

to the conference, please e-mail [Sarah.McKinley@ferc.gov](mailto:Sarah.McKinley@ferc.gov) no later than 5 p.m. (EDT) on Tuesday, August 18, 2009. You will then receive a confirmation e-mail containing the dial-in number and password. Staff requests that, to the extent possible, individuals calling from the same location share a single telephone line.

The conference will not be transcribed, and all interested persons will be afforded the opportunity to file post-conference comments. Dates for filing such comments will be established at the technical conference. Also, representatives from the Commission's Dispute Resolution Services office will be available to offer assistance to the parties to the extent they seek to pursue settlement negotiations.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free 1-866-208-3372 (voice) or 202-208-1659 (TTY), or send a FAX to 202-208-2106 with the required accommodations.

For further information about this conference, please contact: Sarah McKinley, 202-502-8368, [Sarah.McKinley@ferc.gov](mailto:Sarah.McKinley@ferc.gov), for logistical issues and either Kendra Pace at 202-502-6703 or e-mail [Kendra.Pace@ferc.gov](mailto:Kendra.Pace@ferc.gov) or Christopher Demko at 202-502-6519 or e-mail [Christopher.Demko@ferc.gov](mailto:Christopher.Demko@ferc.gov) for other concerns.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-20214 Filed 8-21-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. AD09-9-000]

#### Small Hydropower Development in the United States; Notice of Technical Conference

August 14, 2009.

Take notice that the Federal Energy Regulatory Commission will hold a Commissioner-led technical conference on December 2, 2009, from 1 p.m. to 5 p.m. Eastern Time in the Commission Meeting Room at the Federal Energy

Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The conference will be open to the public and advance registration is not required.

The purpose of this conference is to explore issues related to licensing small non-federal hydropower projects in the United States. Specifically, the participants will discuss the Commission's program for granting licenses and exemptions from licensing, including 5-megawatt and conduit exemptions. The conference will also provide an opportunity for industry, state and federal agencies, tribes, and other stakeholders to express their views and suggestions for processing applications for small hydropower projects. The agenda for this conference will be published at a later date.

A free webcast of this conference will be available through <http://www.ferc.gov>. Transcripts of the conference will also be made available. Instructions for viewing the webcast and for obtaining transcripts will be published at a later date.

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For more information about this conference, please contact Steve Hocking at (202) 502-8753 or [steve.hocking@ferc.gov](mailto:steve.hocking@ferc.gov).

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-20239 Filed 8-21-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

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

July 31, 2009.

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. CP08-431-000 .....	07-28-09	Sherrod Brown.
2. P-400-051 .....	08-05-09	Greg Stobb, Edwin Schlapfer.

Docket No.	File date	Presenter or requester
3. P-405-087 .....	08-03-09	Benjamin L. Cardin.
4. P-12569-001 .....	08-06-09	Gregory Griffith.
5. P-12569-001 .....	08-04-09	Dan Boettger.
6. P-12737-002 .....	08-06-09	Brenda Winn.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-20213 Filed 8-21-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8948-4]

### North Carolina Waters Along the Entire Length of New Hanover County No Discharge Zone Determination

The Environmental Protection Agency (EPA), Region 4, concurs with the determination of the North Carolina Department of Environment and Natural Resources (DENR), Division of Water Quality (DWQ) that adequate and reasonably available pumpout facilities exist for the designation of New Hanover County North Carolina Coastal Waters as a No Discharge Zone (NDZ). Specifically these waters extend three nautical miles (nm) into the Atlantic Ocean along the entire length of New Hanover County, including Futch Creek, Pages Creek, Bradley Creek, Hewlett's Creek, Howe Creek, Whiskey Creek, Snow's Cut, as well as unnamed tributaries and all unnamed tidal creeks to those waters.

The geographic description including latitudes and longitudes are as follows: Northern border of New Hanover County with southern border of Pender County (34°17'53.5" N 77°42'32.2" W), to a point 3 nm off the coast at the intersection of New Hanover and Pender Counties (34°16'01.9" N 77°40'20.5" W).

