

sound and cost effective solution. The MBR is an advance waste water treatment process which is designed to meet the high quality effluent requirements of the waste load allocation under the NPDES permit. In addition, in anticipation of procuring the MBR system, Cape Charles has already incorporated specific technical design requirements for installation of membrane filter cassettes with the MBR treatment process at their WWTP, including specific tankage footprint, geometry and configuration. To require Cape Charles to redesign its project would cause an unacceptable delay to the initiation of construction.

Cape Charles has provided information to the EPA demonstrating that there are no membrane filtration cassettes manufactured in the United States in sufficient and reasonable quantity and of a satisfactory quality to meet the required technical specification. Cape Charles surveyed forty membrane manufacturers as part of its market research to locate domestic manufacturers of membrane filtration cassettes for WWTPs. It was unable to locate any domestic manufacturers. Most were unacceptable because their membrane products were not designed for domestic wastewater treatment plants. The remaining manufacturers either manufacture membrane materials without providing a package system similar to the system specified or were foreign manufacturers.

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 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." Cape Charles has incorporated specific technical design requirements for installation of membrane filtration cassettes at its WWTP.

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 communities, such as Cape Charles, to revise their standards and specifications, institute a new bidding process, and potentially choose a more costly, less efficient project. 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.

Based on additional research conducted by EPA's Office of Infrastructure and Assistance (OIA) in Region III, and to the best of the Region's knowledge at the time of review, there do not appear to be other membrane filtration cassettes manufactured domestically that would meet Cape Charles's technical specification. EPA's national contractor prepared a technical assessment report dated July 13, 2009 based on the waiver request submitted. The report determined that the waiver request submittal was complete, that adequate technical information was provided, and that there were no significant weaknesses in the justification provided. The report confirmed the waiver applicant's claim that there are no American-made membrane filtration cassettes for use in MBRs in WWTPs.

The OIA has reviewed this waiver request and to the best of our knowledge at the time of review has determined that the supporting documentation provided by Cape Charles is sufficient to meet the 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 Cape Charles's technical specifications, 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 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 Town of Cape Charles is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5 for the purchase of three membrane

filtration cassettes using ARRA funds as specified in Cape Charles's request of July 8, 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.

Issued on: August 19, 2009.

**William C. Early,**

*Acting Regional Administrator, U.S. Environmental Protection Agency, Region III.*  
[FR Doc. E9-21123 Filed 8-31-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[Docket# EPA-RO4-SFUND-2009-0643, FRL-8951-8]

### Vertut Blending and Packaging Superfund Site, Memphis, Shelby County, TN; Notice of settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of settlement.

**SUMMARY:** Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement for reimbursement of past response costs concerning the Vertut Blending and Packaging Superfund Site located in Memphis, Shelby County, Tennessee for publication.

**DATES:** The Agency will consider public comments on the settlement until October 1, 2009. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

**ADDRESSES:** Copies of the settlement are available from Ms. Paula V. Painter. Submit your comments, identified by Docket ID No. EPA-RO4-SFUND-2009-0643 or Site name Vertut Blending and Packaging Superfund Site by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- <http://www.epa.gov/region4/waste/sf/enforce.htm>.
- E-mail: [Painter.Paula@epa.gov](mailto:Painter.Paula@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Paula V. Painter at 404/562-8887.

Dated: August 17, 2009.

Anita L. Davis,

Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. E9-21122 Filed 8-31-09; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection Being Reviewed by the Federal Communications Commission, Comments Requested

August 26, 2009.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Persons wishing to comment on this information collection should submit comments on November 2, 2009. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at (202) 395-5167, or via the Internet at Nicholas\_A.Fraser@omb.eop.gov and to Cathy Williams, Federal Communications Commission (FCC), 445 12th Street S.W., Washington, DC 20554. To submit your comments by e-

mail send then to: PRA@fcc.gov and to Cathy.Williams@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection(s) send an e-mail to PRA@fcc.gov or contact Cathy Williams on (202) 418-2918.

#### SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-XXXX.

Title: Application for Permit to Deliver Programs to Foreign Broadcast Stations, FCC

Form 308.

Form No.: FCC Form 308.

Type of Review: New information collection.

Respondents: Business or other for-profit entities.

Number of Respondents/Responses: 22 respondents; 22 responses.

Estimated Time Per Response: 1 hour.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 325(c) of the Communications Act of 1934, as amended.

Total Annual Burden: 22 hours.

Annual Cost Burden: \$10,890.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve the establishment of a new information collection titled, "Application for Permit to Deliver Programs to Foreign Broadcast Stations (FCC Form 308)." Applicants use the FCC Form 308 to apply, under Section 325(c) of the Communications Act of 1934, as amended, for authority to locate, use, or maintain a studio in the United States for the purpose of supplying program material to a foreign radio or TV broadcast station whose signals are consistently received in the United States, or for extension of existing authority.

Currently, the FCC Form 308 is only available to the public in paper form. The Commission is requesting OMB approval of a revised FCC Form 308, in Excel format, that will be made available to the public on the FCC Forms page of the FCC's website, [www.fcc.gov](http://www.fcc.gov) <<http://www.fcc.gov/>>. The form was revised to make it more user friendly and to include questions to obtain only the legal and technical information that is essential to grant authority to U.S. broadcasters to supply program material to a foreign radio or

TV broadcast station whose signals are consistently received in the U.S. or to extend the current authority. After the applicant completes the form, it is mailed to the U.S. Bank along with the application fee. Then, it is forwarded to the International Bureau with the exception of fee exempt applications which are filed directly with the FCC Secretary's Office and then forwarded to the Bureau.

Without this collection of information, the Commission would not be able to ascertain whether the main studio owner in the US meets various legal requirements or the foreign broadcast facility, which receives and retransmits programming from the main studio in the US, meets various technical requirements that prevent harmful interference to other broadcast stations or telecommunications facilities.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9-21014 Filed 8-31-09; 8:45 am]

BILLING CODE 6712-01-S

## FEDERAL TRADE COMMISSION

[Docket No. 9336]

### Dyna-E International, Inc.; Analysis of Proposed Consent Order to Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed Consent Agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order — embodied in the consent agreement — that would settle these allegations.

**DATES:** Comments must be received on or before September 25, 2009.

**ADDRESSES:** Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to "Dyna-E, Inc., Docket No. 9336" to facilitate the organization of comments. Please note that your comment — including your name and your state — will be placed on the public record of this proceeding, including on the publicly accessible FTC website, at (<http://www.ftc.gov/os/publiccomments.shtml>).

Because comments will be made public, they should not include any