

request. NMFS has reviewed KABATA's request, including the information in its application, and determined that it is adequate and complete in accordance with 50 CFR 216.104(b)(1).

DATES: Comments and information must be received no later than October 8, 2010.

ADDRESSES: Comments on the application should be addressed to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. The mailbox address for providing email comments is *PR1.0648-XY18@noaa.gov*. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.

FOR FURTHER INFORMATION CONTACT: Jaclyn Daly, Office of Protected Resources, NMFS, (301) 713-2289, ext. 151.

SUPPLEMENTARY INFORMATION:

Availability

A copy of KABATA's application and request may be obtained by writing to the address specified above (see **ADDRESSES**), telephoning the contact listed above (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On August 20, 2010, NMFS received a complete application from KABATA and FHWA requesting authorization to take of three species of marine mammals incidental to construction of a bridge, the Knik Arm Crossing (KAC), in Upper Cook Inlet, Alaska. The proposed construction is anticipated to take four construction seasons (approximately April-November, annually); however, given unforeseen construction delays, KABATA has requested regulations to be effective for the period of five seasons from 2013 through 2017. Marine mammals, particularly Cook Inlet beluga whales (*Delphinapterus leucas*), would be potentially exposed to various construction-related operations, including noise from pile driving, and the presence of constructed-related vessels. Because construction of the KAC has the potential to result in the incidental take marine mammals present within the action area, KABATA requests authorization to take, by Level B harassment, Cook Inlet beluga whales, harbor seals (*Phoca vitulina*), harbor porpoise (*Phocoena phocoena*). KABATA has not requested authorization for incidental take by injury (Level A harassment), serious injury or mortality.

Specified Activities

KABATA is proposing to construct a new bridge spanning Knik Arm and develop approaches on the Matanuska-Susitna Borough (Mat-Su) side of Knik Arm and the Municipality of Anchorage to connect the KAC to existing transportation infrastructure. In summary, the KAC would connect the Mat-Su approach to the Anchorage approach by way of an 8,200-foot (2.5 km) long, pier supported bridge. The bridge design calls for 29 permanent piers for the substructure, each consisting of four permanent, large diameter drilled shafts. The drilled shafts would be connected to the bridge superstructure columns through use of concrete footings. In addition, KABATA intends to install temporary moorage and temporary construction docks within Knik Arm waters and develop

land-based approaches on both sides of the Arm that will run adjacent to the water's edge to varying degrees. A full description of the activities proposed by KABATA is described in the application.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning KABATA's request (see **ADDRESSES**). All information, suggestions, and comments related to KABATA's request and NMFS' potential development and implementation of regulations governing the incidental taking of marine mammals by KABATA in Knik Arm, Alaska, will be considered by NMFS in developing, if appropriate, regulations governing the issuance of letters of authorization.

Dated: September 1, 2010.

Helen M. Golde,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010-22391 Filed 9-7-10; 8:45 am]

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DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE)

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, September 23, 2010, 6 p.m.

ADDRESSES: Barkley Centre, 111 Memorial Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Reinhard Knerr, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001, (270) 441-6825.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Deputy Designated Federal Officer's Comments

- Federal Coordinator's Comments
- Liaisons' Comments
- Administrative Issues
- Presentations
- Subcommittee Chairs' Comments
- Public Comments
- Final Comments
- Adjourn

Breaks taken as appropriate.

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Reinhard Knerr at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Reinhard Knerr at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Reinhard Knerr at the address and phone number listed above. Minutes will also be available at the following Web site: <http://www.pgdpcab.org/meetings.html>.

Issued at Washington, DC on September 1, 2010.

Clara R. Barley,

Department of Energy Federal Register Liaison Officer.

[FR Doc. 2010-22278 Filed 9-7-10; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13716-000]

Lower South Fork LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, Protests, Recommendations, and Terms and Conditions

August 31, 2010.

Take notice that the following hydroelectric application has been filed

with the Commission and is available for public inspection:

a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 13716-000.

c. *Date filed:* April 19, 2010 and supplemented July 28, 2010.

d. *Applicant:* Lower South Fork LLC.

e. *Name of Project:* Lower South Fork Irrigation Project.

f. *Location:* The project is located in Carbon County, Montana. There are no political subdivisions of more than 5,000 people within 15 miles of the project area.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Mr. Roger Kirk, Benjamin J Singer, 521 E Peach Suite 2B, Bozeman, MT 59715, (406) 587-5086.

i. *FERC Contact:* Anthony DeLuca, (202) 502-6632,

Anthony.deluca@ferc.gov.

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

k. *Deadline for filing responsive documents:* Due to the small size and location of the proposed project in a closed system, as well as the resource agency consultation letters filed with the application, the 60-day timeframe specified in 18 CFR 4.43(b) for filing all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions is shortened to October 1, 2010.

All reply comments filed in response to comments submitted by any resource agency, Indian tribe, or person, must be filed with the Commission within 45 days from the issuance date of this notice.

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 at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. The Commission strongly encourages electronic filings.

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.

l. *Description of Project:* The Lower South Fork LLC requests Commission approval for exemption for a small conduit hydroelectric facility. This proposal consists of adding a Pelton style 470 kilowatt hydraulic turbine/generator into an existing 32 inch PVC pipeline used to carry water from one ditch to another within an irrigation system. The primary purpose of the conduit is agricultural use. The hydraulic capacity of the generator will be 27.5 cubic feet per second and the generator will have an estimated average annual generation of 1,800,000 kWh.

m. This filing is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street, NE., Washington, DC 20426. The filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number, P-13716, in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail

FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for review and reproduction at the address in item h above.

n. *Development Application*—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

o. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a competing development application. A notice of intent must be served on the applicant(s) named in this public notice.

p. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests