indication that CIWA failed to request a waiver in order to avoid the requirements of the ARRA, particularly since there are no domestically manufactured products available that meet the project specifications. Therefore, EPA will consider CIWA's waiver request, a foreseeable late request, as though it had been timely made since there is no gain by CIWA and no loss by the government due to the late request.

Furthermore, the purpose of the ARRA is to stimulate economic recovery by funding current infrastructure construction, not to delay projects that are "shovel ready" by requiring potential SRF eligible recipients, such as the Central Iowa Water Association to revise their design standards and specifications as well as their construction schedule. There are no domestic manufacturers that can provide a compatible water meter monitor that meets the specifications of this drinking water improvement project. To delay this construction would directly conflict with a fundamental economic purpose of ARRA, which is to create or retain jobs.

The April 28, 2009 EPA HQ Memorandum, "Implementation of Buy American provisions of Public Law 111–5, the 'American Recovery and Reinvestment Act of 2009' " ("Memorandum"), defines *reasonably available quantity* as "the quantity of iron, steel, or relevant manufactured good is available or will be available at the time needed and place needed, and in the proper form or specification as specified in the project plans and design." The same Memorandum defines "satisfactory quality" as "the quality of steel, iron or manufactured good specified in the project plans and designs."

The March 31, 2009 Delegation of Authority Memorandum provided Regional Administrators with the temporary authority to issue exceptions to Section 1605 of the ARRA within the geographic boundaries of their respective regions and with respect to requests by individual grant recipients.

Having established both a proper basis to specify the particular good required for this project and that this manufactured good was not available from a producer in the United States, the CIWA is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111–5. This waiver permits use of ARRA funds for the purchase of a non-domestic manufactured ORION Water Meter Monitors with Leak Detection Indicator documented in the CIWA's waiver request submittal dated June 24, 2010. This supplementary information constitutes the detailed written justification required by Section 1605(c) for waivers based on a finding under subsection (b).

Authority: Public Law 111–5, section 1605.

Dated: November 30, 2010.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2010–30971 Filed 12–8–10; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Market Access Agreement

AGENCY: Farm Credit Administration.

ACTION: Notice of approval of the draft amendment to the amended and restated market access agreement.

SUMMARY: The Farm Credit Administration (FCA or we) announces its approval of the draft amendment to the Amended and Restated Market Access Agreement (MAA) proposed to be entered into by all of the banks of the Farm Credit System (System) and the Federal Farm Credit Banks Funding Corporation (Funding Corporation). The MAA sets forth the rights and responsibilities of each of the parties when the condition of a bank falls below pre-established financial performance thresholds. The draft amendment (MAA Amendment) is intended to conform the MAA to the Joint and Several Liability Reallocation Agreement (Reallocation Agreement).

FOR FURTHER INFORMATION CONTACT: Chris Wilson, Financial Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4204, TTY (703) 883–4434, or Rebecca S. Orlich, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4020.

SUPPLEMENTARY INFORMATION: On August 18, 2010, the FCA published for comment a proposed Reallocation Agreement to be entered into by all of the banks of the System and the Funding Corporation (75 FR 51061). The Reallocation Agreement is designed to establish a procedure for non-defaulting banks to pay maturing System-wide debt on behalf of defaulting banks prior to a statutory joint and several call by the FCA. We received no comments on the proposal and approved it without modifications. The FCA's approval was published in the **Federal Register** on October 20, 2010 (75 FR 64727).

In the supplementary information we provided when we published the proposal for public comment, the FCA stated that the System banks and the Funding Corporation intended also to make conforming changes to the MAA to ensure that the MAA provisions did not impede operation of the Reallocation Agreement. The FCA stated further that, should the Agency approve the Reallocation Agreement, it expected also to approve the conforming MAA Amendment and would publish it in the **Federal Register**.

The FCA published the current MAA in its entirety in the **Federal Register** on January 15, 2003 (68 FR 2037). The current MAA establishes certain financial thresholds at which conditions are placed on the activities of a bank or a bank's access to participation in System-wide and consolidated obligations is restricted. The MAA establishes three categories, which are based on each bank's net collateral ratio, permanent capital ratio, and scores under the Contractual Inter-bank Performance Agreement, which is an agreement among the System banks and the Funding Corporation that establishes certain financial performance criteria.

Under the MAA, as a bank's financial condition declines, the bank moves into Category I, then Category II, and finally Category III. When a bank reaches Category I, it is required to provide certain additional information, including information as to how it will improve its financial condition, to the Monitoring and Advisory Committee, a committee of bank and Funding Corporation representatives established under the MAA. When a bank reaches Category II, in addition to being required to provide additional information, the bank is limited to joining in the issuance of System-wide and consolidated obligations only in those amounts necessary for the bank to be able to roll over its maturing debt. When the bank reaches Category III, the bank is precluded from joining in the issuance of System-wide and consolidated obligations.

