

significant weaknesses in the justification provided. The report confirmed the waiver applicants' claim that NSF Standard 55 Class A UV disinfection equipment of the size specified are not available from a domestic manufacturer.

The purpose of the ARRA is to stimulate economic recovery in part by funding current infrastructure construction, not to delay projects that are "shovel ready" by requiring utilities, such as these Water Systems, to revise their standards and specifications and to start the bidding process again. The imposition of ARRA Buy American requirements on such projects otherwise eligible for State Revolving Fund 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 a fundamental economic purpose of the ARRA, which is to create or retain jobs. The construction must be completed prior to September 1, 2009 when the students return for the new school year.

The Municipal Assistance Unit (CMU) has reviewed these waiver requests and has determined that the supporting documentation provided by the Bristol Family Center in Bristol, Vermont, the Kids in the Country School in Dover, Vermont, and the Otter Valley Union High School in Brandon, Vermont is sufficient to meet the criteria listed under Section 1605(b) of the ARRA 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 these project waivers is the authorization provided in Section 1605(b)(2) of the ARRA. 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 Systems' technical specifications and requirements, a waiver from the Buy American requirement is justified.

The March 31, 2009 Delegation of Authority Memorandum provided Regional Administrators with the 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 these projects, and that this manufactured good was not available

from a producer in the United States, the Bristol Family Center Water System, Kids in the Country Water System, and Otter Valley Union High School Water System are hereby granted waivers from the Buy American requirements of Section 1605(a) of Public Law 111-5 for the purchase of the specified UV disinfection equipment using ARRA funds as documented in the Systems' requests of June 18, 2009. 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: August 19, 2009.

**Ira W. Leighton,**

*Acting Regional Administrator, Region I, New England.*

[FR Doc. E9-20800 Filed 8-27-09; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-8950-7]**

### **Notice of a Regional Project Waiver of Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Plymouth Village Water & Sewer District, New Hampshire**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The EPA is hereby granting a waiver of the Buy America requirements of ARRA Section 1605 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 Plymouth Village Water & Sewer District, New Hampshire ("District") for the purchase of a foreign manufactured rotary sludge dewatering press. This is a project specific waiver and only applies to the use of the specified product 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 District's proposed wastewater treatment facility improvements will include a replacement of the existing belt filter press for sludge generated at the plant. Based upon information submitted by the District and its consultants, it was determined that a 6 channel rotary press sludge dewatering unit, manufactured

by Fournier Industries of Quebec, Canada, will meet the District's design and performance specifications. The Acting Regional Administrator is making this determination based on the review and recommendations of the Municipal Assistance Unit. The District through its design engineer, has provided sufficient documentation to support their request. The Assistant Administrator of the Office of Administration and Resources Management has concurred on this decision to make an exception to Section 1605 of ARRA. This action permits the purchase of a 6 channel rotary press sludge dewatering unit, manufactured by Fournier Industries, by the District, as specified in its June 26, 2009 waiver request, as part of the improvements to the wastewater treatment facility.

**DATES:** *Effective Date:* August 17, 2009.

#### **FOR FURTHER INFORMATION CONTACT:**

Mark Spinale, Environmental Engineer, (617) 918-1547, or Katie Connors, Environmental Engineer, (617) 918-1658, Municipal Assistance Unit (CMU), Office of Ecosystem Protection (OEP), U.S. EPA, One Congress Street, CMU, Boston, MA 02114.

**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 Sections 1605(b)(2) of Public Law 111-5, Buy American requirements, to the Plymouth Village Water & Sewer District ("District"), New Hampshire for the purchase of a 6 channel rotary press sludge dewatering unit, manufactured by Fournier Industries of Quebec, Canada. It has been determined that this rotary press meets the District's technical specifications for design and performance of a sludge dewatering unit as part of its wastewater treatment plant improvement project. Based on the information provided by the applicant, there are no domestically manufactured rotary sludge presses at this time that meet the specific design criteria established for this unit in the District's project.

