

interventions 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 or intervention 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 on May 5, 2008.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-9016 Filed 4-23-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. AC08-55-000]

#### Southeast Chicago Energy Project, LLC; Notice of Filing

April 17, 2008.

Take notice that on April 15, 2008 Southeast Chicago Energy Project, LLC submitted a request for waiver of the FERC Form Nos. 1 and 3-Q under sections 141.1 and 141.4 of the Commission’s regulations.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as

appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions 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 or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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*Comment Date:* May 16, 2008.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-8852 Filed 4-23-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

#### Records Governing Off-the-Record Communications; Public Notice

April 18, 2008.

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.

Docket No.	Date received	Presenter or requester
Prohibited: ER08-538-000 .....	4-9-08 .....	Tim Healy.
Exempt: 1. CP07-208-000 .....	4-4-08 .....	Hon. Michael R. Turner.
2. EL08-39-000 .....	4-3-08 .....	Hon. Maurice D. Hinchey, Hon. Hillary Rodham Clinton, Hon. Michael A. Arcuri, Hon. John J. Hall.
3. EL08-39-000 .....	4-9-08 .....	Hon. Charles E. Schumer.

**Kimberly D. Bose,***Secretary.*

[FR Doc. E8-9014 Filed 4-23-08; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory  
Commission**

[Project No. 13036-001]

**BPUS Generation Development, LLC;  
Notice of Surrender of Preliminary  
Permit**

April 17, 2008.

Take notice that BPUS Generation Development, LLC, permittee for the proposed Mount Morris Dam Hydroelectric Project, has requested that its preliminary permit be terminated. The permit was issued on February 21, 2008, and would have expired on January 31, 2011.<sup>1</sup> The project would have been located on the Genesee River in Livingston County, New York.

The permittee filed the request on April 11, 2008, and the preliminary permit for Project No. 13036 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, part-day holiday that affects the Commission, or legal holiday as described in section 18 CFR 385.2007, in which case the effective date is the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

**Kimberly D. Bose,***Secretary.*

[FR Doc. E8-8850 Filed 4-23-08; 8:45 am]

BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION  
AGENCY**

[EPA-HQ-OPPT-2003-0004; FRL-8362-5]

**Access to Confidential Business  
Information by Solutions by Design II****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA has authorized its contractor, Solutions by Design II (SBD) of Vienna, VA, to access information which has been submitted to EPA under all sections of the Toxic Substances

<sup>1</sup> "True up" is to fit, place or shape accurately. See Webster's NewWorld Dictionary, Second College Edition. New York: Simon & Schuster, 1980.

Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

**DATES:** Access to the confidential data will occur no sooner than May 1, 2008.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

For technical information contact: Scott Sherlock, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-8257; fax number: (202) 564-8251; e-mail address: [Scott.Sherlock@epa.gov](mailto:Scott.Sherlock@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information****A. Does this Notice Apply to Me?**

This action is directed to the public in general. This action may, however, be of interest to you if are or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

**B. How Can I Get Copies of this Document and Other Related Information?**

1. **Docket.** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2003-0004. All documents in the docket are listed in the docket's index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301

Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

2. **Electronic access.** You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr>.

**II. What Action is the Agency Taking?**

Under Contract Number EP-W-08-004, contractor SBD of 8614 Westwood Center Drive, Suite 100, Vienna, VA will assist the Office of Pollution Prevention and Toxics (OPPT) in developing the Premanufacture Notice (PMN) Lotus Notes Work Flow Application for the New Chemicals Program and PMN Review Process. Once the Application is completed, SBD will also assist in the continued operation and maintenance of the system.

In accordance with 40 CFR 2.306(j), EPA has determined that under Contract Number EP-W-08-004, SBD will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. SBD personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide SBD access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters.

SBD will be authorized access to TSCA CBI at EPA Headquarters under the **EPA TSCA CBI Protection Manual**.

Access to TSCA data, including CBI, will continue until October 31, 2009. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

SBD personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.