

The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202-502-8258 or [efiling@ferc.gov](mailto:efiling@ferc.gov).

Once TransCanada formally files its application with the Commission, you may want to become an "intervenor," which is an official party to the proceeding. Intervenor play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in a Commission proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the "e-filing" link on the Commission's Web site. Please note that you may not request intervenor status at this time. You must wait until a formal application is filed with the Commission.

#### Environmental Mailing List

Everyone who responds to this notice or provides comments throughout the EIS process will be retained on our mailing list for this Project. If you do not want to send comments at this time but want to stay informed and receive copies of the draft and final EIS, you must return the Mailing List Retention Form (Appendix 2). If you do not send comments or return the Mailing List Retention Form asking to remain on the mailing list, you will be taken off the mailing list.

#### Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs at 1-866-208-FERC (3372), or on the FERC Internet Web site (<http://www.ferc.gov>) using the "eLibrary link." Click on the eLibrary link, select "General Search" and enter the Project docket number, excluding the last three digits (i.e., PF08-22) in the "Docket Number" field. Be sure you have selected an appropriate date range. For assistance with eLibrary, the eLibrary helpline can be reached at 1-866-208-3676, TTY (202) 502-8659, or by e-mail at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the FERC now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with

notification of these filings, document summaries, and direct links to the documents. To register for this service, go to <http://www.ferc.gov/esubscribenow.htm>.

Public meetings or site visits will be posted on the Commission's calendar located at <http://www.ferc.gov/EventCalendar/EventsList.aspx> along with other related information. Finally, TransCanada has established a Web site for the Project at <http://www.transcanada.com/company/pathfinder.html>. The Web site includes a Project overview, timeline, safety and environmental information, and public outreach. You can also request additional information by contacting TransCanada directly at:

*E-mail:* [pathfinder@transcanada.com](mailto:pathfinder@transcanada.com).

*Mailing address:* Pathfinder Pipeline Project, PO Box 6160, Broomfield, CO 80021.

*Toll-free telephone:* (866) 509-2270.

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

*Deputy Secretary.*

[FR Doc. E8-23500 Filed 10-3-08; 8:45 am]

**BILLING CODE 6717-01-P**

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket No. ID-5870-000]

#### Swisher, Keith L.; Notice of Filing

September 30, 2008.

Take notice that on September 19, 2008, Keith L. Swisher submitted for filing an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) (2008), Part 45 of Title 18 of the Code of Federal Regulations, 18 CFR Part 45 (2008), and Commission Order No. 664 (2005).

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.

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 October 10, 2008.

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

*Deputy Secretary.*

[FR Doc. E8-23502 Filed 10-3-08; 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

September 30, 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.

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.
10. P-13178-000 .....	9/17/08	Roger Eddy.
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]

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**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