

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER11-2765-000]

Elk Wind Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

January 31, 2011.

This is a supplemental notice in the above-referenced proceeding of Elk Wind Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 22, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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 or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011-2632 Filed 2-4-11; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RM98-1-000]

Records Governing Off-the-Record Communications; Public Notice

January 31, 2011.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40

CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are 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 the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at FERCOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Exempt:

Docket No.	File date	Presenter or requester
1. P-2713-000	1-20-11	John Baummer ¹

¹ Telephone record.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011-2631 Filed 2-4-11; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9262-4]

Notice of a Regional Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the City of Seattle (the City), WA**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: The Regional Administrator of EPA Region 10 is hereby granting a waiver of the Buy American requirements of ARRA Section 1605(a) under the authority of Section 1605(b)(2) [manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality] to the City of Seattle (the City) for the purchase of semi-rigid protection boards (15,600 sheets each measuring 39½" × 80") manufactured in Surrey, British Columbia, for a hot applied membrane waterproofing system for a drinking water reservoir cover. This is a project specific waiver and only applies to the use of the specified products for the ARRA project being proposed. Any other ARRA recipient that wishes to use the same product must apply for a

separate waiver based on project specific circumstances. The waiver applicant states that the project requires semi-rigid protection boards because the Maple Leaf Reservoir is being covered by a concrete roof as part of the City's reservoir burying program. The City's Parks Department will be constructing a park on the roof of the reservoir. A waterproofing system will provide a watertight seal on the reservoir roof concrete deck. Semi-rigid rubberized asphaltic fiberglass reinforced protection board will be incorporated as part of the roof waterproofing system to provide a barrier over the waterproofing membrane to protect the membrane against damage from the backfill associated with the construction of the park, and from the pedestrian and vehicular activity associated with the use and maintenance of the park.

The Regional Administrator is making this determination based on the review and recommendations of the Drinking Water Unit. The City has provided sufficient documentation to support their request.

DATES: *Effective Date:* January 31, 2011.

FOR FURTHER INFORMATION CONTACT: Johnny Clark, DWSRF ARRA Program Management Analyst, Drinking Water Unit, Office of Water & Watersheds (OWW), (206) 553-0082, U.S. EPA Region 10 (OWW-136), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.

SUPPLEMENTARY INFORMATION: In accordance with ARRA Section 1605(c), the EPA hereby provides notice that it is granting a project waiver of the requirements of Section 1605(a) of Public Law 111-5, Buy American requirements, to the City for the semi-rigid protection boards (15,600 sheets each measuring 39½" × 80") manufactured in Surrey, British Columbia, for a hot applied membrane waterproofing system for a drinking water reservoir cover. The applicant indicates that semi-rigid protection board is required on the roof of the drinking water supply reservoir to obtain a twenty (20) year warranty from the waterproofing manufacturer. Semi-rigid protection board is currently being used at three (3) other reservoirs operated by the City. Based upon project specifications, there are no known U.S. manufacturers that manufacture comparable products. The ARRA funded project involves water system improvements at the Maple Leaf Reservoir. Enhanced moisture protection is being incorporated into the reinforced hot-applied waterproofing system to allow for pedestrian use and vehicular activity. As part of the reservoir burying program, the City's

Parks Department will be constructing a park on the roof of the reservoir. The City currently has three other reservoirs which also have the semi-rigid protection board installed. The City's project specification calls for the reinforced hot applied waterproofing system. In order to provide equivalent waterproofing protection similar to the three other reservoirs within the City, the City changed the project specifications in order to ensure consistency of their reservoir burying program requirements and to ensure the semi-rigid protection board's twenty (20) year warranty. An inquiry by EPA's national contractor (Cadmus) confirmed there are no known domestic manufacturers of comparable semi-rigid protection board that meet all aspects of the project specification, which is supported by the available information. Information received from the manufacturer on behalf of the City indicated that an attempt to locate a domestic manufacturer was done so unsuccessfully. The manufacturer added this product to their inventory and product line some years ago. According to the manufacturer, their two domestic suppliers of protection materials had indicated that they were unable to manufacture a similar/like product and nor did either supplier have knowledge of a similar/like product manufactured in the U.S. Based on available information, it is unlikely that other semi-rigid protection boards would function within the requirement of the project specifications.

EPA has also evaluated the City's request to determine if its submission is considered late or if it could be considered as if it was timely filed, as per the OMB Guidance at CFR 176.120. EPA will generally regard waiver requests with respect to components that were specified in the bid solicitation or in a general/primary construction contact as "late" if submitted after the contract date. However, EPA could also determine that a request be evaluated as timely, though made after the date that the contract was signed, if the need for a waiver was not reasonably foreseeable. If the need for a waiver is reasonably foreseeable, then EPA could still apply discretion in these late cases as per the OMB Guidance, which says "the award official may deny the request." For those waiver requests that do not have a reasonably unforeseeable basis for lateness, but for which the waiver basis is valid and there is no apparent gain by the ARRA recipient or loss on behalf of the government, then EPA will still consider granting a waiver.

