

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 number	Date received	Presenter or requester
1. CP98-150-000 .....	2-26-08 .....	Hon. Michael A. Arcuri.
2. CP98-150-000 .....	3-4-08 .....	Hon. Michael A. Arcuri.
3. CP06-54-000 .....	3-17-08 .....	Hon. Jodi Rell.
4. CP07-62-000 .....	2-28-08 .....	Hon. Barbara A. Mikulski; Hon. Benjamin L. Cardin.
5. CP07-208-000 .....	3-5-08 .....	Hon. Robert J. Bischoff.
6. CP08-31-000 .....	3-4-08 .....	Hon. Andrew E. Dinniman; Hon. Curt Schroeder.
7. EL08-34-000 .....	3-11-08 .....	Hon. Barbara A. Mikulski; Hon. Benjamin L. Cardin; Hon. Steny H. Hoyer; Hon. Wayne T. Gilchrist; Hon. Roscoe G. Bartlett; Hon. Albert R. Wynn; Hon. Elijah E. Cummings; Hon. C.A. Dutch Ruppersberger; Hon. Christopher VanHollen; Hon. John P. Sarbannes.
8. EL08-35-000 .....	2-25-08 .....	Hon. Robert Menendez.
9. P-11858-000 .....	3-18-08 .....	Karen A. Goebel.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E8-6310 Filed 3-27-08; 8:45 am]  
BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OW-2004-0027, FRL-8548-5]

**Agency Information Collection Activities; Proposed Collection; Comment Request; Information Collection Request for Cooling Water Intake Structures New Facility Final Rule (Renewal); EPA ICR No. 1973.04, OMB Control No. 2040-0241**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This

ICR is scheduled to expire on June 30, 2008. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before May 27, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2004-0027, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *E-mail:* [owdocket@epa.gov](mailto:owdocket@epa.gov).
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: #2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OW-2004-

0027. EPA's policy is that all comments received will be included in the public docket without change and may be made available online 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 <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site 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 <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any

disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Janelle Christian, Water Permits Division, Office of Wastewater Management, Mail Code: 4203M, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-564-9954; fax number: 202-564-9541; e-mail address: [christian.janelle@epa.gov](mailto:christian.janelle@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**How Can I Access the Docket and/or Submit Comments?**

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2004-0027, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Water 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 Water Docket is 202-566-2426.

Use <http://www.regulations.gov> to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

**What Information Is EPA Particularly Interested in?**

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

**What Should I Consider When I Prepare My Comments for EPA?**

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

**What Information Collection Activity or ICR Does This Apply to?**

*Affected entities:* Entities potentially affected by this action are new facilities that are point sources (i.e., subject to an NPDES permit) that use or propose to use a cooling water intake structure (CWIS), have at least one cooling water intake structure that uses at least 25 percent (measured on an average monthly basis) of the water withdrawn for cooling purposes, withdraw the water from surface waters, and have a design intake flow greater than two million gallons per day (MGD). Generally, facilities that meet these criteria fall into two major groups: New power producing facilities and new manufacturing facilities. Power producers affected by the final rule are likely to be both utility and nonutility power producers since they typically have large cooling water requirements.

EPA identified four categories of manufacturing facilities that tend to require large amounts of cooling water: paper and allied products, chemical and allied products, petroleum and coal products, and primary metals. However, the New Facility Rule is not limited to manufacturers in these sectors; any new manufacturer that meets the criteria above is subject to the rule.

*Title:* Information Collection Request for Cooling Water Intake Structures New Facility Final Rule (Renewal).

*ICR numbers:* EPA ICR No. 1973.04, OMB Control No. 2040-0241.

*ICR status:* This ICR is currently scheduled to expire on June 30, 2008. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* The section 316(b) New Facility Rule requires the collection of information from new facilities that use a CWIS and meet the other eligibility requirements. Section 316(b) of the CWA requires that any standard established under section 301 or 306 of the CWA and applicable to a point source must require that the location, design, construction and capacity of CWISs at that facility reflect the best technology available (BTA) for minimizing adverse environmental impact. See 66 FR 65256. Such impact occurs as a result of impingement (where fish and other aquatic life are trapped on technologies at the entrance to cooling water intake structures) and entrainment (where aquatic organisms, eggs, and larvae are taken into the cooling system, passed through the heat exchanger, and then pumped back out with the discharge from the facility). The rule establishes standard requirements applicable to the location, design, construction, and capacity of cooling water intake structures at new facilities. These requirements seek to minimize the adverse environmental impact associated with the use of CWISs.