The MAA includes provisions that enable a bank in Category II or III to request the opportunity to continue its access to the market. The MAA also provides that the FCA may override a decision to impose Category III prohibitions on access to the market for a period of 60 days, which may be renewed for an additional 60-day period.

The MAA Amendment adds new sections 4.05, 5.05, and 7.23 to the MAA. The MAA Amendment provides that, in a circumstance where the joint

and several payment provisions of the Reallocation Agreement have been triggered, all non-defaulting System banks will be able to issue System-wide obligations to fund payments under the Reallocation Agreement. This means that even banks in Category II and III could participate in such issuances. The MAA Amendment also provides that the MAA and the Reallocation Agreement are separate agreements, and invalidation of one does not affect the other.

The FCA now approves the MAA Amendment as set forth below. The FCA's approval is conditioned on the board of directors of each bank and the Funding Corporation approving the MAA Amendment. Neither the MAA Amendment, when it becomes effective, nor FCA approval of it shall in any way restrict or qualify the authority of the FCA or the Farm Credit System Insurance Corporation (FCSIC) to exercise any of the powers, rights, or duties granted by law to the FCA or the FCSIC. Finally, the FCA retains the right to modify or revoke its approval of the MAA, including the MAA Amendment, at any time.

The MAA Amendment, together with the recitals to the amendment, is as follows:

Amendment to the Amended and Restated Market Access Agreement

This amendment to the amended and restated market access agreement (the "*Amendment*") is made as of the [__] day of [_____] (the "*Effective Date*"), by and among AgFirst Farm Credit Bank; AgriBank, FCB; CoBank, ACB; the Farm Credit Bank of Texas; and the U.S. AgBank, FCB (as successor to the Farm Credit Bank of Wichita and the Western Farm Credit Bank under Section 7.12 of the Market Access Agreement) (each, a "*Bank,*" and collectively, the "*Banks*"), and the Federal Farm Credit Banks Funding Corporation (the "*Funding Corporation*").

Whereas, the Banks and the Funding Corporation desire to adopt a contractual reallocation of each Bank's joint and several liability obligations as an alternative to Section 4.4(a)(2) of the Farm Credit Act of 1971, as amended (the "*Joint and Several Liability Reallocation Agreement*");

Whereas, the Banks and the Funding Corporation desire to amend the Amended and Restated Market Access Agreement dated July 1, 2003 (the "*Market Access Agreement*") in order to effectuate the intended purpose of the Joint and Several Liability Reallocation Agreement;

Whereas, the boards of directors of the Banks and the Funding Corporation gave approval to the Amendment subject to certain conditions;

Whereas, the Amendment was submitted to the Farm Credit Administration (the "*FCA*") for approval and to the Farm Credit System Insurance Corporation (the "*Insurance Corporation*") for an expression of no objection;

Whereas, the FCA published a description of this Amendment in connection with the publication of the Joint and Several Liability Reallocation Agreement in the **Federal Register** on August 18, 2010 and sought comments thereon;

Whereas, after receiving comments on the Joint and Several Liability Reallocation Agreement,[1] the FCA, pursuant to the letter dated ____, approved this Amendment subject to modifications, if any, that are acceptable to the Banks and the Funding Corporation and a notice of such approval was published in the **Federal Register** on [_____];

Whereas, the Insurance Corporation, pursuant to the letter dated [_____], from the Insurance Corporation to the Banks and the Funding Corporation, expressed no objection to this Amendment;

Now therefore, in consideration of the foregoing, the Banks and the Funding Corporation, intending to be legally bound hereby, agree to further amend the Market Access Agreement as follows:

Section 1.01 After current Section 4.04 of the Market Access Agreement, add new Section 4.05, which reads as follows:

"Section 4.05. *Relationship to the Joint and Several Liability Reallocation Agreement.* A Category II Bank shall not be subject to the Final Restrictions and Category II Interim Restrictions, to the extent that the Final Restrictions and Category II Interim Restrictions would prohibit such Category II Bank from issuing debt required to fund such Category II Bank's liabilities and obligations under the Joint and Several Liability Reallocation Agreement."

Section 1.02 After current Section 5.04 of the Market Access Agreement, add new Section 5.05, which reads as follows:

"Section 5.05. *Relationship to the Joint and Several Liability Reallocation Agreement.* A Category III Bank shall not be subject to the Final Prohibition or Category III Interim Restrictions, to the extent that the Final Prohibition or Category III Interim Restrictions would prohibit such Category III Bank from issuing debt required to fund such Category III Bank's liabilities and obligations under the Joint and Several Liability Reallocation Agreement."

Section 1.03 After current Section 7.22 of the Market Access Agreement, add new Section 7.23, which reads as follows:

"Section 7.23. *Relationship to the Joint and Several Liability Reallocation Agreement.* This Restated MAA and the Joint and Several Liability Reallocation Agreement are separate agreements, and invalidation of one does not affect the other."

Section 1.04 Continuation of Market Access Agreement. Except as expressly provided in this Amendment, the Market Access Agreement shall remain in full force and effect in accordance with its terms.

Section 1.05 Counterparts. This Amendment may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute a single document.

