EA-1542 [Wilton II], 2009; Baldwin Wind Energy Center Project, Burleigh County, North Dakota, DOE/EA-1698, 2010.

completed in 2010 on some of the proposed wind turbine locations as part of the Baldwin project, and additional coordination with these agencies will build off of these previous consultations.

#### **Alternatives**

Western must respond to NextEra's proposed Project as it is described in their application for interconnection, and make a decision on the interconnection request based on that application. NextEra's interconnection request essentially results in an increase in the amount of power entering Western's transmission system through existing facilities; no physical modifications to Western's facilities or the transmission system are anticipated at this time. Under the no action alternative, Western would not approve the interconnection request, and NextEra would not be able to export the generation from its proposed Project over Western's transmission system.

The current interconnection agreements for the Wilton I, Wilton II, and Baldwin Wind Energy Center projects contain language that prevent these projects from exceeding 50 average annual MW. Western would remove this language under the proposed action. Under the no action alternative, the existing language would remain in force, and NextEra would be unable to operate any of these three projects above the 50 average annual MW cap.

#### **Applicant's Proposed Project**

NextEra proposes to construct 62 1.6-MW wind turbine generators in Crofte, Ecklund, Ghylin, Painted Woods, and Rocky Hill townships in Burleigh County, North Dakota, approximately 20 miles north of Bismarck. Each turbine would be up to 426 feet tall from tip of blade to base, and about 260 feet tall from the ground to the hub. The three-bladed rotors would have a diameter of approximately 328 feet, or 100 meters. The proposed Project would also include all-weather access roads to each turbine location, and underground power collection lines linking the turbines to Central Power Electric Cooperative's existing 4.4-mile 230-kilovolt (kV) generation tie-line that terminates at Western's Hilken Switching Station. The Western interconnection point for NextEra's proposed Project would be at the Hilken Switchyard. The Hilken Switching Station is located on Western's Garrison—Bismarck 230-kV transmission line.

NextEra's proposed Project would be an expansion of its three existing wind

energy projects in the area. Of the 62 proposed Wilton IV Wind Project wind turbines, 37 are located in a 10,000-acre area within Crofte Township, adjacent to and immediately to the west of NextEra's existing wind energy projects. These 37 wind turbine sites were considered as alternate locations for the Baldwin Project, and were analyzed for potential environmental impacts in the Baldwin environmental assessment. The wind turbines would be arrayed in several strings, generally oriented southwest to northeast, in an area roughly six miles square. Cultural resources and biological resources field surveys were accomplished for these wind turbine locations during the NEPA process for the Baldwin Project, which was completed in 2010. The remaining 25 wind turbines would be located in Ecklund, Ghylin, Painted Woods, and Rocky Hill townships within a 5,725-acre area. These turbine strings would be generally oriented east to west over approximately 4 miles immediately east of NextEra's existing wind energy projects. The potential environmental impacts of these 25 turbines will be analyzed as part of this EIS, and cultural and biological surveys will be conducted on these sites and any other potentially disturbed areas not already included in the Baldwin environmental assessment.

The proposed Project would generate about 99 nameplate MW on the two separate areas totaling approximately 15,725 acres. The proposed wind energy project would be located entirely on private lands; no Federal or State land would be affected.

In addition to constructing and operating the proposed Project as described above, NextEra has requested to operate its nearby existing Wilton I, Wilton II, and Baldwin Wind Energy Center projects at levels exceeding 50 average annual MW, when wind conditions warrant. Projects generating more than 50 average annual MW normally require the preparation of an EIS under DOE NEPA regulations (10 CFR Part 1021). These projects were originally analyzed in environmental assessments based in part on their anticipated output being under 50 average annual MW, and the interconnection agreements include a cap at that generation level unless an EIS is prepared. NextEra now believes that wind conditions may allow operation of the three wind projects above 50 average annual MW, and would like to generate above the cap, if possible. NextEra's proposal to potentially operate above the 50 average annual MW level creates the need for Western to revisit the existing

interconnection agreements that include this limitation. No physical modifications to the existing wind generation projects are proposed; the requested interconnection agreement amendments would simply allow for more hours of generation if wind conditions are favorable but still within the stated nameplate capacity.

Western's Federal action is to consider the interconnection request, any resultant impact to the transmission system, and the change in operating parameters for the other three existing projects; however, the EIS will also identify and review the environmental impacts of constructing, operating, maintaining, and decommissioning NextEra's proposed Wilton IV Project. NextEra would be responsible for completing necessary coordination with State and local agencies to permit its proposed Project.

