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

*Deputy Secretary.*

[FR Doc. E8-26902 Filed 11-12-08; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EL08-88-000; ER08-1178-000; ER09-213-000]

#### California Independent System Operator Corporation; Supplemental Notice of Technical Conference

November 5, 2008.

On October 28, 2008, the Commission issued a Supplemental Notice (October 28, 2008 Notice) of a staff technical conference in the above-captioned proceedings. As stated in the October 28, 2008 Notice, the purpose of the technical conference is to further explore the justness and reasonableness of the California Independent System Operator Corporation's (CAISO) Exceptional Dispatch mechanism and proposed mitigation plan. The technical conference will be held on November 6, 2008, from 9 a.m. to 5 p.m., and November 7, 2008 from 9 a.m. to 12 p.m. (Eastern Time), in Hearing Room 1, at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The agenda for this conference is attached. If there are any changes, the revised agenda will be posted on the calendar page for this event on the Commission's Web site, <http://www.ferc.gov>. Please note that the timeframes are estimates, and if the schedule for November 6, 2008 is completed before 4 p.m., discussion will turn to issues scheduled for November 7, 2008.

Also, in an abundance of caution, the instant supplemental notice adds Docket No. ER09-213-000, California Independent System Operator Submits an Amendment to the Market Redesign and Technology Upgrade Tariff, as this filing concerns forbidden operating regions.

The technical conference will be open for the public to attend and advance

registration is not required. The conference will be accessible via telephone on a listen-only basis for those parties who reserved a telephone line pursuant to the instructions provided in the October 28, 2008 Notice. Staff reiterates that, to the extent possible, individuals calling from the same location share a single telephone line.

All interested persons may file written comments following the technical conference on or before November 24, 2008. Reply comments will be due on or before December 2, 2008.

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 more information about this conference, please contact: Sarah McKinley, 202-502-8368, [sarah.mckinley@ferc.gov](mailto:sarah.mckinley@ferc.gov), for logistical issues, and Sarah Crawford, 202-502-8241, [sarah.crawford@ferc.gov](mailto:sarah.crawford@ferc.gov), or Saeed Farrokhpay, 916-294-0322, [saeed.farrokhpay@ferc.gov](mailto:saeed.farrokhpay@ferc.gov), for other concerns.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-26897 Filed 11-12-08; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EL08-87-000; PL09-3-000]

#### Electric Power Supply Association; Control and Affiliation for Purposes of Market-Based Rate Requirements Under Section 205 of the Federal Power Act and the Requirements of Section 203 of the Federal Power Act; Notice Redocketing Proceeding

November 5, 2008.

On September 2, 2008, the Electric Power Supply Association (EPSA) filed a petition with the Commission requesting guidance with respect to the question of when investments in publicly-held companies will be deemed to convey "control" or to result in "affiliation" for purposes of the Commission's market-based rate requirements under section 205 of the Federal Power Act (FPA) and the requirements of section 203 of the FPA.

The filing was docketed as EL08-87-000.

Examination of the filing shows that that EPSA's petition raises issues of generic implication to the electric utility industry, and thus should have been assigned a PL docket prefix indicating matters of general applicability. By this notice, the above-referenced proceeding is hereby redocketed as Docket No. PL09-3-000 and Docket No. EL08-87-000 is hereby terminated. All pleadings filed in Docket No. EL08-87-000 will also be redocketed in the new docket number, Docket No. PL09-3-000. As the instant proceeding is matter of general applicability, interventions need not be filed.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-26898 Filed 11-12-08; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OARM-2008-0825, EPA-HQ-OARM-2008-0827, EPA-HQ-OARM-2008-0828, EPA-HQ-OARM-2008-0829; FRL-8740-2]

**Agency Information Collection Activities: Proposed Collection; Comment Request; Background Checks for Contractor Employees, EPA ICR Number 2159.03, OMB Control Number 2030-0043; Drug Testing for Contract Employees, EPA ICR Number 2183.03, OMB Control Number 2030-0044; Monthly Progress Reports, EPA ICR Number 1039.12, OMB Control Number 2030-0005; and Contractor Cumulative Claim and Reconciliation, 1900-10, EPA ICR Number 0246.10, OMB Control Number 2030-0016**

**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 four existing approved Information Collection Requests (ICR) to the Office of Management and Budget (OMB). These ICRs are scheduled to expire as follows: EPA ICR Numbers 2159.03 and 2183.03 are scheduled to expire on December 31, 2008. EPA ICR Numbers 1039.12 and 0246.10 are scheduled to expire on April 30, 2009. 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 *January 12, 2009*.

