

After the pre-survey consultation 60-day **Federal Register** notice was published on page 8075 on February 23, 2009, EIA received funds in order to include weatherization and energy efficiency program participation questions on the survey.

Please refer to the supporting statement as well as the proposed forms and instructions for more information about the purpose, who must report, when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible nonstatistical uses) of the information. For instructions on obtaining materials, see the **FOR FURTHER INFORMATION CONTACT** section.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC, September 21, 2009.

Stephanie Brown,

*Director, Statistics and Methods Group,
Agency Clearance Officer Energy Information
Administration.*

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DEPARTMENT OF ENERGY

Western Area Power Administration

Record of Decision: Montana Alberta Tie Limited (DOE/EIS-0399)

AGENCY: Western Area Power Administration, DOE.

ACTION: Record of decision.

SUMMARY: The Western Area Power Administration (Western), an agency of the U.S. Department of Energy (DOE), has decided to finance a portion of the Montana Alberta Tie Ltd. (MATL) 230-kilovolt (kV) transmission line (MATL Project) in exchange for ownership of 50 megawatts (MW) of southbound capacity on the line and ownership of approximately 18 miles of transmission line. This decision is contingent on the MATL Project meeting all necessary conditions under Western's Transmission Infrastructure Program (TIP). MATL proposed to construct, operate, maintain, and connect a new 214-mile, single-circuit 230-kV electric transmission line across the U.S.-Canada border near Cut Bank, Montana, and DOE prepared the *Environmental Impact Statement for the Montana Alberta Tie Ltd. (MATL) 230-kV Transmission Line* (DOE/EIS-0399), herein referred to as the MATL Environmental Impact Statement (EIS), as co-lead with the State of Montana, to

analyze the environmental impacts that would be associated with construction and operation of the line. The environmental mitigation measures and electric reliability conditions required by DOE's permit for the line are identified in the *Record of Decision (ROD); Montana Alberta Tie Ltd.* issued by DOE on November 17, 2008, (73 FR 67860), herein referred to as the first ROD.

Western's decision to finance a portion of the MATL Project has no effect on the environmental impacts identified in the MATL EIS, and does not in any way modify the first ROD.

Western has prepared this second ROD in accordance with the regulations of the Council on Environmental Quality (40 CFR Parts 1500-1508) for implementing the National Environmental Policy Act (NEPA), and DOE's NEPA Implementing Procedures (10 CFR part 1021).

FOR FURTHER INFORMATION CONTACT: For further information about Western's decision, contact Robert J. Harris, Regional Manager, Upper Great Plains Customer Service Region, Western Area Power Administration, P.O. Box 35800, Billings MT 59107-5800, by telephone at (406) 247-7405 or (800) 358-3415, or by facsimile at (406) 247-7408. The MATL EIS and first ROD are available on the DOE NEPA Web site at <http://www.gc.energy.gov/NEPA/>. In addition, the first ROD may be requested by contacting Ellen Russell, Senior Project Manager, Office of Electricity Delivery and Energy Reliability, OE-20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, by telephone at (202) 586-9624, by facsimile at (202) 586-8008, or at Ellen.Russell@hq.doe.gov. For information on the DOE NEPA process, contact Carol Borgstrom, Director, Office of NEPA Policy and Compliance, GC-20, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, by telephone at (202) 586-4600 or (800) 472-2756, or by facsimile at (202) 586-7031.

SUPPLEMENTARY INFORMATION:

NEPA Review

When DOE distributed the Final MATL EIS in October 2008, Western was not involved in the MATL Project as the MATL Project did not include an interconnection with Western's transmission system and the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5; the Recovery Act) was not then law. The environmental impacts that would be associated with the line were analyzed in the MATL

EIS, and the MATL Project would result in low environmental impacts after mitigation measures required by DOE's permit are implemented. The environmental mitigation measures and electric reliability conditions committed to are noted in the first ROD.

