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Dated: July 24, 2007.

**Troy R. Justesen,**

*Assistant Secretary for Vocational and Adult Education.*

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Bonneville Power Administration

#### Long-Term Regional Dialogue Policy

**AGENCY:** Bonneville Power Administration (BPA), Department of Energy (DOE).

**ACTION:** Notice of availability of a National Environmental Policy Act (NEPA) Record of Decision (ROD).

**SUMMARY:** This notice announces the availability of the NEPA ROD for BPA's adoption of a policy for its power supply role after fiscal year 2011. This policy is intended to provide BPA's customers with greater clarity about their Federal power supply so they can effectively plan for the future and, if they choose, make capital investments in long-term electricity infrastructure. Each of the issues in this Long-Term Regional Dialogue Policy that were found to have any environmental effects were determined to be within the scope of the Market-Driven Alternative adopted in the Business Plan ROD. Thus, this NEPA ROD is consistent with and tiered to the Business Plan Environmental Impact Statement (DOE/EIS-0183, June 1995) and the Business Plan ROD (August 15, 1995). The Policy, which is the result of a Regional Dialogue process that began in 2002, is described more fully in a separately issued Administrator's ROD that addresses the legal and policy rationale supporting the administrative decisions in the Regional Dialogue.

**ADDRESSES:** Copies of the following documents may be obtained by calling BPA's toll-free document request line, 1-800-622-4520, or by visiting the Web site at: <http://www.efw.bpa.gov>: the NEPA ROD for the Long-Term Regional Dialogue Policy; the Administrator's ROD on the policy; and the Business Plan EIS and ROD.

**FOR FURTHER INFORMATION, CONTACT:** Katherine S. Pierce, Bonneville Power Administration KEC-4, P.O. Box 3621, Portland, Oregon, 97208-3621; toll-free telephone number 1-800-282-3713; fax number 503-230-5699; or e-mail [kspierce@bpa.gov](mailto:kspierce@bpa.gov).

**SUPPLEMENTARY INFORMATION:** The Business Plan EIS and ROD to which this NEPA ROD is tiered were prepared to support a number of decisions including the products and services BPA will market, rates for BPA's products and services, policy direction for BPA's sale of power products to customers, contract terms BPA will offer for power sales, and plans for BPA's resource acquisitions and power purchase contracts. Each of the issues in this Long-Term Regional Dialogue Policy has been evaluated for environmental effects. Some of the policy issues do not have the potential to result in environmental effects; others are a continuation of the status quo. For the remaining issues, any environmental effects have already been addressed in the Business Plan EIS.

Issued in Portland, Oregon, on July 19, 2007.

**Stephen J. Wright,**

*Administrator and Chief Executive Officer.*

[FR Doc. E7-14529 Filed 7-26-07; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Construction and Operation of the Proposed NextGen Energy Facility, South Dakota

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

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping Meetings; Notice of Floodplain and Wetlands Involvement.

**SUMMARY:** The Western Area Power Administration (Western), an agency of the U.S. Department of Energy (DOE) intends to prepare an environmental impact statement (EIS) for the construction and operation of the proposed NextGen Energy Facility (Project) in South Dakota. Basin Electric Power Cooperative (Basin Electric) has applied to interconnect the proposed Project to Western's electric power transmission system. The EIS will address the construction and operation of the proposed Project, which includes a 500 to 700 megawatt (MW) (net) coal-fired generation facility and ancillary equipment and facilities east of the Missouri River in South Dakota. Portions of the proposed Project may affect floodplains and wetlands in the area. Western will hold public scoping meetings near the Project area during the public scoping period to share information and receive comments and suggestions on the scope of the EIS.

**DATES:** Open house public scoping meetings will be held August 21, 22, and 23, 2007, from 5 p.m. to 8 p.m. The public scoping period starts with publication of this notice in the **Federal Register** and will continue through August 31, 2007. To be assured consideration, all comments or suggestions regarding the appropriate scope of the EIS must be received by the close of the scoping period.

**ADDRESSES:** Open-house public scoping meetings will be held at the following locations:

1. August 21, 2007, Selby Opera House, 3409 Main Street, Selby, SD 57472.

2. August 22, 2007, Phoenix Center, 117 South Main Street, Onida, SD 57564.

3. August 23, 2007, Woonsocket Community Center, Dumont Avenue, Woonsocket, SD 57385.

Written comments on the scope of the EIS should be addressed to:

Ms. Catherine Cunningham, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228, fax (720) 962-7269, e-mail: [NextGenEIS@wapa.gov](mailto:NextGenEIS@wapa.gov).

