

the principles set forth in the Executive Order. The Secretary has determined that this regulatory action is not significant under section 3(f) of the Executive Order.

This notice has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this proposed regulatory action.

The potential costs associated with this proposed regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this proposed regulatory action, we have determined that the benefits of the proposed priorities, requirements, definitions, and selection criteria justify the costs.

More specifically, Title I, Part A of the ESEA requires States to annually assess the English language proficiency of English learners. The English language proficiency assessment systems to be developed under the proposed priority would be available for use by multiple States and could be used by States to meet their obligations under Title I, Part A. In addition, the requirements that the assessments be based on a set of English language proficiency standards held by the applicant State and, if the applicant applies as part of a consortium, held in common by all States in the consortium, that correspond to a common set of college- and career-ready standards in English language arts and mathematics would result in States that adopt the assessments being able to collect comparable data regarding the English language proficiency of their English learners. The proposed selection criteria would help ensure that the assessments developed by grantees are of high quality, meet relevant technical standards, and align with other assessment work funded by the Department. The proposed priority for consortia would encourage States to work together on developing assessments and other assessment-related instruments rather than developing or using separate assessments, thus creating cost efficiencies.

We have determined, also, that this proposed regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

*Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the

Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides notification of our specific plans regarding this program.

*Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

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Catalog of Federal Domestic Assistance (CFDA) Number: 84.368A.

Dated: January 4, 2011.

**Thelma Meléndez de Santa Ana**,  
*Assistant Secretary for Elementary and Secondary Education.*

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP11-51-000]

#### CenterPoint Energy-Mississippi River Transmission Corporation; Notice of Application

December 29, 2010.

Take notice that on December 15, 2010, CenterPoint Energy-Mississippi River Transmission Corporation (MRT), 1111 Louisiana Street, Houston, Texas 77002-5231, filed in Docket No. CP11-51-000, an application pursuant to section 7(c) of the Natural Gas Act requesting authorization to reclassify approximately 1.2 billion cubic feet (Bcf) of cushion gas to working gas in

the East and West Unionville Storage Fields located in Lincoln Parish, Louisiana. MRT states that the Inventory Verification Study disclosed a difference of approximately 1.2 Bcf less cushion gas than the accounting records. MRT avers that the differences were due to surface measurement and valve leakage. MRT affirms that no customer service will be impacted as a result of the reclassification, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web 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, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this application should be directed to Lawrence O. Thomas, Sr. Director-Rate & Regulatory, CenterPoint Energy Mississippi River Transmission Corporation, P.O. Box 21734, Shreveport, Louisiana 71151, telephone No. (318) 429-2804, facsimile No. (318) 429-3133, and e-mail: [larry.thomas@centerpointenergy.com](mailto:larry.thomas@centerpointenergy.com).

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the

Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for

review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* January 19, 2011.

**Kimberly D. Bose,**

*Secretary.*

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**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project Nos. 349-168; 2407-134]

#### Alabama Power Company; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

December 30, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a: *Application Type:* Request for drought-based temporary variance of the Martin Project rule curve and minimum flow releases at the Yates and Thurlow Project.

b: *Project Nos.:* 349-168 and 2407-134.

c: *Date Filed:* November 30, 2010.

d: *Applicant:* Alabama Power Company.

e: *Name of Project:* Martin Hydroelectric Project (P-349) and Yates and Thurlow Hydroelectric Project (P-2407).

f: *Location:* The Martin Dam Project is located on the Tallapoosa River in the counties of Coosa, Elmore, and Tallapoosa, Alabama. The Yates and Thurlow Project is located on the Tallapoosa River in the counties of Elmore and Tallapoosa, Alabama.

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

h: *Applicant Contact:* Mr. Jason Powers, Alabama Power Company, 600 18th Street North, Birmingham, Alabama 35203-8180, Tel: (205) 257-4070.

i: *FERC Contact:* Christopher Chaney, (202) 502-6778, [christopher.chaney@ferc.gov](mailto:christopher.chaney@ferc.gov).

j: *Deadline for filing comments, motions to intervene, and protests:* 15

days from the issuance date of this notice.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site <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. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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 whose name appears on 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.

k: *Description of Request:* Alabama Power is requesting a drought-based temporary variance to the Martin Project rule curve. The rule curve variance would be in effect from the date of Commission approval to March 1, 2011, and would allow the licensee to maintain the winter pool elevation 3 feet higher than normal, at elevation 483 feet instead of elevation 480 feet. In association with the Martin rule curve variance, the minimum flows from the Thurlow reservoir (P-2407) would be temporarily modified as follows until May 1, 2011: (1) When downstream Alabama River flows are reduced 10%, discharge would be the greater of 1/2 Yates inflow or 2 times inflow at the upstream Heflin gage; (2) when downstream Alabama River flows are reduced 20%, the discharge would be 350 cfs; and (3) if Alabama River flows are reduced to 2,000 dsf, the discharge would be 400 cfs.

l. A copy of the application is 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