*Burden Statement:* The annual average reporting and record keeping burden for the collection of information by facilities responding to the section 316(b) New Facility Rule is estimated to

be 1,885 hours per respondent (i.e., an annual average of 113,084 hours of burden divided among an anticipated annual average of 60 facilities). The State reporting and record keeping burden for the review, oversight, and administration of the rule is estimated to average 111 hours per respondent (i.e., an annual average of 5,125 hours of burden divided among an anticipated 46 States on average per year). Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

*Estimated total number of potential respondents:* 68 facilities and 46 States and Territories.

*Frequency of response:* Annual reports and application every 5 years.

*Estimated total average number of responses for each respondent:* 5.3 for facilities (317 annual average responses for an average of 60 facility respondents) and 6.1 for States and Territories (280 annual average responses for an average of 46 State respondents).

*Estimated total annual burden hours:* 118,209 (113,084 for facilities and 5,125 for States and Territories).

*Estimated total annual costs:* \$8.5 million per year. This includes an estimated burden cost of \$6.7 and an estimated cost of \$1.8 for capital investment or maintenance and operational costs.

#### **Are There Changes in the Estimates From the Last Approval?**

There is an increase of 41,941 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase is due to the addition of the newly built facilities, as well as the continued performance of annual activities by facilities that received their permit during the previous ICR approval periods. In addition, this ICR includes

additional repermitting burden and costs which were not in the currently approved ICR (EPA ICR Number: 1973.03) because more facilities are entering the renewal phase of their permits.

#### **What Is the Next Step in the Process for This ICR?**

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: March 20, 2008.

**James A. Hanlon,**

*Director, Office of Wastewater Management.*

[FR Doc. E8-6408 Filed 3-27-08; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

[ER-FRL-6697-4]

### **Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 6, 2007 (72 FR 17156).

#### **Draft EISs**

*EIS No. 20070367, ERP No. D-AFS-A65177-00*

National Forest System Land Management Planning, Implementation, Proposed Land Management Planning Rule at 36 CFR Part 219 to Finish Rulemaking.

*Summary:* EPA expressed environmental concerns about annual monitoring, and how the proposed rule would ensure that it would be conducted. In addition, the final EIS should clarify under what circumstances the public will receive

notification for changes in monitoring plans/strategy.

*Rating* EC2.

*EIS No. 20070550, ERP No. D-FHW-F40441-MN*

US-14 Reconstruction Project, Improvement to Truck Highway 14 from Front Street in New Ulm to Nicollet County Road 6 in North Mankato Brown and Nicollet Counties, MN.

*Summary:* EPA expressed environmental concerns about impacts to riparian forested wetlands and surface water quality, and requested additional information on mitigation areas and the corridor preservation plan.

*Rating* EC2.

*EIS No. 20070555, ERP No. D-DHS-K80050-CA*

U.S. Border Patrol San Diego Sector, Proposed Construction, Operation, and Maintenance of Tactical Infrastructure, San Diego County, CA.

*Summary:* EPA expressed environmental objections because of the proposed filling of two riparian corridors and has concerns about erosion impacts. EPA recommended avoiding fill in these canyons, avoiding fence construction on steep slopes, and alternatives to pedestrian fencing across streams.

*Rating* EO2.

*EIS No. 20080025, ERP No. D-FTA-G59004-TX*

Northwest Corridor Light Rail Transit Line (LRT) to Irving /Dallas/Fort Worth International Airport, Construction, Dallas County, TX.

*Summary:* EPA does not object to the proposed action.

*Rating* LO.

*EIS No. 20080031, ERP No. D-AFS-F65069-MN*

Glacier Project, To Maintain and Promote Native Vegetation, Communities that are Diverse, Productive, Healthy, Implementation, Superior National Forest, Kawishiwi Ranger District, St. Louis and Lake Counties, MN.

*Summary:* EPA does not object to the action alternatives proposed.

*Rating* LO.

*EIS No. 20070450, ERP No. DS-WPA-J08026-00*

Big Stone II Power Plant and Transmission Project, Addresses the Impacts of Changes to the Proposed Action relative to Cooling Alternatives and the Use of Groundwater as Backup Water Source, U.S. Army COE Section 10 and 404 Permits, Grant County, SD and Big Stone County, MN.