

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. CP08-130-000, <i>et al.</i> .....	9-16-08	Hon. Joe Barton.
2. CP08-429-000 .....	9-17-08	Hon. Jon C. Porter.
3. EC08-124-000 .....	9-17-08	Hon. Christopher S. Murphy.
4. ER08-1113-000 .....	9-22-08	Hon. George Radanovich.
5. ER08-1281-000 .....	9-16-08	Hon. Donald Kasprzak.
6. ER08-1281-000 .....	9-18-08	Hon. Donald L. Carcieri.
7. ER08-1281-000 .....	9-29-08	Hon. Charles Schumer. <sup>1</sup>
8. P-1864-083 .....	9-29-08	Jean Potvin.
9. P-2210-169 .....	9-30-08	Warren D. Price. <sup>2</sup> Mollie H. Holmes. Roger Eddy.
10. P-13178-000 .....	9/17/08	
11. PF08-6-000, CP08-431-000 .....	9/23/08	Hon. George V. Voinovich.
12. PF08-6-000, CP08-431-000 .....	9/19/08	Hon. Sherrod Brown.

<sup>1</sup> Memo to file and record for September 17, 2008 meeting.

<sup>2</sup> One of four letters/e-mails filed in the Smith Mountain Lake proceeding. The other commenters: John Lindsey, Karen and Jerry Over and Reba Dillon.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

[FR Doc. E8-23505 Filed 10-3-08; 8:45 am]  
BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

[OW-FRL-8725-1]

**Beaches Environmental Assessment and Coastal Health Act**

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

**ACTION:** Notice of Availability of National List of Beaches under the Beaches Environmental Assessment and Coastal Health Act.

**SUMMARY:** This notice informs the public that EPA has updated the National List of Beaches pursuant to Section 406(g) of the Clean Water Act (CWA) as amended by the Beaches Environmental Assessment and Coastal Health (BEACH) Act. EPA is publishing this list under the title *National List of Beaches*. Section 406(g) requires EPA to publish a list of discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public and to update the list

periodically as new information becomes available. The list specifies whether the waters are subject to a monitoring and notification program consistent with the performance criteria (National Beach Guidance and Required Performance Criteria for Grants June 2002) EPA published under CWA section 406(a). The list contains information that coastal and Great Lakes States made available to EPA as of January 31, 2008, and it replaces the previous list that EPA published on May 4, 2004. The *National List of Beaches* provides a national baseline of the extent of monitoring of waters adjacent to beaches or similar points of access, which will allow EPA to measure State program performance in implementing the monitoring and notification provisions of the BEACH Act.

**ADDRESSES:** Address all inquiries concerning this document to Lars Wilcut, Environmental Scientist, Office of Science and Technology, Mail Code 4305T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Lars Wilcut, (202) 566-0447, [wilcut.lars@epa.gov](mailto:wilcut.lars@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Interested Entities*

This notice may be of interest to State and local beach managers, the general public, and environmental organizations concerned with public health at beaches.

*B. What is the Statutory Authority for the National List of Beaches?*

The BEACH Act, signed into law on October 10, 2000, incorporated new provisions in the Clean Water Act to reduce the risk of illness to users of the nation's coastal recreation waters. Section 406(g) of the Clean Water Act, as amended by the BEACH Act, Public Law 106-284, 114 Stat. 970 (2000), states:

“(g) LIST OF WATERS.—

“(1) IN GENERAL.— Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall identify, and maintain a list of, discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public that—

“(A) specifies any waters described in this paragraph that are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and

“(B) specifies any waters described in this paragraph for which there is no monitoring and notification program (including waters for which fiscal constraints will prevent the State or the Administrator from performing monitoring and notification consistent with the performance criteria established under subsection (a)).

“(2) AVAILABILITY.—The Administrator shall make the list described in paragraph (1) available to the public through—

“(A) publication in the **Federal Register**; and

“(B) electronic media.

“(3) UPDATES.—The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.”

#### C. How did EPA obtain this information?

EPA provides federal grant funds to assist coastal and Great Lakes States and Territories in the implementation of their beach monitoring and notification programs. In developing these programs, States and Territories created lists of their coastal recreation waters, including those waters adjacent to beaches and other similar points of access, and identified whether there is a monitoring program for each beach. EPA assisted States through workshops and telephone contact with Regional Beach Coordinators and Headquarters personnel. States then submitted their lists to EPA. EPA compiled the submissions and made the information available to the public on May 4, 2004 (69 FR24597).

Since 2004, coastal and Great Lakes States have updated this information as part of their annual submission of beach monitoring and notification data to EPA. EPA is now publishing the most current update to this information based on the States' beach monitoring and notification data for the 2007 beach season.

#### D. How will EPA use this National List of Beaches?

The *National List of Beaches* provides EPA a national baseline of the extent of monitoring of waters adjacent to beaches or similar points of access, which will allow EPA to measure improvements in monitoring and notification at all coastal and Great Lake beaches. It will also help EPA determine how to improve implementation of the BEACH Act. The list provides information to the public identifying the beaches in their State and whether they are monitored. In 2007, States and Territories identified a total of 6,247 beaches, the waters of 3,655 of those beaches were monitored and the waters of 2,592 of those beaches were not monitored. EPA continues to work with states to compile additional information

and integrate the *National List of Beaches* with other program information such as frequency of monitoring and beach location and length.

#### E. How may you look at or get a copy of this list?

The *National List of Beaches* is available on EPA's Web site at: <http://www.epa.gov/waterscience/beaches/>. Copies of the document can also be obtained by writing, calling, or e-mailing: Office of Water Resources Center, U.S. Environmental Protection Agency, Mail Code 4100T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. (Phone: 202-566-1731 or e-mail: [center.water-resource@epa.gov](mailto:center.water-resource@epa.gov)).

#### F. How do I find more information about my State's or Territory's List of Beaches?

The 35 States subject to the BEACH Act amendments to the Clean Water Act provided the information that EPA used to compile the *National List of Beaches*. State and Territory contacts are identified along with each State's or Territory's list.

#### G. How will this list change?

EPA intends to update this list periodically based on information received from States. EPA will publish notice in the **Federal Register** of any revisions to the *National List of Beaches*.

Dated: September 30, 2008.

**Benjamin H. Grumbles,**

*Assistant Administrator for Water.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2008-0721; FRL-8385-4]

### Certain New Chemicals; Receipt and Status Information

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

**ACTION:** Notice.

**SUMMARY:** Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish

periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from August 18, 2008 through September 12, 2008, consists of the PMNs and TME, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. This status report, also includes a PMN and TME that were inadvertently omitted from a previous report that covered the period from August 4, 2008 through August 15, 2008.

**DATES:** Comments identified by the specific PMN number or TME number, must be received on or before November 5, 2008.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2008-0721, by one of the following methods:

• **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

• **Mail:** Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• **Hand Delivery:** OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA-HQ-OPPT-2008-0721. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to docket ID number EPA-HQ-OPPT-2008-0721. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through