**FOR FURTHER INFORMATION CONTACT:** Ms. Catherine Cunningham, Western Area Power Administration, P.O. Box 281213, Lakewood, CO 80228, telephone (720) 962-7000, fax (720) 962-7269, e-mail: [NextGenEIS@wapa.gov](mailto:NextGenEIS@wapa.gov). For general information on DOE's National Environmental Policy Act (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:** Western, an agency within DOE, markets Federal hydro-electric power to preference customers, as specified by law.

These customers include municipalities, cooperatives, public utilities, irrigation districts, Federal and State agencies, and Native American tribes in 15 western states, including South Dakota. Western owns and operates about 17,000 miles of transmission line.

Basin Electric is a regional wholesale electric generation and transmission cooperative owned and controlled by its member cooperatives. Basin Electric serves approximately 2.5 million customers covering 430,000 square miles in portions of Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming.

### Project Description

Basin Electric has applied to Western for interconnection with Western's electric transmission system. Basin Electric proposes to construct and operate a 500 to 700 MW base-load coal-fired generation facility, water pipeline, transmission lines, transmission interconnection(s), and other associated facilities in central/north-central South Dakota. The purpose of the Project is to help serve increased base load demand for electric power in the eastern portion of Basin Electric's service area. Basin Electric's eastern service area is comprised of western Nebraska, northwestern and central Iowa, portions of southern Minnesota, all of South Dakota, portions of eastern Montana, and western and central North Dakota. The need for additional generating capacity is driven by the increasing electrical power usage of Basin Electric membership consumers. In 2007, Basin Electric prepared a forecast showing load and capability surpluses/deficits through the year 2021. The forecast predicts that by 2014, there will be a deficit of 800 to 900 MW for the eastern portion of its service area. Addition of 500 to 700 MW of base load generation to the east side of Basin Electric's service area by 2014 is one component toward meeting Basin Electric's future capacity and energy requirements.

Western intends to prepare an EIS for the proposed Project. Four preliminary alternative generation sites have been identified. During the scoping process, Western expects to refine this list of alternative generation sites and each of its associated facilities to determine which of them, along with the No Action Alternative, will be evaluated in detail in the EIS. The four preliminary alternative generation facility sites include the following:

- The Selby Site (about 2.75 miles southwest of Selby, South Dakota).
- The Selby East Site (about 2.5 miles northeast of Java, South Dakota).
- The Blunt Site (about 1.7 miles east of Blunt, South Dakota).
- The Onida Site (about 2.5 miles south of Onida, South Dakota).

These four alternative locations are in close proximity to coal fuel delivery service, water sources, and existing transmission system for the delivery of power to its members. The proposed generation facility would require new infrastructure, including a water intake structure along Lake Oahe on the mainstem of the Missouri River; a water pumping system; approximately 15 to 30 miles of water pipeline; approximately 40 to 110 miles of 115/230/345-kilovolt (kV) transmission line;

a 230/345-kV substation and possibly a 345/500-kV substation; road access to generation, water pipeline, and transmission line facilities; and solid waste disposal facilities. No changes are expected for existing railroad infrastructure. Included in the infrastructure estimates noted above is a transmission line of approximately 40 miles in length from the Broadland Substation, about 3 miles west of Huron, South Dakota, to the Storla Substation, about 10 miles southwest of Woonsocket, South Dakota. Power system studies indicate this transmission system addition would be needed for the Selby and Selby East generation site alternatives. The transmission addition between Broadland and Storla is not necessary for the Blunt or Onida generation site alternatives. All other proposed water pipeline and transmission line facilities would be located in the vicinity of their respective proposed generation facility sites.

For the proposed 500 to 700 MW generation facility, Basin Electric proposes to use a single pulverized coal-fired steam boiler and a single reheat steam turbine. It would meet or exceed all applicable environmental requirements. The plant would burn sub-bituminous coal, known for its relatively high-moisture, low-sulfur content with excellent combustion qualities. The generation facility would occupy approximately 2,400 acres, including a turbine generator building, coal bunkers, boiler, baghouse, stack, wastewater treatment building, water treatment building, switchyard, raw water pond, cooling tower, landfill, evaporation pond, coal unloading facility, coal storage silos, coal storage pile, stormwater runoff pond, and coal yard runoff pond. During normal operations, the generation facility would operate at its maximum continuous rating output.