Intersection of the southern tip of New Hanover County with Brunswick County at the Cape Fear River (33°55'43.0" N 77°56'13.6" W), southeastward along the extended intersection of the two counties, 3 nm into the Atlantic Ocean (33°53'07.5" N 77°55'34.5" W).

This petition was filed pursuant to the Clean Water Act, Section 312(f)(3), Public Law 92-500 as amended by Public Law 95-217 and Public Law 100-4. A NDZ is defined as a body of water in which the discharge of vessel sewage, both treated and untreated, is prohibited.

Section 312(f)(3) states:

After the effective date of the initial standards and regulations promulgated under

this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

According to DENR DWQ the following facilities are located in New Hanover County for pumping out vessel holding tanks:

(1) Carolina Beach Municipal Marina, Carolina Beach, 910-458-2540, open 24/7, 6' draft at mean low tide

(2) Carolina Beach State Park Marina, Carolina Beach State Park, Carolina Beach, 910-458-7770, 8 a.m.-5:45 p.m., 7 days/week, 6' draft at mean low tide

(3) Federal Point Yacht Club, 910 Basin Road, Carolina Beach, 910-458-4511, only available to club members, 5' draft at mean low tide

(4) Mona Black Marina, Carolina Beach, 910-458-0575, open 24/7, 20' draft at mean low tide

(5) Joyner Marina, Carolina Beach, 910-458-5053, open 7 a.m.-6 p.m., 7 days per week, 6' draft at mean low tide

(6) Bridge Tender Marina, City of Wilmington, 910-256-6550, 7 a.m.-8 p.m., 7 days/week, 10' draft at mean low tide

(7) Creekside Yacht Club, City of Wilmington, 910-350-0023, Operational December 2009, 4' draft at mean low tide

(8) Sea Path Yacht Club, Town of Wrightsville Beach, 910-256-3747, 7 a.m.-7 p.m., 7 days/week, 10' draft at mean low tide

(9) Wrightsville, Beach Marina & Transient Dock, Town of Wrightsville Beach, 910-256-6666, 7 a.m.-7 p.m., 7 days/week, 12' draft at mean low tide

Two Marinas that are located within 7 nautical miles of the proposed NDZ are:

(A) Wilmington Marine Center, 910-395-5055, 8 a.m.-5 p.m. 7 days/week, 7' draft at mean low tide

(B) Bald Head Island Marina, 910-457-7380, 8:30 a.m.-5:30 p.m. 7 days/week, 8' draft at mean low tide

The total vessel population for New Hanover County as of August 5, 2008

was 13,940. This number reflects active vessel registrations and was obtained from the North Carolina Wildlife Resources Commission. During the period of 2006 to 2008, the total number of active registered vessels increased nearly 15%. The result is that there are nearly 1,800 more pleasure boats in the area waters today than just two years ago, with the largest increase occurring in boats between 16' and 25' in length. It is recognized that only a percentage of the vessels in the coastal waters of New Hanover County are equipped with a Marine Sanitation Device (MSD). To estimate the number of MSDs in use, percentages obtained from EPA (Region 2) were applied, and are listed below:

Boat Length	Percent with MSDs
<16' .....	8.3
16'-25' .....	10.6
26'-40' .....	78.5
>40' .....	82.6

This yields an estimated 2,046 MSDs in use by registered boats within New Hanover County.

Through the use of a marina survey, the number of transient boats serviced by marinas in New Hanover County was calculated to be approximately 180 per month. This figure was arrived at by using the peak season transient boat figures from each marina. Using the figures for both county and transient boats, the total number of MSDs in the New Hanover County waters is estimated to be 2,194. There are 9 marinas within New Hanover County and this yields a ratio of about 244 boats per pumpout facility. This figure does not include the two marinas that are located within 7 nautical miles of this proposed NDZ area.

All vessel pumpout facilities that are described either discharge into State approved and regulated septic tanks or State approved on site waste treatment plant, or the waste is collected into a large holding tank for transport to a sewage treatment plant. Thus all vessel sewage will be treated to meet existing standards for secondary treatment. Comments regarding this proposed action should be addressed to David Parker, Chief, Coastal Section, EPA Region 4, Water Protection Division, 61 Forsyth Street, Atlanta, Georgia 30303-