Section 1605 of the ARRA requires that none of the appropriated funds may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project is produced in the United States, or unless a waiver is provided to the recipient by the head of the appropriate agency, here the EPA. A waiver may be provided if EPA determines that (1) applying these requirements would be inconsistent

with public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and the relevant manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

The District has requested a waiver from the Buy American Provision for the purchase of a foreign made rotary press sludge dewatering unit as part of its wastewater treatment plant improvement project. The purchase of the new rotary sludge press is intended to replace the existing belt filter press which is approaching the end of its useful life. The estimated cost of the overall improvements to the District's wastewater treatment plant is estimated at \$5.2 million, of which the cost of the foreign made rotary sludge press unit is priced at \$330,000.

The consulting engineers for the District set forth the following key criteria for evaluating sludge dewatering technologies. The various technologies were evaluated based on the ability to:

- Maintain the current annual average dewatered sludge cake solids of approximately 25% or higher.
- Improve environmental working conditions in the dewatering area by minimizing worker exposure to odorous and hazardous gases released from the sludge as well as exposure to bio-aerosols and pathogens. Enclosed dewatering equipment will achieve this goal.
- Automatically adjust for variation in feed solids concentrations and sludge mix ratios to provide consistent and optimum cake solids.
- Allow for unattended, automatic operation freeing up operators for other needed tasks.
- Keep the dewatering operation as simple as possible while still maintaining optimum dewatering performance.
- Allow for some degree of backup capacity during periods of equipment failure and routine maintenance.
- Equipment must have a proven track record of low annual operation and maintenance costs and reliability.

As part of the review of potentially viable sludge dewatering units, four technologies were considered by the District and their consultants: (1) Rotary press; (2) screw press; (3) centrifuge; and (4) belt filter press. Of the four technologies, it was determined that the rotary sludge press is the desired technology because it ranked the highest in terms of meeting the key criteria highlighted above. The rotary press

option, for example, has one of the lowest maintenance requirements due to the slow rotational speed, and has one of the highest degrees of redundancy. Low rotational speeds results in less susceptibility to wear from high grit sludge.

The rotary press would have six parallel channels on-line with the ability to take one or two channels off-line for maintenance without having to disrupt treatment operation. The rotary press option also represented the lowest capital cost option that met the District's goals and current and future throughput capacity of 220 pounds/hour per channel for a total capacity of 1,100 pounds per hour, with one additional channel available for redundancy purposes.

The technical memorandum prepared by the District's consulting engineers indicates that the rotary press technology has been used in the Canadian market for a number of years. The technical memorandum further indicates that of the other manufacturers that have similar dewatering units, Fournier Industries is considered the only rotary press manufacturer that meets the design specifications for this proposed project. The project specification requires that "the rotary press shall have the capacity to have 6 channels mounted on the drive shaft with 3 on each side. The sludge shall be continuous feed, and the unit built to operate continuously." The specifications also state that "the dewatering equipment shall be capable of hydraulic flow capacity range of 5 to 15 gpm per channel, or for a 6 channel unit, 30 to 90 gpm of 3.0 to 5.0% thickened sludge."

Based on the review of available information, there is only one domestic manufacturer of similar rotary type presses for municipal sludge. However, this manufacturer only produces 1 and 2 channel rotary fan presses and currently cannot meet the design specifications required by this proposed project.

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 District has requested a waiver of the ARRA Buy American provisions on the basis of unavailability of a U.S. manufactured product that will meet the design and performance criteria specified for this sludge dewatering unit. The evaluation of all of the submitted documentation by EPA's technical review team supports the District's claim that at this time no domestic manufacturer can provide a suitable rotary sludge dewatering press which meets the specifications for this unit. Based on the information available, and to the best of our knowledge, there do not appear to be other rotary press sludge dewatering units manufactured in the United States that are available at this time to meet the District's design specifications and performance requirements for this unit.

Furthermore, the purpose of the ARRA is to stimulate economic recovery by funding current infrastructure construction, not to delay projects that are already "shovel ready" by requiring SRF eligible recipients such as the District to revise their design standards and specifications. The imposition of ARRA Buy American requirements in this case would result in unreasonable delay for this project. To delay this construction would directly conflict with a fundamental economic purpose of ARRA, which is to create or retain jobs.

The Municipal Assistance Unit (CMU) has reviewed this waiver request and has determined that the supporting documentation provided by the District established both a proper basis to specify the particular good required and that this manufactured good was not available from a producer in the United States able to meet the design specifications for the proposed project. The information provided is sufficient to meet the following criteria listed under Section 1605(b) of the ARRA and in the April 28, 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 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 District 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 the specified Fournier Industries 6 channel rotary press sludge dewatering unit documented in District's waiver request submittal dated June 26, 2009 as part of its wastewater treatment plant improvements. 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: August 17, 2009.

