

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. CP06-365-000, CP06-366-000, CP06-376-000, CP06-377-000 .....	10-2-08	Margaret Collins. <sup>1</sup>
2. CP06-365-000, CP06-366-000, CP06-376-000, CP06-377-000 .....	10-2-08	Lori Durheim.
3. CP06-365-000, CP06-366-000, CP06-376-000, CP06-377-000 .....	10-2-08	Sandi Fitts-Freeman.
4. CP06-365-000, CP06-366-000, CP06-376-000, CP06-377-000 .....	10-2-08	Ron Sadler.
5. CP06-365-000, CP06-366-000, CP06-376-000, CP06-377-000 .....	10-2-08	Paul Sansone.
6. CP08-31-000 .....	10-16-08	Hon. Arlen Specter.
7. CP08-475-000 .....	10-7-08	Hon. John Hoeven.
8. P-2438-000 .....	9-30-08	Hon. John R. Kuhl, Jr.
9. P-10822-000, <i>et al.</i> .....	10-8-08	Hon. Christopher J. Dodd. Hon. Joseph Lieberman. Hon. Christopher S. Murphy.

<sup>1</sup> One of five emails (nos. 1-5 of this notice) commenting on Commission decision in the Bradwood Landing proceeding.

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

*Deputy Secretary.*

[FR Doc. E8-25915 Filed 10-29-08; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RM01-5-000]

**Electronic Tariff Filings; Notice of Technical Conference Regarding Electronic Tariff Filing**

October 24, 2008.

Take notice that on Wednesday, December 3, 2008, a technical conference will be held to discuss the implementation of electronic tariff filing. In Order No. 714,<sup>1</sup> the Commission adopted regulations requiring that, as of April 10, 2010, tariff and tariff related filings must be made electronically. The Commission adopted a set of protocols and standards developed through a consensus process under the auspices of the North American Energy Standards Board (NAESB) to govern the manner and format in which such filings must be made. NAESB developed these standards and protocols to provide each filing company with the "flexibility to develop software to better integrate tariff filings with their individual tariff

maintenance and business needs."<sup>2</sup> As part of the compliance process, the Commission authorized Commission staff to continue their dialog with "the industries involved to help the industries better understand the use of the code values as well as to discuss issues that may arise regarding methods of implementing the standards."<sup>3</sup>

This first technical conference is designed to provide tariff filers and third-party software developers with an opportunity to obtain technical information about the requirements of the standards to assist companies in developing software and in determining whether developing or purchasing software would best fit their tariff maintenance needs. The conference also will consider the schedule for future conferences and the subjects to be discussed at those conferences.

The format of the conference will be interactive, and companies are encouraged to ask questions about the technical aspects of the standards. To help Commission staff in planning the conference so that it will provide as much assistance to the industries as possible, participants are encouraged to submit by e-mail in advance of the meeting the topics or questions they would like discussed. Emails should be directed to [eTariff@ferc.gov](mailto:eTariff@ferc.gov) and should

include "Discussion Topic" in the subject line.

Background material on the standards and requirements can be found on the Commission's Web site ([www.ferc.gov](http://www.ferc.gov)); click on eTariff under the Documents and Filings Heading).

The technical conference is open to the public. The conference will be held from 10 a.m. until 4 p.m. (EDT) at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. In addition, the conference will be accessible via WebEx and telephone.

Those wishing to participate via a WebEx (<http://www.webex.com>) computer connection and telephone must submit by no later than November 24, 2008, a request to [eTariff@ferc.gov](mailto:eTariff@ferc.gov). The e-mail must include Registration in the subject line and the requester's name, e-mail address, and telephone number in the body of the e-mail. Only the first 50 requests to use the WebEx computer connection to view documents can be honored. All telephonic connection requests can be honored. We will notify WebEx requesters if their request to use WebEx computer connections can be granted and will provide the appropriate Logon information by e-mail prior to the conference. We anticipate that most of the material to be referenced on WebEx during the conference is posted on the Commission's Web site, so even those without the WebEx computer connection should be able to follow most of the discussion.

For more information, contact Keith Pierce, Office of Energy Markets and

<sup>1</sup> *Electronic Tariff Filings*, Order No. 714, 73 FR 57,515 (Oct. 3, 2008), 124 FERC ¶ 61,270 (Sept. 19, 2008).

<sup>2</sup> Order No. 714, at P 9. The Commission also recognized that "these standards and protocols also will provide an open platform permitting third-party software developers to create more efficient tariff filing and maintenance applications, which will spread the development costs over larger numbers of companies." *Id.*

<sup>3</sup> Order No. 714, at P 88.

Reliability at (202) 502-8525 or [Keith.Pierce@ferc.gov](mailto:Keith.Pierce@ferc.gov).

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. E8-25918 Filed 10-29-08; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8736-6]

**Approval of a Petition for Exemption From Hazardous Waste Disposal Injection Restrictions to AK Steel Corporation, Middletown, OH**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final decision on petition.

