

to comply with project maintenance requirements have been slow and spotty, occurring over extended periods and the project is still not operating six years after power generation ceased. Mr. Logan's last monthly report of the progress of project rehabilitation was filed approximately a year and one half ago, and the reports that were filed mostly were comprised of checklists of inspections and little project rehabilitation progress. To date, the licensee has not made the necessary repairs to resume operations at the project and the project is hereby considered abandoned. On March 13, 2009, the Commission issued an order dismissing application to transfer license and initiating implied surrender proceeding.

l. *Location of the Order:* A copy of the order is available for inspection and reproduction at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the proceeding.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under "e-filing" link. The Commission strongly encourages electronic filing.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", and "RECOMMENDATIONS FOR TERMS AND CONDITIONS", as applicable, and

the Project Number of the proceeding. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described proceeding. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Kimberly D. Bose,

Secretary.

[FR Doc. E9-9173 Filed 4-21-09; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Membership of Performance Review Board for Senior Executives (PRB)

April 16, 2009.

The Federal Energy Regulatory Commission hereby provides notice of the membership of its Performance Review Board (PRB) for the Commission's Senior Executive Service (SES) members. The function of this board is to make recommendations relating to the performance of senior executives in the Commission. This action is undertaken in accordance with Title 5, U.S.C., Section 4314(c)(4). The Commission's PRB will add the following member: James A. Pederson

Kimberly D. Bose,

Secretary.

[FR Doc. E9-9228 Filed 4-21-09; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

Records Governing Off-the-Record Communications; Public Notice

April 15, 2009.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt

of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP03-75-003	4-6-09	William Morrison.
2. CP07-62-000, CP07-63-000, CP07-64-000, CP07-65-000	3-27-09	Matthew W. Jones.
3. EL07-86-000, EL07-88-000, EL07-92-000, ER04-691-000	3-26-09/4-6-09	Jerry Busse. ¹
Exempt:		
1. P-2210-169	4-14-09	Stephen Rynas.
2. P-12966-000	4-14-09	Ann Valdo Howard.

¹ Two separate e-mail submittals from Mr. Busse.

Kimberly D. Bose,

Secretary.

[FR Doc. E9-9170 Filed 4-21-09; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8895-4]

Notice of Proposed Administrative Cashout Agreement Pursuant to Section 122(H)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act; In Re: Hassan Barrel Superfund Site, Fort Wayne, Allen County, IN

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: Notice is hereby given of a proposed administrative settlement under CERCLA concerning the Hassan Barrel Superfund Site ("Site") in Fort Wayne, Allen County, Indiana. Subject to review and comment by the public pursuant to this Notice, the settlement has been approved by the United States Department of Justice. The settlement resolves a United States Environmental Protection Agency (EPA) claim under Sections 106, 107(a), and 122 of CERCLA, against 61 parties who have executed binding certifications of their consent to the settlement, as listed below in the Supplementary Information section.

The settlement requires the settling parties to pay a total of \$950,000 to the Hazardous Substances Superfund, Hassan Barrel Superfund Site, Special Account. Each settling party is required to pay an amount specified for that party in the settlement based upon the volume of waste that party contributed to the Site. The settling parties shall also pay to the EPA, 50% of the net environmental insurance proceeds recovered and received by some or all of the settling parties in a pending insurance recovery action. The payments shall not exceed the difference between \$950,000 and EPA's estimate of total past response costs,

which is approximately \$1.7 million. Payments received shall be applied, retained, or used to finance the response actions taken or to be taken at or in connection with the Site.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA, Region 5, 7th Floor File Room, 77 West Jackson Boulevard, Chicago, Illinois.

DATES: Comments must be submitted on or before May 22, 2009.

ADDRESSES: The proposed settlement is available for public inspection at the EPA, Region 5, 7th Floor File Room, 77 West Jackson Boulevard, Chicago, Illinois. In addition, a copy of the proposed settlement also may be obtained from Nola M. Hicks, Associate Regional Counsel (C-14J), Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or by calling (312) 886-7949. Comments should reference the Hassan Barrel Superfund Site, Fort Wayne, Allen County, Indiana and EPA Docket No. and should be addressed to Nola M. Hicks, Associate Regional Counsel (C-14J), Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: The parties listed below have executed binding certifications of their consent to participate in the settlement.

The Performing Parties are as follows: Austin Petroleum, Inc., Buis Oil Company, Inc., Chroma Source Inc., Cintas Corporation, Colwell, Inc., Cooper Standard Automotive, Crystal Flash Petroleum Corporation, Dreyer's Grand Ice Cream, Inc., Fort Wayne Newspapers, Inc., Franklin Electric Co. Inc., Gregory Porter dba Porter's BP, Hartson-Kennedy Cabinet Top Co. Inc., Heritage-Cristal Clean LLC, Hoosier

Tire & Rubber Corp., J.M. Reynolds Oil Co. Inc., Co-Alliance LLP f/k/a LaPorte County Co-op, Master Petroleum Products Inc., North Central Co-op, Phelps Dodge Industries Inc., Rackham Service Corp., Rea Magnet Wire Company Inc., Thomson Inc., Warner Oil Co., Yoder Oil.

The Buy-out Parties are as follows: 14/69 Car Wash Super Center Inc., American Electric Power Service Corporation on behalf of itself and Indiana Michigan Power Company, Autoliv ASP Inc., Carpenter Co., CME Automotive Corporation, Cole Pattern & Engineering, CTS Corporation, Eaton Corp/Eaton Aeroquip Inc., Fasson Roll North American Division of Avery Dennison Corporation, Gallahan Oil Co. Inc., Grabill Cabinet Company Inc., Griffith Rubber Mills of Garrett LLC, Harris Kayot/Fort Wayne Anodizing, K-Com Transportation Services Inc. (Kemark Environmental Service) Kemco International Inc., Keystone RV Company, Kimball International Inc. and Kimball Electronic Inc., Labecca LLC, Lift All Division of Hydra-Tech, Inc., McCoy Bolt Works Inc., McGill Manufacturing Co., McIntosh Energy Co. Inc., Metalloid Corporation, Parrot Press Inc., Elantas PDG Inc. f/k/a The PD George Company, Group Dekko Inc. f/k/a Pent Technologies, Rieke Corporation, Skyline Corporation, Square D, Sroufe Healthcare Products/Wilmot Holdings, Stonestreet & Stonestreet Oil Company (S&S Oil), Trelleborg Sealing Solutions (TSS F Wayne), Trelleborg YSH Inc., Tuthill Transfer Systems Tuthill Corp., United Technologies Corporation, Waggoner's Fuel Co. Inc.

FOR FURTHER INFORMATION CONTACT: Nola M. Hicks, Associate Regional Counsel (C-14J), Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or call (312) 886-7949.

Authority: The Comprehensive Environmental Response, Compensation and Liability Act, of 1980, 42 U.S.C. 9604, 9606(a), 9607, and 9622, as amended.