

plan will be developed and implemented in accordance with requirements of the Environmental Protection Agency (40 CFR 230.91 through 230.97), and in coordination with the Army Corps of Engineers and the Bureau of Land Management.

The Department will implement the conservation and minimization measures listed in the biological opinion to protect Ute ladies'-tresses, and the reasonable and prudent measures identified by the Fish and Wildlife Service to protect the Mojave population of the desert tortoise. Implementation of these measures will be coordinated with the Bureau of Land Management and Surface Transportation Board, as appropriate.

Based on all of the above, DOE will prepare a Mitigation Action Plan in accordance with its NEPA regulations (10 CFR 1021.331). The Mitigation Action Plan will include an introduction describing the basis, function, and organization of the plan; a summary of the potential impacts to be mitigated; a description of preliminary best management practices and specific mitigation measures from Chapter 7 of the final Rail Alignment EIS; a description of all mitigation commitments in this Record of Decision, including wetlands compensatory measures and measures to protect the Mojave desert tortoise and Ute ladies'-tresses; a description of the Mitigation Action Plan monitoring and reporting system that DOE will implement to ensure that elements of the plan are met and are effective; and a schedule for actions and identification of the responsible parties. DOE will develop the Mitigation Action Plan in consultation with the proposed Mitigation Advisory Board(s) and directly affected parties.

The Mitigation Action Plan will be completed and made publicly available before DOE takes any action under this decision that is the subject of a mitigation commitment. DOE may revise the Plan as more specific and detailed information becomes available, or in consultation with the proposed Mitigation Advisory Board(s) and directly affected parties. At this stage in the process, the Department has adopted all practicable means to avoid or minimize environmental harm.

Issued in Washington, DC, on October 6, 2008.

**Edward F. Sproat, III,**

*Director, Office of Civilian Radioactive, Waste Management.*

[FR Doc. E8-24168 Filed 10-9-08; 8:45 am]

BILLING CODE 6450-01-P 6450-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PR08-15-003]

#### Energy Transfer Fuel, LP; Notice of Compliance Filing

October 6, 2008.

Take notice that on October 1, 2008, Energy Transfer Fuel, LP filed a Report of Refunds in compliance with the Commission's letter order issued on July 11, 2008 in Docket Nos. PR08-15-000 and PR08-15-001.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 p.m. Eastern Time Tuesday, October 14, 2008.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-24159 Filed 10-9-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER09-2-000]

#### Butler Ridge, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

October 6, 2008.

This is a supplemental notice in the above-referenced proceeding of Butler Ridge, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is October 27, 2008.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any