Basin submitted two generator interconnection requests and two transmission service requests to Western for the proposed Project. Since the proposed Project requires interconnection with Western's system, Western must comply with NEPA (42 U.S.C. 4321–4347, as amended), Council on Environmental Quality Regulations for Implementing NEPA (40 CFR parts 1500–1508), and DOE NEPA Implementing Procedures (10 CFR part 1021). Because the proposed Project may involve action in floodplains or wetlands, the EIS will include, as applicable, a floodplain/wetland assessment and floodplain/wetland statement of findings following DOE regulations for compliance with

floodplain and wetlands environmental review (10 CFR part 1022).

### Agency Responsibilities

Western is the lead Federal agency, as defined at 40 CFR 1501.5, for preparation of the NEPA analysis. The U.S. Army Corps of Engineers will likely be a cooperating agency because of their jurisdiction over proposed water intake activities involving the Missouri River. With this notice, Tribes and agencies with jurisdiction or special expertise are invited to be cooperating agencies. Such Tribes or agencies may make a request to Western to be a cooperating agency by contacting Ms. Cunningham. Designated cooperating agencies have certain responsibilities to support the NEPA process, as specified at 40 CFR 1501.6(b).

### Environmental Issues

This notice is to inform agencies and the public of the proposed Project and solicit comments and suggestions for consideration in preparing the EIS. To help the public frame its comments, this notice contains a list of potential environmental issues Western has tentatively identified for analysis. These issues include:

1. Impacts on protected, threatened, endangered, or sensitive species of animals or plants or their critical habitats;
2. Impacts on other biological resources;
3. Impacts on land use, recreation, and transportation;
4. Impacts on floodplains and wetlands;
5. Impacts on cultural or historic resources and tribal values;
6. Impacts on human health and safety;
7. Impacts on air, soil, and water resources;
8. Visual impacts; and
9. Socioeconomic impacts and disproportionately high and adverse impacts to minority and low-income populations.

This list is not intended to be all-inclusive or to imply any predetermination of impacts. Western invites interested parties to suggest specific issues within these general categories, or other issues not included above, to be considered in the EIS.

### Public Participation

Public participation and full disclosure are planned for the entire EIS process. The EIS process will include public scoping open houses and a scoping comment period to solicit comments from interested parties; consultation and involvement with

appropriate Federal, State, local, and Tribal governmental agencies; public review and hearings on the draft EIS; publication of a final EIS; and publication of a record of decision expected in Spring 2009. Additional informal public meetings may be held in the proposed Project area if public interest and issues indicate a need.

The public scoping period begins with publication of this notice in the **Federal Register** and closes August 31, 2007. Western will hold open house public scoping meetings (see **DATES** and **ADDRESSES**). All meeting locations are handicapped-accessible. Anyone needing special accommodations should contact Western to make arrangements. The purpose of the scoping meetings is to provide information about the proposed Project, display maps, answer questions, and take written comments from interested parties. Attendees are welcome to come and go at their convenience and to speak one-on-one with Western and Project representatives. The public will have the opportunity to provide written comments at the meeting. In addition, attendees may provide written comments by fax, e-mail, or U.S. Postal Service mail. To help define the scope of the EIS, comments should be received by Western no later than August 31, 2007. Anonymous comments will not be accepted.

Dated: July 11, 2007.

**Timothy J. Meeks,**  
Administrator.

[FR Doc. E7-14532 Filed 7-26-07; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Western Area Power Administration

#### Load in the California Independent System Operator Corporation's Balancing Authority Area

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

**ACTION:** Notice of Final Resource Adequacy Plan.

**SUMMARY:** The Western Area Power Administration (Western) announces its Final Resource Adequacy (RA) Plan for load in the California Independent System Operator Corporation's (CAISO) Balancing Authority Area. This notice responds to the comments received on the proposed Final Resource Adequacy Plan (Final RA Plan) and sets forth the Final RA Plan. Western developed the Final RA Plan as a Local Regulatory Authority (LRA). The Final RA Plan will be submitted to the CAISO and will be

utilized by Western when Western, in the CAISO Balancing Authority Area, is acting as a Load Serving Entity (LSE) as defined under the CAISO's Conformed Simplified and Reorganized Tariff incorporating the Interim Reliability Requirements Program (CAISO Tariff) and under the CAISO's proposed Market Redesign and Technology Upgrade (MRTU) Tariff.