In this case, there are no U.S. manufacturers that meet the City's project specifications for the semi-rigid protection boards. The waiver request was submitted after the contract date due to a design change. The original project specifications for the protection course were developed with a standard design, 80- to 90-mil-(2.0- to 2.3-mm) thickness, fiberglass reinforced asphalt or modified bituminous sheet. The design change and clarification of May 12, 2010 resulted in an upgrade to the existing protective course requirements, in order to provide extra reinforcement and increased puncture resistance, similar to the three other reservoir covers previously installed within the City. The design change was necessary due to the project's size and complexity. The design change also increases performance of the protection board and the potential life expectancy of the project resulting in a twenty year warranty program. The design change required the upgrade of the protection course to a semi-rigid protection board composed of a rubberized asphalt core, reinforced with a non-woven fiberglass mat and sandwiched between two protective polypropylene layers, with a minimum nominal thickness of 4.5 mm. The material supplier and contractor's assumption that the protection board would be acceptable under the North American Free Trade Agreement (NAFTA) or the U.S. and Canada Trade Agreement signed effective February 16, 2010, was made so in error. Therefore, the City did not submit a waiver request until November 10, 2010. The City's Materials Lab consulted with EPA personnel and correctly identified that a waiver would be required for the protection board. There is no indication that the City failed to request a waiver in order to avoid the requirements of the ARRA, particularly since there are no domestically manufactured products that meet the project specification. EPA will consider the City's waiver request, a foreseeable late request, as though it had been timely made since there is no gain by the City and no loss by the government due to the late request.

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", defines "satisfactory quality" as the quality of iron, steel or the relevant manufactured good as specified in the project plans and design. The City has provided information to the EPA representing that there are currently no domestic manufacturers of the semi-rigid protection boards that meet the project

specification requirements. Based on additional research by EPA's consulting contractor (Cadmus) and to the best of the Region's knowledge at this time, there does not appear to be any other manufacturers capable of meeting the City's specifications.

Furthermore, the purpose of the ARRA provisions was to stimulate economic recovery by funding current infrastructure construction, not to delay projects that are already shovel ready by requiring entities, like the City, to revise their design and potentially choose a more costly and less effective project. The imposition of ARRA Buy American requirements on such projects eligible for DWSRF assistance would result in unreasonable delay and thus displace the "shovel ready" status for this project. To further delay construction is in direct conflict with the most fundamental economic purposes of ARRA; to create or retain jobs.

The Drinking Water Unit has reviewed this waiver request and has determined that the supporting documentation provided by the City is sufficient to meet the following criteria listed under Section 1605(b) and in the April 28, 2009, Implementation of Buy American provisions of Public Law 111-5, the "American Recovery and Reinvestment Act of 2009" Memorandum: Iron, steel, and the manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality.

The basis for this project waiver is the authorization provided in Section 1605(b)(2), due to the lack of production of this product in the United States in sufficient and reasonably available quantities and of a satisfactory quality in order to meet the City's design specifications.

The March 31, 2009 Delegation of Authority Memorandum provided Regional Administrators with the authority to issue exceptions to Section 1605 of 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 City is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5 for the purchase semi-rigid protection boards for a hot applied membrane waterproofing system (15,600 sheets each measuring 39½" x 80") for a reservoir cover, manufactured in Surrey, British Columbia, specified in the City's

waiver request of November 10, 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.

Issued on: Dated: January 31, 2011.

Dennis J. McLerran,

Regional Administrator, EPA, Region 10.

[FR Doc. 2011-2606 Filed 2-4-11; 8:45 am]

BILLING CODE 6560-50-P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on February 10, 2011, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883-4009, TTY (703) 883-4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- January 13, 2011

B. New Business

- Spring 2011 Abstract of the Unified Agenda of Federal Regulatory and Deregulatory Actions and Spring 2011 Regulatory Performance Plan
- Request of Farm Credit Services of America, et al., to Form a Limited Liability Partnership to Facilitate Agricultural Equipment Financing Activities

C. Reports

- Office of Management Services Quarterly Report

Dated: February 3, 2011.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2011-2749 Filed 2-3-11; 4:15 pm]

BILLING CODE 6705-01-P

FEDERAL MARITIME COMMISSION

Notice of Inquiry; Solicitation of Views on the Impact of Slow Steaming

AGENCY: Federal Maritime Commission.

ACTION: Notice of Inquiry.

SUMMARY: The Federal Maritime Commission ("FMC" or "Commission") is issuing this Notice of Inquiry ("NOI") to solicit public comment on the impact of slow steaming on U.S. ocean liner commerce. Generally, the Commission seeks public comment as to how the practice of slow steaming has (1) Impacted ocean liner carrier operations and shippers' international supply chains; (2) affected the cost and/or price of ocean liner service; and (3) mitigated greenhouse gas emissions.

DATES: Responses are due on or before April 5, 2011.

ADDRESSES: Submit comments to: Karen V. Gregory, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1046, Washington, DC 20573-0001.

Or e-mail non-confidential comments to: secretary@fmc.gov (e-mail comments as attachments preferably in Microsoft Word or PDF).

FOR FURTHER INFORMATION CONTACT: Austin L. Schmitt, Director, Bureau of Trade Analysis, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, Telephone: (202) 523-5796, E-mail: aschmitt@fmc.gov.

SUPPLEMENTARY INFORMATION: *Submit Comments:* Non-confidential filings may be submitted in hard copy or by e-mail as an attachment (preferably in Microsoft Word or PDF) addressed to secretary@fmc.gov on or before April 5, 2011. Include in the subject line: "FMC Slow Steaming—Response to NOI". Responses to this inquiry that seek confidential treatment must be submitted in hard copy by U.S. mail or courier. Confidential filings must be accompanied by a transmittal letter that identifies the filing as "confidential" and describes the nature and extent of the confidential treatment requested, e.g., commercially sensitive data. When submitting documents in response to the NOI that contain confidential information, the confidential copy of the filing must consist of the complete filing and be marked by the filer as