Because the expected environmental impacts of the MATL Project were fully addressed in the MATL EIS, and given that Western's participation and Federal action does not change the MATL Project or its impacts, Western has determined that further NEPA documentation is not required. For detailed information on the MATL EIS, please see the **FOR FURTHER INFORMATION** section above.

Purpose and Need for Agency Action

Under section 402 of the Recovery Act, Western is given authority to borrow funds from the U.S. Treasury to construct, finance, facilitate, plan, operate, maintain, and/or study construction of new or upgraded electric power transmission lines and related facilities. These transmission lines and related facilities must have at least one terminus in Western's marketing area and deliver or facilitate the delivery of power from renewable resources constructed or reasonably expected to be constructed after the date of enactment of the Recovery Act.

On March 4, 2009, Western published a Notice of Proposed Program and Request for Public Comments in the **Federal Register** (74 FR 9391) describing its proposed Transmission Infrastructure Program (TIP) and soliciting public input on that program. After considering the comments received on its March 4 **Federal Register** notice, Western published its final TIP Notice of Program on May 14, 2009 (74 FR 22732). The TIP will guide how Western evaluates proposals for funding under the Recovery Act.

Western also published a Notice of Availability of Request for Interest on March 4, 2009, (74 FR 9391) that initiated a public process to help identify the first round of transmission projects to be developed under the Recovery Act. The MATL Project was one of the projects proposed for funding in response to this notice.

Western's proposed action is to partially finance under its TIP the MATL Project as described in the first ROD. In return for its portion of Project funding, Western would own 50 MW of southbound capacity on the MATL line and gain ownership of approximately 18 miles of transmission line extending north from the Great Falls substation.

Decision

Western evaluated its participation in the MATL Project based on the principles, policies, and practices of Western's TIP. This second ROD provides notice that Western has considered the potential environmental impacts of the MATL Project and required mitigation as presented in the first ROD. It also provides notice that Western has decided to partially finance the MATL Project, in exchange for owning 50 MW of southbound capacity on the line and approximately 18 miles of transmission line. This decision is contingent on the MATL Project satisfying the other requirements of the TIP. The decision in this second ROD will be implemented through contracts with MATL if all necessary conditions are met.

In reaching this decision, Western reviewed the MATL EIS and first ROD and considered that the potential impacts from the selected alternative, with implementation of the stipulated mitigation measures, are expected to be low. Western's decision to finance a portion of the MATL Project has no effect on the environmental impacts identified in the MATL EIS, and does not in any way modify the first ROD.

Western has prepared this second ROD in accordance with the regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508) for implementing NEPA, and DOE's NEPA Implementing Procedures (10 CFR Part 1021). Western's authority to issue a ROD is pursuant to authority delegated on October 4, 1999.¹

Dated: September 18, 2009.

Timothy J. Meeks,
Administrator.

[FR Doc. E9–23186 Filed 9–24–09; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN06–3–003]

Energy Transfer Partners, L.P.; Energy Transfer Company; ETC Marketing, Ltd.; Houston Pipeline Company; Public Notice of Settlement

September 21, 2009.

Take notice that on September 21, 2009, pursuant to Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602 (2009), the

Commission accepted and approved the Stipulation and Consent Agreement ("Agreement") entered into by Energy Transfer Partners, L.P., *et al.* ("ETP") and Enforcement Litigation Staff regarding settlement of Docket No. IN06–3–003.¹ Concurrently with this Notice, the Agreement is being filed as a public document with the Secretary of the Commission.

ETP and Enforcement Litigation Staff jointly state that the Agreement resolves all Claims alleged or asserted in this Proceeding by the Commission and Enforcement Litigation Staff against ETP, including the named respondents, any other ETP Entity, and any of its current or former directors, officers, employees, agents, or other representatives, relating to manipulation or attempted manipulation of natural gas prices in alleged violation of the Commission's former Market Behavior Rule 2.²

By resolving all Claims through the Agreement, ETP and Enforcement Litigation Staff agree that the Commission shall dismiss all Claims against ETP with prejudice, terminate all investigations in this Proceeding, and forever release ETP and the ETP Entities and their current or former directors, officers, employees, agents, and other representatives, and any successor to ETP or the ETP Entities, from any and all administrative or civil claims for civil penalties and legal and equitable relief, including disgorgement of profits and restitution, under any and all theories of alleged liability based on or arising under in whole or part, the Claims.