**ADDRESSES:** Submit your comments, identified by the Docket ID numbers provided for each item in the text, by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.

- *E-mail*: [oei.docket@epa.gov](mailto:oei.docket@epa.gov).

- *Fax*: (202)–566–9744.

- *Mail*: EPA Docket Center, Agency Information Collection Activities: Proposed Collection;

Docket ID: EPA–HQ–OARM–2008–0828, Background Checks for Contractor Employees, EPA ICR Number 2159.03

Docket ID: EPA–HQ–OARM–2008–0829, Drug Testing for Contract Employees, EPA ICR Number 2183.03

Docket ID: EPA–HQ–OARM–2008–0825, Monthly Progress Reports, EPA ICR Number 1039.12

Docket ID: EPA–HQ–OARM–2008–0827, Contractor Cumulative Claim and Reconciliation, EPA ICR Number 0246.10

Environmental Protection Agency, Mailcode: 28221T, 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 identified by the Docket ID numbers provided for each item in the text. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *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 *www.regulations.gov* or e-mail. The *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 *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:

Donna Blanding, Policy, Training and Oversight Division, Office of Acquisition Management, Mail Code 3802R, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–564–1130; fax number: 202–565–2553; e-mail address: [blanding.donna@epa.gov](mailto:blanding.donna@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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

EPA has established a public docket for each of the ICRs identified in this document (see the Docket ID numbers for each ICR that are provided in the text), which is available for online viewing at *www.regulations.gov*, or in person viewing at the HQ–OARM 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 8:30 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 OEI Docket is 202–566–1752.

Use *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?

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.

#### Individual ICRs

(1) Docket ID No. EPA-HQ-OARM-2008-0828; (2) Docket ID No. EPA-HQ-OARM-2008-0829

*Affected entities:* Entities potentially affected by these two ICRs are contractors performing work at sensitive sites or on sensitive projects, and not covered under the provisions of Homeland Security Presidential Directive-12. Specifically, all contractors involved with Emergency Response, Superfund, Information Systems, Facility Services, and Research Support that have significant security concerns, as determined by the Contracting Officer, on a case-by-case basis, will be required to provide qualified personnel that meet the background check and drug testing requirements developed by EPA.

*Titles:* (1) Background Checks for Contractor Employees; (2) Drug Testing for Contractor Employees.

*ICR numbers:* (1) Background Checks for Contractor Employees, EPA ICR Number 2159.03, OMB Control Number 2030-0043; (2) Drug Testing for Contractor Employees, EPA ICR Number 2183.03, OMB Control Number 2030-0044.

*ICR status:* These two ICRs are being renewed and are both currently scheduled to expire on December 31, 2008.

*Abstract:* (1) Background checks cover citizenship or valid visa, criminal convictions, weapons offenses, felony convictions, parties prohibited from receiving federal contracts. (2) Drug tests are for the presence of marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). The Contractor shall maintain records of all background checks and drug tests.

*Burden Statement:* (1) The number of contractor employees expected to submit the requested information for background checks is 3,000 for the life of this ICR (3 years) or 1,000 occurrences per year. The number of annual occurrences, 1,000, multiplied by the respondent burden effort of 1 hour to collect information, equals a total of 1,000 hours per year. The total annual respondent cost for performing background checks collection requests is \$179,000. This is calculated by multiplying the number of annual occurrences, 1,000, by the respondent cost of one collection, \$179. (2) The number of contractor employees expected to submit the requested information for drug testing is 450 occurrences per year. The number of annual occurrences, 450, multiplied by

the respondent burden effort of 1 hour to collect information, equals a total of 450 hours per year. The total annual respondent cost for this collection request is \$65,250. This is calculated by multiplying the number of occurrences, 450, by the cost of one collection, \$145. 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; 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.