#### Floodplain or Wetland Involvement

Floodplains and wetlands are common in this part of North Dakota. Since the proposed Project may involve action in floodplains or wetlands, this NOI also serves as a notice of proposed floodplain or wetland action. The EIS will include an assessment of impacts to floodplains and wetlands, and floodplain statement of findings following DOE regulations for compliance with floodplain and wetlands environmental review (10 CFR Part 1022).

#### Environmental Issues

The location of NextEra's proposed Project is in a relatively sparsely populated portion of southcentral North Dakota. The area is characterized by extensive agriculture and pasture with scattered farmsteads on section line roads. NextEra has secured leases with willing landowners for its wind generation turbines and related facilities. Available overview information and the results of the NEPA analyses on the existing three wind projects indicates this area has a relatively low probability of substantial natural resources conflicts. NextEra's siting process for the wind turbine strings and associated facilities considered sensitive resources, and the proposed Project was designed to avoid these areas. The EIS will review the environmental information collected on the Project area, including that already collected as part of the Baldwin project, and evaluate the level of impact the interconnection and NextEra's proposed Project would have on environmental resources within the approximately 15,725-acre site. Modifications to NextEra's proposed Project may be

made to avoid or minimize resource impacts. While no substantive resource conflicts have been identified thus far, the EIS will analyze the potential impacts on the full range of potentially affected environmental resources. Wind farm projects are generally known to have visual and noise effects, and may affect birds and bats.

#### Public Participation

Interested parties are invited to participate in the scoping process to help define the scope of the EIS, significant resources, and issues to be analyzed in depth, and to eliminate from detailed study issues that are not pertinent. The scoping process will involve all interested agencies (Federal, State, county, and local), Native American tribes, public interest groups, businesses, affected landowners, and individual members of the public.

Western has previously consulted with potentially affected or interested tribes to jointly evaluate and address the potential effects on cultural resources, traditional cultural properties, or other resources important to the tribes in the proposed Project area. Western will contact previously identified interested tribes and inform them that NextEra now intends to expand its wind energy projects in this area. Any nation-to-nation consultations will be conducted in accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249), the President's memorandum of April 29, 1994, Government-to-Government Relations with Native American Tribal Governments (59 FR 22951), DOE-specific guidance on tribal interactions, and applicable natural and cultural resources laws and regulations.

A public scoping meeting will be held as described under DATES and ADDRESSES above. The meeting will be informal, and attendees will be able to speak directly with Western and NextEra representatives about the proposed Project. The public is encouraged to provide information and comments on issues it believes Western should address in the EIS. Comments may be broad in nature or restricted to specific areas of concern. After gathering comments on the scope of the EIS, Western will address those issues raised in the EIS. Comments on Western's proposed action and NextEra's proposed Project will be accepted at any time during the EIS process, and may be directed to Western as described under ADDRESSES above.

Western's EIS process will include this NOI and public scoping meetings; consultation and coordination with appropriate Federal, State, county, and

local agencies and tribal governments; involvement with affected landowners; distribution of and public review and comment on the Draft EIS; a formal public hearing or hearings on the Draft EIS; distribution of a published Final EIS; and publication of Western's Record of Decision in the Federal Register.

Dated: July 7, 2011.

Timothy J. Meeks,  
Administrator.

[FR Doc. 2011-17997 Filed 7-19-11; 8:45 am]

BILLING CODE 6450-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2011-0566; FRL-8881-3]

### Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Chemical Substances Inventory (TSCA Inventory)) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the Federal Register a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish in the Federal Register periodic status reports on the new chemicals under review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document, which covers the period from May 23, 2011 to June 5, 2011, and provides the required notice and status report, consists of the PMNs and TMEs, both pending or expired, and the NOC to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

**DATES:** Comments identified by the specific PMN number or TME number, must be received on or before August 19, 2011.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2011-0566, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- **Mail:** Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- **Hand Delivery:** OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at

<http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Bernice Mudd, Information Management Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-8951; fax number: (202) 564-8955; e-mail address: [mudd.bernice@epa.gov](mailto:mudd.bernice@epa.gov).

**For general information contact:** The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the PMNs addressed in this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### B. What Should I Consider as I Prepare My Comments for EPA?

1. **Submitting CBI.** Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one