

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 Electric Drive Vehicle Battery and Component Manufacturing Initiative (DE-FOA-0000026) is soundly based on the interests of public welfare. Expediting the award of funding to promising proposals will accelerate development and production of electric drive vehicles. In addition, it will facilitate the nation's economic recovery by creating and retaining jobs and by transforming the nation's industrial infrastructure.

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, including but not limited to environmental impacts. 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 June 22, 2009.

Scott Blake Harris,

General Counsel.

[FR Doc. E9-15126 Filed 6-25-09; 8:45 am]

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DEPARTMENT OF ENERGY

Western Area Power Administration

Construction, Operation, and Maintenance of the Proposed Transmission Agency of Northern California Transmission Project, California

AGENCY: Western Area Power Administration, DOE.

ACTION: Extension of scoping period.

SUMMARY: On February 23, 2009, Western Area Power Administration (Western), an agency of the Department of Energy (DOE), announced the Notice of Intent to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the construction, operation, and maintenance of the proposed Transmission Agency of Northern California (TANC) Transmission Project. In that notice, Western described the schedule for scoping meetings and advised the public that comments on the scope of the EIS/EIR were due by April 30, 2009. On May 8, 2009, Western published a notice in the **Federal Register** extending the comment period to May 31, 2009. By this notice, Western extends the due date for comments on the scope of the EIS/EIR to July 30, 2009.

DATES: The date to provide comments on the scope of the EIS/EIR is extended to July 30, 2009.

ADDRESSES: Written comments on the scope of the EIS/EIR should be addressed to Mr. David Young, National Environmental Policy Act (NEPA) Document Manager, Western Area Power Administration, Sierra Nevada Region, 114 Parkshore Drive, Folsom, CA 95630 or e-mail TTPEIS@wapa.gov.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Mr. David Young, NEPA Document Manager, Western Area Power Administration, Sierra Nevada Region, 114 Parkshore Drive, Folsom, CA 95630, telephone (916) 353-4777, fax (916) 353-4772, or e-mail TTPEIS@wapa.gov. Additional information on the proposed Project can also be found and comments submitted at <http://www.wapa.gov/transmission/ttp.htm>. For general information on DOE's NEPA review procedures or status of a NEPA review,

contact Ms. Carol M. Borgstrom, Director of NEPA Policy and Compliance, GC-20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone (202) 586-4600 or (800) 472-2756.

SUPPLEMENTARY INFORMATION: On February 23, 2009, Western announced the Notice of Intent to prepare an EIS for the construction, operation, and maintenance of the proposed TANC Transmission Project (74 FR 8086). In that notice, Western described the schedule for scoping meetings for the EIS/EIR, and advised the public that comments regarding the scope of the EIS/EIR were due by April 30, 2009. Western held all public scoping meetings as scheduled. On May 8, 2009, Western published a notice in the **Federal Register** extending the comment period to May 31, 2009 (74 FR 21674). Western has received requests for more time to comment. By this notice, Western further extends the due date for comments on the scope of the EIS/EIR to July 30, 2009.

Dated: June 17, 2009.

Harrison G. Pease,

Chief Financial Officer.

[FR Doc. E9-15048 Filed 6-25-09; 8:45 am]

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DEPARTMENT OF ENERGY

Western Area Power Administration

Big Stone II Power Plant and Transmission Project Final Environmental Impact Statement (DOE/EIS-0377)

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Availability.

SUMMARY: The Western Area Power Administration (Western) announces the availability of the Big Stone II Power Plant and Transmission Project (Project) Final Environmental Impact Statement (EIS). This Final EIS analyzes the environmental impacts of constructing and operating the proposed Project. Western is considering whether to grant a request to interconnect the proposed Project with Western's transmission system at Morris and Granite Falls substations in Minnesota, an action which requires Western to complete modifications to these substations to support the interconnection.¹ The U.S.

¹ As noted in Western's Notice of Intent to prepare a Big Stone II EIS, Western became the lead agency for preparation of the EIS because the construction of Big Stone II would incorporate a major new generation resource into Western's

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Army Corps of Engineers (USACE) participated as a cooperating agency in the EIS process. USACE is considering whether to issue a permit for Section 10 of the Rivers and Harbors Act and for Section 404 of the Clean Water Act for construction of the proposed Project within or across navigable waters and waters of the United States.

DATES: Western and USACE will wait at least thirty days from the U.S. Environmental Protection Agency's Notice of Availability for the Final EIS published in the **Federal Register** before issuing decisions on the interconnection request and permits, respectively. Western's decision on whether or not to grant the interconnection request will be published in the **Federal Register**, once issued.

FOR FURTHER INFORMATION CONTACT: For further information or to request a copy of the Final EIS or the Executive Summary, please write Mr. Matt Blevins, NEPA Document Manager, Big Stone II EIS, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228; e-mail BigStoneEIS@wapa.gov, or Phone: (800) 336-7288. Please note that printed versions will only be available for the Executive Summary and Volumes I and II. The full Final EIS (Volumes I-IV) is available upon request only in an electronic version.

