

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Project No. 3156–029]****Miller and Miller; Notice of Termination of License by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene**

February 17, 2010.

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceeding*: Termination of license by implied surrender.

b. *Project No.*: 3156–029.

c. *Date Initiated*: February 3, 2010.

d. *Licensee*: The licensee is Miller and Miller.

e. *Name and Location of Project*: The constructed 280-kilowatt Worthville Dam Project is located on the Deep River in Randolph County, North Carolina.

f. *Filed Pursuant to*: 18 CFR 6.4.

g. *Licensee Contact Information*: Mr. Ernest Miller, Miller and Miller, 122 East Lindsay St., P.O. Box 20561, Greensboro, NC 27401, Mr. Ernest W. Miller, 6001 Pelican Bay Blvd, Naples, FL 34108–8166, Mr. H. Bruce Cox, Cox Hydroelectric, 5666 Hinshaw Town Road, Ramseur, NC 27316, and Mr. Mark K. Seifert, 107 Saint Brides Court, Cary, North Carolina 27518.

h. *FERC Contact*: Robert Bell, (202) 502–6062.

i. *Deadline for Filing Comments, Protests, and Motions To Intervene*: March 19, 2010.

All documents (original and eight copies) should be filed with the, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P–3156–029) on any documents or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Existing Facilities*:

The constructed project consists of the following existing facilities: (1) An existing dam 230 feet long and 20 feet high, (2) an existing reservoir with a surface area of 305 acres and a storage capacity of 105 acre-feet, (3) a proposed 280 kW generator and turbine installation, and appurtenant facilities. The Worthville Dam Project would be operated as a run-of-the-river facility with an average annual generation of 0.84 GWh. Power generated at the project would be sold to Carolina Power and Light Company via a transmission line less than 200 yards long.

k. *Description of Proceeding*: 18 CFR 6.4 of the Commission's regulations provides, among other things, that it is deemed to be the intent of a licensee to surrender a license, if the licensee abandons a project for a period of three years.

A license for the Worthville Project was issued by Order Issuing License on October 28, 1982 (21 FERC ¶ 62,112) and was transferred to Miller and Miller on June 25, 1986. The project has been non-operational since May 1995. The Commission has requested that the license file the detailed plan and schedule to put the project back into operation numerous times. These requests have been made by letters dated September 29, 1999, September 28, 2001, August 29, 2003, November 20, 2003, January 26, 2006, September 18, 2008, and most recently December 16, 2009. No plan and schedule have been filed.

On January 15, 2010, the licensee requested a 90 day extension of time to provide the requested information. This request was denied on February 4, 2010, stating that the Commission proposes to terminate the license by implied surrender.

To date, the licensee has not made the necessary repairs to resume operations at the project and the project is hereby considered abandoned.

l. *Location of the Order*: A copy of the order is available for inspection and reproduction 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, call toll-free 1–866–208–3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). For TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the proceeding.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under "e-filing" link. The Commission strongly encourages electronic filing.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", and "RECOMMENDATIONS FOR TERMS AND CONDITIONS", as applicable, and the Project Number of the proceeding. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described proceeding. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2010–3625 Filed 2–23–10; 8:45 am]

**BILLING CODE 6717–01–P**

**ENVIRONMENTAL PROTECTION AGENCY****[EPA–HQ–OPPT–2003–0004; FRL–8812–4]****Access to Confidential Business Information by Eastern Research Group**

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

**ACTION:** Notice.

**SUMMARY:** EPA has authorized contractor, Eastern Research Group (ERG) of Lexington, MA, to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

**DATES:** Access to the confidential data will occur no sooner than March 3, 2010.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

For technical information contact: Scott Sherlock, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-8257; fax number: (202) 564-8251; e-mail address: [sherlock.scott@epa.gov](mailto:sherlock.scott@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### **A. Does this Notice Apply to Me?**

This action is directed to the public in general. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

###### **B. How Can I Get Copies of This Document and Other Related Information?**

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2003-0004. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at

<http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC), Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitors' bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

##### **II. What Action is the Agency Taking?**

Under Contract Number EP-W-09-033, contractor ERG of 14555 Avion Parkway, Suite 200, Chantilly, VA, will assist the Office of Pollution Prevention and Toxics (OPPT) in conducting site-specific inspections and engineering/cost analysis to support EPA's investigation of facilities for compliance with TSCA regulations. These activities may include, but are not limited to, conducting investigations and facilities inspections; reviewing and/or collecting information; and database development and maintenance for enforcement support systems.

In accordance with 40 CFR 2.306(j), EPA has determined that under Contract Number EP-W-09-033, ERG will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. ERG personnel will be given access to information submitted to EPA under all sections of TSCA.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide ERG access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and ERG's site located at 14555 Avion Parkway, Suite 200, Chantilly, VA, in accordance with EPA's TSCA CBI Protection Manual.

Access to TSCA data, including CBI, will continue until September 30, 2014. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

ERG personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security

procedures before they are permitted access to TSCA CBI.

##### **List of Subjects**

Environmental protection,  
Confidential Business Information.

Dated: February 17, 2010.

**Matthew Leopard,**

*Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 2010-3671 Filed 2-23-10; 8:45 am]

**BILLING CODE 6560-50-S**

#### **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-R05-OAR-2009-0928, EPA-R05-OAR-2010-0046; FRL-9116-6]**

##### **Adequacy Status of the Cincinnati, Ohio/Indiana Submitted 8-Hour Ozone Redesignation and Maintenance Plans for Transportation Conformity Purposes**

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets (MVEBs) for volatile organic compounds (VOCs) and oxides of nitrogen (NOx) as precursors to ozone in the Ohio and Indiana portions of the Cincinnati-Hamilton, OH/KY/IN ozone nonattainment area are adequate for use in transportation conformity determinations. Ohio submitted a redesignation request and maintenance plan for Cincinnati, Ohio on December 14, 2009. The MVEBs in the submittal include emissions for the Ohio portion and also the Indiana portion of the Cincinnati area. Indiana submitted a redesignation request and maintenance plan for Lawrenceburg Township in Dearborn County, Indiana, which is part of the Cincinnati 8-hour ozone nonattainment area, on January 21, 2010. Indiana and Ohio submitted identical MVEBs for the combined Ohio and Indiana portions of the Cincinnati area.

As a result of our finding, the Cincinnati, Ohio area must use the MVEBs from the submitted ozone maintenance plan for future transportation conformity determinations.

**DATES:** This finding is effective March 11, 2010.

**FOR FURTHER INFORMATION CONTACT:** Patricia Morris, Environmental Scientist, Criteria Pollutant Section