**DATES:** The Final RA Plan becomes effective on August 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jeanne Haas, Contracts and Energy Services Manager, Sierra Nevada Customer Service Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630-4710, telephone (916) 353-4438, e-mail: [haas@wapa.gov](mailto:haas@wapa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Authorities

Western is developing this Final RA Plan in accordance with its power marketing authorities, which include the Act of June 17, 1902 (32 Stat. 388), the Act of August 26, 1937 (50 Stat. 844), the Act of August 4, 1939 (53 Stat. 1187), and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565), including all acts amendatory and/or supplementary to the above listed.

##### Background

On February 9, 2006, the CAISO filed its comprehensive MRTU Tariff with the Federal Energy Regulatory Commission (Commission).<sup>1</sup> Under the MRTU Tariff, the CAISO proposed to end the current "must offer" structure and transition to a capacity-based system. In this capacity-based system, the California Public Utilities Commission (CPUC) and other LRAs establish procurement requirements for all LSEs within their jurisdiction to obtain sufficient resources to meet their load with an adequate reserve margin and to ensure appropriate resources will be made available to the CAISO in the day-ahead market, the hour-ahead scheduling process, and the real-time market.<sup>2</sup>

On March 13, 2006, the CAISO filed its Interim Reliability Requirements Program (IRRP) as an amendment to the CAISO Tariff. On May 12, 2006, the Commission issued an order accepting certain modifications under the IRRP in Docket No. ER06-723-000.<sup>3</sup> The modifications established under the IRRP are intended to implement RA programs developed by the CPUC and

other LRAs for LSEs under their respective jurisdictions. The IRRP adjusts the CAISO's existing operations to incorporate RA programs implemented by the CPUC and other LRAs for the period between June 2006 and the implementation of MRTU.<sup>4</sup> Section 40 of the CAISO Tariff, as amended to incorporate the IRRP and the MRTU Tariff, provides the guidelines for RA.

In the Commission's September 21, 2006, Order in Docket No. ER-06-615-000, which in part accepted and affirmed the CAISO's proposed MRTU Tariff, the Commission summarized the CAISO's RA program as follows:

Resource adequacy is the availability of an adequate supply of generation or demand responsive resources to support safe and reliable operation of the transmission grid. Until June 2006, the CAISO market did not require load-serving entities to procure sufficient generation capacity to serve their customers. The lack of this requirement jeopardized reliability and made it difficult to ensure that wholesale prices would remain just and reasonable. Under MRTU, load serving entities under the authority of the California Public Utilities Commission will be required to obey its requirement to maintain a level of capacity above load-serving entities' forecasted customer needs (currently 15-17 percent). They will also have to demonstrate a year in advance that they have procured resources to cover 90 percent of their summer (May through September) peak period needs. Other load serving entities that are CAISO members and serve customers in the CAISO control area are required to comply with the planning reserve margin for capacity that is set by their Local Regulatory Authority. If the Local Regulatory Authority does not establish such a margin, the default margin will be 15 percent. These resource adequacy requirements will help ensure sufficient supply, enhance reliability, protect against price volatility, and reduce the opportunities to game the market that exist when electricity supplies are insufficient to meet customers' needs.<sup>5</sup>

In Paragraph 1116 of the same decision, the Commission concluded that meeting the MRTU RA requirements is a reasonable condition of participation in the CAISO markets and required that each LSE serving load within the CAISO-controlled grid maintains adequate resources and does not "lean on" others to the detriment of its customers and grid reliability as a whole. Under the current schedule, the MRTU Tariff is not expected to be implemented before February 2008.

Under the MRTU Tariff Western is an LRA. To ensure non-discriminatory treatment for load in the CAISO Balancing Authority Area, Western, as

<sup>1</sup> FERC Docket ER06-615-000 (2006).

<sup>2</sup> See Article V, Section 40 of the CAISO's MRTU Tariff.

<sup>3</sup> 115 FERC ¶ 61,172 (2006).

<sup>4</sup> *Id.* at paragraph 6.

<sup>5</sup> 116 FERC ¶ 61,274 (2006) at paragraph 10.