

California, southern Nevada, most of Arizona, and a small part of New Mexico; and is more specifically defined in the Conformed Criteria. New customers meeting the requirements established in the BCP marketing criteria and qualifying Native American Tribes within the BCP marketing area will be eligible to request an allocation of capacity and energy from the BCP resource pool. Native American Tribes need not have utility status to qualify for an allocation. As provided in the current BCP Implementation Agreement, new contractors, or contractors who receive an increased allocation will be required to reimburse existing BCP contractors for replacement capital advances to the extent existing contractors' allocations are reduced as a result of creating the resource pool.

Western is seeking comments regarding the applicability of the PMI to the BCP, the quantity of resources to be extended to existing contractors, the size of the proposed resource pool, excess energy provisions, and the term of contracts.

Under their respective State laws the Colorado River Commission (CRC) and the Arizona Power Authority (APA) have been the designated agents for acquiring and remarketing BCP power within Nevada and Arizona respectively. Western seeks comments regarding CRC and APA's role in Western's allocation process.

Following the public comment period, Western will analyze the comments received and publish its policy regarding the application of PMI to BCP in the **Federal Register**.

#### Regulatory Procedure Requirements

##### *Determination Under Executive Order 12866*

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

##### *Environmental Compliance*

In accordance with the DOE National Environmental Policy Act Implementing Procedures (10 CFR 1021), Western has determined that this action fits within class of action B4.1 Contracts/marketing plans/policies for excess electric power, in Appendix B to Subpart D to part 1021—Categorical Exclusions Applicable to Specific Agency Actions.

Dated: November 10, 2009.

**Timothy J. Meeks,**

*Administrator.*

[FR Doc. E9-27910 Filed 11-19-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13571-000]

#### Goshen Powerhouse, LLC: Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

November 10, 2009.

On August 24, 2009, Goshen Powerhouse, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Goshen Dam Hydroelectric Project No. 13571, to be located at the existing Goshen Dam, on the Elkhart River, in Elkhart County, Indiana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The existing dam is owned and operated by Elkhart County, Indiana and the existing powerhouse and headrace canal is owned and operated by the City of Goshen, Indiana. The proposed project would consist of: (1) The existing 12.5-foot-high concrete dam equipped with a 200-foot-long ogee spillway; (2) an existing 765-acre impoundment with a normal water surface elevation of 790.9 feet mean sea level; (3) an existing 25-foot-long by 49-foot-wide powerhouse to contain two new hydrokinetic turbine-generator systems for a total installed capacity of 80 kilowatts; (4) a new 60-foot-long, 12.5-kilovolt transmission line; and (5) appurtenant facilities. The proposed project would operate in a run-of-river mode and generate an estimated average annual generation of 578,160 kilowatt-hours.

*Applicant Contact:* Edward L. Kurth, Goshen Powerhouse, LLC, San Antonio Zanesville, Texas 78216, (210) 496-5902.

*FERC Contact:* Michael Watts, (202) 502-6123.

*Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications:* 60 days from the issuance of this notice.

Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions

on the Commission's Web site under the "eFiling" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13571) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. E9-27921 Filed 11-19-09; 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

November 10, 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](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

EXEMPT

Docket No.	File date	Presenter or requester
1. CP04-36-005 .....	11-2-09	David Swearingen <sup>1</sup> .
2. CP09-444-000 .....	11-2-09	David Hanobic <sup>2</sup> .

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

[FR Doc. E9-27924 Filed 11-19-09; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPPT-2008-0717; FRL-8983-7; EPA ICR No. 2328.01; OMB Control No. 2070-TBD]

**Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Pressed Wood Manufacturing Industry Survey**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Pressed Wood Manufacturing Industry Survey; ICR No. 2328.01, OMB No. 2070-TBD. The ICR, which is abstracted below, describes the nature of the information collection activity and its expected burden and costs.

**DATES:** Additional comments may be submitted on or before December 21, 2009.

**ADDRESSES:** Submit your comments, referencing docket ID Number EPA-HQ-OPPT-2008-0717 to (1) EPA online using <http://www.regulations.gov> (our preferred method), by e-mail to [oppt.ncic@epa.gov](mailto:oppt.ncic@epa.gov) or by mail to: Document Control Office (DCO), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Mail Code: 7407T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Barbara Cunningham, Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Mailcode: 7408-M, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On December 24, 2008 (73 FR 79083), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received four comments during the comment period, which are addressed in the ICR. Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OPPT-2008-0717, which is available for online viewing at <http://www.regulations.gov>, or in person inspection at the OPPT Docket in the EPA Docket Center (EPA/DC), EPA

West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is 202-566-0280.

Use EPA's electronic docket and comment system at <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in <http://www.regulations.gov> as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in <http://www.regulations.gov>. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in <http://www.regulations.gov>. For further information about the electronic docket, go to <http://www.regulations.gov>.

<sup>1</sup> Memo to file from staff attaching correspondence—seven responsive letters from Captain Raymond J. Perry, U.S. Coast Guard, with respect to Weaver's Cove Bay Berth Amendment.

<sup>2</sup> Telephone communication record.