For general information on DOE's NEPA review process, please contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, GC-20, U.S. Department of Energy, Washington, DC 20585, (202) 586-4600 or (800) 472-2756.

SUPPLEMENTARY INFORMATION: Otter Tail Corporation (dba Otter Tail Power Company), Central Minnesota Municipal Power Agency, Heartland Consumers Power District, Montana-Dakota Utilities Company, and Western Minnesota Municipal Power Agency (dba Missouri River Energy Services), collectively referred to as the Co-owners, propose to develop a new 600-MW (net) baseload coal-fired electric generating power plant and associated transmission lines and substation upgrades known as the Big Stone II Power Plant and Transmission Project. The proposed Project outlined in the Final EIS differs from that presented in the Big Stone II Power Plant and Transmission Project Draft Environmental Impact Statement (Draft EIS) issued in May 2006. Based on comments received on the Draft EIS and revised cost estimates for constructing

the proposed make-up water storage pond presented in the Draft EIS, the Co-owners revised their proposed Project to include the use of groundwater as a source of make-up water, as well as other changes associated with groundwater use. These revisions were outlined in a Supplemental Draft EIS issued in October 2007.

The Final EIS is available in four volumes. Volume I contains the Final EIS, which integrates the information contained in the Draft EIS and the Supplemental Draft EIS, including revisions to the proposed Project, as well as other revisions and minor edits made in response to specific comments. A summary of all substantive comments received and Western's responses are included in Volume II of the Final EIS. Volume II also contains response papers providing additional information on mercury emissions, renewable and wind energy, and demand side management. All comments received on the Draft EIS and Supplemental Draft EIS were carefully reviewed and considered in preparing the Final EIS. Volume III contains the Appendices, and Volume IV includes a copy of all substantive comments received on the Draft EIS and the Supplemental Draft EIS.

Copies of the full Final EIS are available for public review at the offices and public libraries listed below:

Public Libraries

Ortonville Public Library, 412 Second Street Northwest, Ortonville, Minnesota.
 Morris Public Library, 102 East 6th Street, Morris, Minnesota.
 Granite Falls Public Library, 155 7th Avenue, Granite Falls, Minnesota.
 Appleton Public Library, 322 W. Schlieman Avenue, Appleton, Minnesota.
 Canby Public Library, 110 Oscar Avenue North, Canby, Minnesota.
 Willmar Public Library, 410 5th Street Southwest, Willmar, Minnesota.
 Kerkhoven Public Library, 208 10th Street North, Kerkhoven, Minnesota.
 Benson Public Library, 200 13th Street South, Benson, Minnesota.
 Grant County Public Library, 207 Park Avenue East, Milbank, South Dakota.
 Watertown Regional Library, 611 Bruhn Avenue, NE., Watertown, South Dakota.

The Final EIS is also available at DOE Reading Rooms at the following addresses: U.S. Department of Energy, Forrestal Building, Reading Room 1E-190, 1000 Independence Avenue, SW., Washington, DC 20585; Western Area Power Administration, Corporate Services Office, 12155 West Alameda

Parkway, Lakewood, Colorado 80228; and Western Area Power Administration, Upper Great Plains Customer Service Region, South Dakota Maintenance Office, 200 4th Street, SW., Huron, South Dakota 57350.

Decisions by Western and the USACE will be made no sooner than 30 days from the U.S. Environmental Protection Agency's published Notice of Availability for the Final EIS in the **Federal Register**. Western is considering whether to grant a request to interconnect the proposed Project with Western's transmission system at Morris and Granite Falls substations in Minnesota, an action which requires Western to complete modifications to these substations to support the interconnection. The USACE is considering whether to issue permits for Section 10 of the Rivers and Harbors Act and for Section 404 of the Clean Water Act for construction of the proposed Project within or across navigable waters and waters of the United States.

Dated: June 8, 2009.

Timothy J. Meeks,
Administrator.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC Docket No. CP09-54-000]

Ruby Pipeline, L.L.C.; Notice of Availability of the Draft Environmental Impact Statement and Notice of Public Comment Meetings for the Ruby Pipeline Project

June 19, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft Environmental Impact Statement (EIS) on the natural gas pipeline facilities proposed by Ruby Pipeline, L.L.C. (Ruby) in the above-referenced docket. The Ruby Pipeline Project facilities would be located in Wyoming, Utah, Nevada, and Oregon and would be capable of transporting up to 1.5 million dekatherms per day of natural gas.

The draft EIS was prepared to satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA). The U.S. Department of Interior, Bureau of Land Management (BLM), Bureau of Reclamation, and Fish and Wildlife Service; the U.S. Department of Agriculture, Forest Service (USFS) and Natural Resources Conservation Service; the U.S. Army