**SUMMARY:** Notice is hereby given by the United States Environmental Protection Agency (EPA) that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA) has been granted to AK Steel Corporation (AK Steel) of Middletown, Ohio, for two Class I injection wells located in Middletown, Ohio. As required by 40 CFR part 148, AK Steel has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents out of the injection zone or into an underground source of drinking water (USDW) for at least 10,000 years. This final decision allows the continued underground injection by AK Steel of a specific restricted waste, Waste Pickle Liquor, (code K062 under 40 CFR part 261), into two Class I hazardous waste injection wells specifically identified as Waste Disposal Wells No. 1 and No. 2, at the Middletown facility. This decision constitutes a final EPA action for which, except for the two parties who commented on the draft decision, there is no Administrative Appeal.

**DATES:** This action is effective as of October 30, 2008.

**FOR FURTHER INFORMATION CONTACT:** Leslie Patterson, Lead Petition Reviewer, EPA, Region V, telephone (312) 886-4904. Copies of the petition and all pertinent information relating thereto are on file and are part of the Administrative Record. It is recommended that you contact the lead reviewer prior to reviewing the Administrative Record.

**SUPPLEMENTARY INFORMATION:**

**Background**

AK Steel submitted a petition for renewal of an existing exemption from the land disposal restrictions of hazardous waste on March 6, 2006. EPA personnel reviewed all data pertaining to the petition, including, but not limited to, well construction, well operations, regional and local geology, seismic activity, penetrations of the confining zone, and computational models of the injection zone. EPA has determined that the geologic setting at the site as well as the construction and operation of the wells are adequate to prevent fluid migration out of the injection zone within 10,000 years, as required under 40 CFR part 148. The injection zone at this site is the upper Middle Run Formation, the Mt. Simon Sandstone, and the Eau Claire Formation, at depths between 2,423 feet to 3,296 feet below ground level. The confining zone is the Knox Dolomite at depths between 1,172 feet to 2,423 feet below ground level. The confining zone is separated from the lowermost underground source of drinking water (at a depth of 522 feet below ground level) by a sequence of permeable and less permeable sedimentary rocks, which provide additional protection from fluid migration into drinking water sources.

EPA issued a draft decision, which described the reasons for granting this exemption in more detail, a fact sheet, which summarized these reasons, and a public notice on June 21, 2008, pursuant to 40 CFR 124.10. A public meeting was subsequently held in Middletown on July 21, 2008. The public comment period expired on August 5, 2008. EPA received two comments on the proposed exemption granted to AK Steel, neither of which bear on the validity of the no-migration demonstration. Although the draft decision incorrectly referred to an injection rate of 90 gallons per minute, this final decision is based on the more conservative injection rate that was used to demonstrate no-migration. This value is 60 gallons per minute, combined for both wells. EPA has determined that its reasons for granting the exemption as set forth in the original draft decision remain valid. A final exemption is therefore granted as proposed.

**Conditions**

This exemption is subject to the following conditions. Non-compliance with any of these conditions is grounds for termination of the exemption:

(1) All regulatory requirements in 40 CFR 148.24 are incorporated by reference;

(2) The exemption applies to the two existing injection wells, UIC Well No. 1 and

UIC Well No. 2, located at the AK Steel facility at 1801 Crawford Street, Middletown, Ohio;

(3) Injection is limited to that part of the lower Eau Claire Formation, Mt. Simon Sandstone, and upper Middle Run Sandstone at depths between 2,900 and 3,296 feet below the surface (referenced from an eight-foot Kelly bushing);

(4) Only wastes denoted by the RCRA waste code K062 may be injected;

(5) Maximum concentrations of chemical contaminants that are hazardous at less than one part per million are limited according to the table below:

Chemical constituent	Maximum concentration at the well head (mg/L)
Chromium .....	1,200
Hexavalent Chromium .....	1,200
Lead .....	1,000
Nickel .....	542

(6) The specific gravity of the injected waste stream must at all times range from 1.00 to 1.30;

(7) The volume of wastes injected in any month through both wells at the site must not exceed 2,629,800 gallons;

(8) This exemption is approved for the 12-year modeled injection period, which ends on October 1, 2017. AK Steel may petition EPA for a reissuance of the exemption beyond that date, provided that EPA Region 5 receives a new and complete petition and no-migration demonstration by April 1, 2017.

(9) AK Steel must quarterly submit to EPA a report containing the fluid analyses of the injected waste which must indicate the chemical and physical properties upon which the no-migration petition was based, including the levels of those constituents listed in Condition 5 of this exemption approval;

(10) AK Steel must annually submit to EPA a report containing the results of a bottom hole pressure survey (fall-off test) performed on either UIC Well No. 1 or UIC Well No. 2. The survey must be performed after shutting in the well for a period of time sufficient to allow the pressure in the injection interval to reach equilibrium, in accordance with 40 CFR 146.68(e)(1). The annual report must include a comparison of reservoir parameters determined from the fall-off test with parameters used in the approved no-migration petition; and

(11) The petitioner must fully comply with all requirements set forth in