**Ira W. Leighton,**

*Acting Regional Administrator, EPA Region 1—New England.*

[FR Doc. E9-20798 Filed 8-27-09; 8:45 am]

**BILLING CODE 6560-50-P**

## EXPORT-IMPORT BANK OF THE UNITED STATES

### Notice of Open Meeting of the Advisory Committee of the Export-Import Bank of the United States (Ex-Im Bank)

**SUMMARY:** The Advisory Committee was established by Public Law 98-181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.

**Time and Place:** Wednesday, September 9, 2009 from 9:30 a.m. to 12 p.m. The meeting will be held at Ex-Im Bank in the Main Conference Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

**Agenda:** Agenda items include a short summary of the Bank's recent activities, plus reports from the two Subcommittees of the 2009 Advisory Committee members.

**Public Participation:** The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If you plan to attend, a photo ID must be presented at the guard's desk as part of the clearance process into the building, and you may contact Susan Houser to be placed on an attendee list. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to September 5, 2009, Susan Houser, Room 1273, 811 Vermont Avenue, NW.,

Washington, DC 20571, Phone: (202) 565-3232.

#### FOR FURTHER INFORMATION CONTACT:

Susan Houser, Room 1273, 811 Vermont Ave., NW., Washington, DC 20571, (202) 565-3232.

**Jonathan Cordone, Sr.,**

*Vice President and General Counsel.*

[FR Doc. E9-20707 Filed 8-27-09; 8:45 am]

**BILLING CODE 6690-01-M**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

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

**ACTION:** Notice of information collections to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

**SUMMARY:** In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and renewal of the collections of information described below.

**DATES:** Comments must be submitted on or before September 28, 2009.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- <http://www.FDIC.gov/regulations/laws/federal/notices.html>.
- *E-mail:* [comments@fdic.gov](mailto:comments@fdic.gov) Include the name of the collection in the subject line of the message.
- *Mail:* Leneta G. Gregorie (202-898-3719), Counsel, Room F-1064, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

#### FOR FURTHER INFORMATION CONTACT:

Leneta Gregorie, at the address identified above.

**SUPPLEMENTARY INFORMATION:** Proposal to renew the following currently approved collections of information:

1. *Title:* Application Pursuant to section 19 of the Federal Deposit Insurance Act.

*OMB Number:* 3064-0018.

*Form Number:* FDIC 6710/07.

*Frequency of Response:* On occasion.

*Affected Public:* Insured depository institutions.

*Estimated Number of Respondents:* 22.

*Estimated Time per Response:* 16 hours.

*Total Annual Burden:* 352 hours.

*General Description of Collection:*

Section 19 of the Federal Deposit Insurance Act (FDI), 12 U.S.C. 1829, requires the FDIC's consent prior to any participation in the affairs of an insured depository institution by a person who has been convicted of crimes involving dishonesty or breach of trust. To obtain that consent, an insured depository institution must submit an application to the FDIC for approval on Form FDIC 6710/07.

2. *Title:* Procedures for Monitoring Bank Protection Act Compliance.

*OMB Number:* 3064-0095.

*Form Numbers:* None.

*Frequency of Response:* On occasion.

*Affected Public:* Insured state nonmember banks.

*Estimated Number of Respondents:* 5,110.

*Estimated Time per Response:* 0.5 hours.

*Total Annual Burden:* 2,555 hours.

*General Description of Collection:* The

Bank Protection Act of 1968 (12 U.S.C. 1881-1884) requires each Federal supervisory agency to promulgate rules establishing minimum standards for security devices and procedures to discourage financial crime and to assist in the identification of persons who commit such crimes. To avoid the necessity of constantly updating a technology-based regulation, the FDIC takes a flexible approach to implementing this statute. It requires each insured nonmember bank to designate a security officer who will administer a written security program. The security program shall: (1) Establish procedures for opening and closing for business and for safekeeping valuables; (2) establish procedures that will assist in identifying persons committing crimes against the bank; (3) provide for initial and periodic training of employees in their responsibilities under the security program; and (4) provide for selecting, testing, operating and maintaining security devices as prescribed in the regulation. In addition, the FDIC requires the security officer to