In witness whereof, each party hereto has caused this Amendment to be executed by its duly authorized officers or representatives, all as of the date written below.

AGFIRST FARM CREDIT BANK
By:

Name:

Title:

Date:

AGRIBANK, FCB
By:

Name:

Title:

Date:

COBANK, ACB
By:

Name:

Title:

Date:

Farm Credit Bank of Texas
By:

Name:

Title:

Date:

U.S. AGBANK, FCB
By:

[1] We note that, although this paragraph states that the FCA received comments on the Reallocation Agreement, we did not receive comments on it.

Name:

Title:

Date:

Federal Farm Credit Banks Funding Corporation

By:

Name:

Title:

Date:

Dated: December 3, 2010.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. 2010–30930 Filed 12–8–10; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 10–238; DA 10–2227]

Request for Comment for Report on In-State Broadcast Programming

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: This document solicits public comments and data for use in preparation of a report on in-state broadcasting required by Section 304 of the Satellite Television Extension and Localism Act of 2010 (STELA). The Commission is required by legislative mandate to submit this report no later than August 27, 2011.

DATES: Comments may be filed on or before January 24, 2011, and reply comments may be filed on or before February 22, 2011.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Dan Bring, Media Bureau (202) 418–2164, TTY (202) 418–7172, or e-mail at *Danny.Bring@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's document in MB Docket No. 10–238, DA–10–2227, released November 23, 2010. The complete text of the document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554, and may also be purchased from the Commission's copy contractor, BCPI, Inc., Portals II, 445 12th Street, SW., Washington, DC 20054. Customers may contact BCPI, Inc. at their Web site *http://www.bcpi.com* or call 1–800–378–3160.

Synopsis

1. Section 304 of the Satellite Television Extension and Localism Act of 2010 (STELA) requires the Commission to submit a report on in-state broadcast programming to the appropriate Congressional committees no later than 18 months after its enactment (*i.e.,* August 27, 2011). Satellite Television Extension and Localism Act of 2010, Title V of the "American Workers, State, and Business Relief Act of 2010," Public Law 111–175, 124 Stat. 1218 (2010). By this Public Notice, the Media Bureau (Bureau) seeks comment for use in preparation of the required report.

2. Specifically, Section 304 of STELA states:

> SEC. 304. REPORT ON IN-STATE BROADCAST PROGRAMMING. Not later than 18 months after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—
>
> (1) The number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;
>
> (2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and
>
> (3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

3. To analyze the issues relating to the availability of in-state broadcast stations for consumers, the Bureau seeks comment generally regarding the appropriate methodologies, metrics, data sources, and level of granularity we should use for our report to Congress required under Section 304. We also seek comment regarding our interpretation of and metrics appropriate for each of the specific subsections of Section 304. In addition, the Bureau requests data for use in preparation of the report.

4. *Section 304(1):* Section 304(1) requires the Commission to estimate the number of households in a state that receive the signals of local broadcast stations assigned to a community of license that is located in a different state. The Bureau proposes to use OET Bulletin No. 69 (OET 69) methodology to estimate the number of households in each broadcast television station's service area. OET Bulletin 69, available at *http://www.fcc.gov/oet/info/documents/bulletins/#69,* provides guidance on the use of the Longley-Rice propagation model and U.S. Census blocks to evaluate TV service coverage and interference. The Bureau seeks comment on the use of OET 69 and which stations to include in the analysis (*i.e.,* commercial, noncommercial educational, Class A, translators, satellite, and/or low-power).

5. *Section 304(2):* Section 304(2) requires the Commission to estimate the extent to which consumers in each local market have access to in-state broadcast programming over-the-air or from a multichannel video programming distributor (MVPD). The Bureau proposes that the term "consumers" should be interpreted as households, the term "local market" should be interpreted as the designated market area (DMA), and the term "access" should refer to the ability to obtain a television station's broadcast programming. The Bureau seeks comment on the interpretation of these terms.

6. The Bureau seeks comment on whether the intent of the Section 304(2) analysis is to identify geographic areas (*e.g.,* counties) and associated populations within specific states that have limited access to in-state broadcast programming and whether analysis based on DMAs will identify these geographic areas and populations. The Bureau also seeks comment on whether other criteria should be considered, such as network affiliation or whether the stations offer local news. To measure the "extent" to which consumers in each local market have access to in-state broadcast programming, the Bureau intends to collect, aggregate, and compare data based on DMAs and counties and requests data on a DMA and county basis. Commenters also are invited to suggest and provide data for other geographic areas that would be responsive to the directive of Section 304(2). Commenters are asked to submit any other data that they believe will assist the Commission in preparing the report.

7. In addition, the Bureau seeks comment on three possible approaches for measuring the extent of access to in-state broadcast programming, whereby we would estimate the number of households that have access to (1) a specific number of in-state stations, (2) some percentage of their broadcast programming from in-state stations, or (3) some percentage of the stations licensed to communities in their state. The Bureau asks commenting parties to