Under the terms of the Agreement, ETP will pay Five Million Dollars (\$5,000,000.00) in civil monetary penalties to the United States Treasury.

In addition, under the terms of the Agreement, ETP will establish a Fund in the amount of Twenty-Five Million Dollars (\$25,000,000.00) for the purpose of disgorging to Final Opt-In Fund Participants alleged unjust profits based on or arising from ETP's Alleged Conduct. Third Parties that have asserted claims against ETP in private litigation or arbitration may become Fund Participants. If, after the allocation of money to Final Opt-In Fund

Participants, there is any Remaining Fund Amount, such amount shall be available for the purpose of compensating Third Parties, in whole or part, in connection with the Private Settlement of Pending Claims or Future Claims.

For purposes of this Proceeding, ETP neither admits nor denies the Claims. As specified in the Agreement, ETP does not admit or concede to any Third Party actual or potential fault, wrongdoing, or liability in connection with any facts or claims that have been or could have been alleged against it with respect to ETP's Alleged Conduct.

No later than sixty (60) days from the date of the publication of this Notice in the **Federal Register** (the "Fund Notice Period"), any individual, business entity, or putative class that believes it may have a claim against any ETP Entity, with respect to the allegations covered by the Agreement, and elects to become a Conditional Opt-In Fund Participant, shall cause to be filed with the Commission and served upon ETP and Enforcement Litigation Staff a written, verified Conditional Notice as attached.³ No claims filed after expiration of the sixty-day Fund Notice Period shall be considered or eligible for participation in the Fund. Such submissions shall be treated as subject to the terms of the Protective Order entered in this Proceeding on February 11, 2008, *Energy Transfer Partners, L.P.*, 122 FERC ¶ 61,122 (2008), as such Protective Order may be modified by the Commission or by an administrative law judge.

Within one hundred twenty (120) days after the close of the Fund Notice Period, the Fund Administrator shall certify to the Commission and simultaneously serve the Settling Parties and each Conditional Opt-In Fund Participant an Initial Fund Allocation Report. This report shall describe the data submitted by each Conditional Fund Participant, the basis for its claim, its total claim, if any, supported by the data submitted, the initial allocation of the Fund, and the methodology employed in reaching the initial allocation of the Fund. The Agreement provides for Commission review and approval of the report. Within thirty (30) days after the Initial Fund Allocation Report becomes final, each Conditional Opt-In Fund Participant shall declare in

¹ Capitalized terms in this Public Notice have the meaning provided in the Agreement and the Agreement constitutes the complete agreement of the Settling Parties. All matters in this docket that pertained to ETP's affiliate, Oasis Pipeline, L.P., were resolved by a prior settlement approved by the Commission in *Oasis Pipeline, L.P.*, 126 FERC ¶ 61,188 (2009).

² See Order No. 644, 105 FERC ¶ 61,217 (2003), formerly codified at 18 CFR § 284.403(a) (2005). Market Behavior Rule 2 was rescinded in Order No. 673, 114 FERC ¶ 61,166 (2006).

³ The following forms are attached to this notice: (1) Conditional Notice to Participate in Settlement Fund, along with associated Declaration of Authorized Representative and Affidavit forms; and (2) Declaration of Final Opt-In Fund Participant and Waiver and Release of Claims, along with an associated Declaration of Authorized Representative form.

¹ Western's authority to issue a record of decision is pursuant to authority delegated on October 4, 1999, from the Assistant Secretary for Environment, Safety and Health to Western's Administrator.