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

EPA estimates that the annual hourly burden for this collection will remain the same as reported in the previous information collection because there has been no change in the information being collected and approximately the same number of contracts remain active.

(3) Docket ID No. EPA-HQ-OARM-2008-0825.

*Affected entities:* Entities potentially affected by this action are those holding cost reimbursable, time and material, labor hour, or indefinite quantity/ indefinite delivery fixed rate contracts with EPA.

*Titles:* Monthly Progress Reports.

*ICR numbers:* EPA ICR No. 1039.12, OMB Control No. 2030-0005.

*ICR status:* This ICR is being renewed and is currently scheduled to expire on April 30, 2009.

*Abstract:* Agency contractors who have cost reimbursable, time and material, labor hour, or indefinite delivery/indefinite quantity fixed rate contracts will report the technical and financial progress of the contract on a monthly basis. EPA will use this information to monitor the contractor's progress under the contract. Responses to the information collection are mandatory for contractors, and are required for the contractors to receive monthly payments. Information submitted is protected from public release in accordance with the Agency's confidentiality regulations, 40 CFR 2.201 *et seq.*

*Burden Statement:* EPA estimates that each response will take approximately 36 hours. EPA anticipates that the total active affected contracts will remain approximately 324, times 12 submissions per year to yield about 3,888 annual collections. Each collection is estimated to cost \$2,592 based on a variety of contractor personnel performing individual tasks required for information gathering and submission. The anticipated 3,888 annual submissions are estimated to cost \$10,077,696 annually. Minimal operation and maintenance costs are expected for photocopying and postage.

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

EPA estimates that the annual hourly burden for this collection will remain the same as reported in the previous information collection because there has been no change in the information being collected and approximately the same number of contracts remain active.

(4) Docket ID No. EPA-HQ-OARM-2008-0827.

*Affected entities:* Entities potentially affected by this action are those holding cost reimbursable contracts with EPA.

*Titles:* Contractor Cumulative Claim and Reconciliation.

*ICR numbers:* EPA ICR No. 0246.10, OMB Control No. 2030-0016.

*ICR status:* This ICR is being renewed and is currently scheduled to expire on April 30, 2009.

*Abstract:* At the completion of a cost reimbursement contract, contractors will report final costs incurred, including direct labor, materials, supplies, equipment, other direct charges, subcontracting, consultant fees, indirect costs, and fixed fee. Contractors will report this information on EPA Form 1900-10. EPA will use this information to reconcile the contractor's costs. Establishment of the final costs and fixed fee is necessary to close out the contract. Responses to the information collection are mandatory for those contractors completing work under a cost reimbursement contract, and are required to receive final payment. Information submitted is protected from public release in accordance with the Agency's confidentiality regulation, 40 CFR 2.201 *et seq.*

*Burden Statement:* EPA estimates that the annual hourly burden will be 165 hours based on the following: Each response will take approximately 40 minutes, and EPA closes out approximately 247 contracts per year. The annual dollar burden is estimated at \$5,404.36 based on a combination of contractor employees providing the

information. The total cost of the contractor-provided information is estimated to be \$21.88 for the 40 minute period. Minimal operation and maintenance costs are expected for photocopying and postage.

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

EPA estimates that the annual hourly burden for this collection will remain the same as reported in the previous information collection request because there has been no change in the information being collected and approximately the same number of contracts are closed out each year.

#### **What Is the Next Step in the Process for All Four ICRs?**

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

Dated: November 6, 2008.

**Elena deLeon,**

*Service Center Manager, Acquisition Policy and Training Service Center, Office of Acquisition Management.*

[FR Doc. E8-26947 Filed 11-12-08; 8:45 am]

**BILLING CODE 6560-50-P**

## **FEDERAL DEPOSIT INSURANCE CORPORATION**

### **Insurability of Funds Underlying Stored Value Cards and Other Nontraditional Access Mechanisms**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of New General Counsel's Opinion No. 8.

**SUMMARY:** In 1996, the FDIC published General Counsel's Opinion No. 8 ("GC8"). Through that opinion, the Legal Division of the FDIC sought to clarify the meaning of the term "deposit" as that term relates to funds underlying stored value cards. Subsequently, the banking industry developed new types of stored value products with the result that GC8 is obsolete. For this reason, the Legal Division has decided to replace GC8. Under the new GC8, all funds

underlying stored value products will be treated as "deposits" if they have been placed at an insured depository institution. As a result, all such funds will be subject to FDIC assessments. Also, all such funds will be insured up to the insurance limit. Whether the funds are insurable to the holders of the access mechanisms, as opposed to the distributor of the access mechanisms, will depend upon the satisfaction of the FDIC's standard requirements for obtaining "pass-through" insurance coverage. This treatment of the funds underlying stored value products does not differ from the treatment set forth in a proposed rule published by the FDIC in August of 2005. *See* 70 FR 45571 (August 8, 2005).

The new GC8 will provide guidance to the public about the insurance coverage of funds underlying nontraditional access mechanisms. Also, the new GC8 will promote accuracy and consistency by insured depository institutions in reporting "deposits" for inclusion in an institution's assessment base.

**FOR FURTHER INFORMATION CONTACT:** Christopher L. Hencke, Counsel, Legal Division, (202) 898-8839, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

#### **Text of General Counsel's Opinion**

By: Sara A. Kelsey, General Counsel, FDIC.

#### **Introduction**

The evolution of stored value cards since the issuance of the original General Counsel's Opinion No. 8, in 1996, has created the need to revisit the issue of deposit insurance coverage for the holders of such cards. Stored value cards now commonly serve as the delivery mechanism for vital funds such as employee payroll and government payments such as benefits and tax refunds. Network branded reloadable stored value cards also serve as an alternative mechanism for holders to access funds held in a bank for their benefit. This new General Counsel's Opinion No. 8 seeks to clarify the deposit insurance coverage available to the holders of stored value cards whose funds are held for their benefit in insured depository institutions.

The FDIC is responsible for insuring "deposits" at insured depository institutions. *See* 12 U.S.C. 1821. Also, the FDIC is responsible for collecting assessments on "deposits." *See* 12 U.S.C. 1817. In fulfilling these responsibilities, the FDIC must be able to determine the existence of "deposits" at insured depository institutions.

In the Federal Deposit Insurance Act ("FDI Act"), the term "deposit" is defined at section 3(l). *See* 12 U.S.C. 1813(l). In general, a "deposit" is "the unpaid balance of money or its equivalent received or held by a bank or savings association." 12 U.S.C. 1813(l)(1). The definition encompasses the funds in checking accounts, savings accounts and certificate of deposit accounts. *See id.* It also includes the funds received by a bank or savings association in exchange for the issuance of traveler's checks. *See id.* Similarly, the term "deposit" includes the funds underlying official checks and money orders. *See* 12 U.S.C. 1813(l)(4).

In short, the statutory definition of "deposit" at section 3(l) of the FDI Act is very broad. By express terms, section 3(l) encompasses almost all funds subject to transfer or withdrawal through traditional access mechanisms (such as checks, traveler's checks, official checks and money orders) provided that the funds have been placed at an insured depository institution.<sup>1</sup>

Following the failure of an insured depository institution, the FDIC is responsible for paying insurance on "deposits." *See* 12 U.S.C. 1821(f); 12 U.S.C. 1821(a). In applying the insurance limit, the FDIC must aggregate all deposits "maintained by a depositor in the same capacity and the same right." 12 U.S.C. 1821(a)(1)(C). In other words, the FDIC must aggregate all deposits owned by a particular depositor in a particular ownership category. For example, the FDIC will aggregate all deposits held by a particular depositor in the form of "single ownership accounts." The FDIC will provide separate insurance coverage for deposits in other ownership categories, such as "joint ownership accounts" or "revocable trust accounts." *See* 12 CFR part 330.

In applying the insurance limit, the FDIC must be able to determine the identities of depositors. This task is different than determining the existence of "deposits." A depositor is the owner of a deposit, *i.e.*, a creditor with a particular type of claim against a depository institution. In contrast, as previously discussed, a "deposit" is the money entrusted to the depository institution, *i.e.*, the depository institution's obligation to repay the money.

The FDI Act provides that the FDIC, in determining the identities of

<sup>1</sup> The only exceptions are certain narrow exceptions expressly created by Congress (such as an exception for bank obligations payable solely outside the United States). *See* 12 U.S.C. 1813(l)(5).