

Paperwork Reduction Act: EPA has reviewed the requirements imposed on regulated facilities in these proposed general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 501, *et seq.* The information collection requirements of these permits have already been approved by the Office of Management and Budget in submissions made for the NPDES permit program under the provisions of the Clean Water Act.

Regulatory Flexibility Act (RFA), 5 U.S.C 601, *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA): The RFA requires that EPA prepare a regulatory flexibility analysis for rules subject to the requirements of 5 U.S.C. 553(b) that have a significant impact on a substantial number of small entities. The permit proposed today, however, is not a "rule" subject to the requirements of 5 U.S.C. 553(b) and is therefore not subject to the RFA.

Unfunded Mandates Reform Act: Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104-4, generally requires Federal agencies to assess the effects of their "regulatory actions" defined to be the same as "rules" subject to the RFA) on Tribal, State, local governments and the private sector. The permit proposed today, however, is not a "rule" subject to the RFA and is therefore not subject to the requirements of the UMRA.

Authority: Clean Water Act, 33 U.S.C. 1251, *et seq.*

Dated: August 24, 2010.

Stephen S. Tuber,

Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance.

[FR Doc. 2010-21675 Filed 8-30-10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9195-6]

Proposed Cercla Administrative Order on Consent for the Standard Mine Site, Gunnison County, CO

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(I), notice is hereby given of a proposed Administrative Order on Consent ("AOC") under sections 104,

106, 107, and 122 of CERCLA, 42 U.S.C. 9604, 9606, 9607, and 9622, between EPA and Elijah Valencia regarding the Standard Mine Site, located in Gunnison County, Colorado. The proposed AOC is for recovery of past and projected future response costs concerning the Standard Mine site in Gunnison County, Colorado with Elijah Valencia based upon ability to pay. The settlement requires the settling party to execute an environmental covenant and provide access to real property. The settlement includes a covenant not to sue the settling party pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received on the AOC and may modify or withdraw its consent to the AOC, if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 1595 Wynkoop Street, 2nd Floor, in Denver, Colorado.

DATES: Comments must be submitted on or before September 30, 2010.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Records Center, 1595 Wynkoop Street, 2nd Floor, in Denver, Colorado 80202. Comments and requests for a copy of the proposed settlement should be addressed to John D. Works, Enforcement Specialist (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, and should reference the Standard Mine Site/Valencia settlement.

FOR FURTHER INFORMATION CONTACT: John D. Works, Enforcement Specialist (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6196.

It is so agreed.

Dated: August 25, 2010.

Sharon L. Kercher,

Acting Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, U.S. Environmental Protection Agency, Region 8.

[FR Doc. 2010-21718 Filed 8-30-10; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9195-1]

Notice of a Regional Project Waiver of Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Town of Sturbridge, MA

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 Town of Sturbridge, Massachusetts ("Town") for the purchase of a foreign manufactured submersible mixer to be installed in a new septage storage tank as part of a proposed wastewater treatment plant upgrade. 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. Based upon information submitted by Sturbridge and its consulting engineer, it has been determined that there are currently no domestic manufactured submersible mixers available to meet its proposed technical project specifications. The Regional Administrator is making this determination based on the review and recommendations of the Municipal Assistance Unit. 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 foreign manufactured submersible mixer by the Town of Sturbridge, Massachusetts, as specified in its May 25, 2010 request.

DATES: *Effective Date:* August 19, 2010.

FOR FURTHER INFORMATION CONTACT: David Chin, Environmental Engineer, (617) 918-1764, or Katie Connors, Environmental Engineer, (617) 918-1658, Municipal Assistance Unit (CMU), Office of Ecosystem Protection (OEP), U.S. EPA, 5 Post Office Square, Suite 100, Boston, MA 02109-3912.

SUPPLEMENTARY INFORMATION: In accordance with ARRA Section 1605(b)(2) and 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 Town of Sturbridge, Massachusetts for the purchase of a non-domestic manufactured submersible mixer, the Landia Model POPR-1 made in Denmark, to be installed in a new septage storage tank to meet its technical design specifications as part of its proposed wastewater treatment plant upgrade.

EPA has determined that the Town's waiver request is late, but EPA will evaluate the request as if it were timely made even though the request was made after the construction contract was signed. Consistent with the direction of the OMB Guidance at 2 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 contract as "late" if submitted after the contract date. However, in this case EPA has determined that the Town's request, though made after the date that the contract was signed, can be evaluated as timely because a domestic submersible mixer meeting project specifications was found to be unavailable by the contractor only after the shop drawings had become available, which was after the contract date. The need for a waiver was not determined until after the contractor had completed its review and had confirmed that there were no domestic submersible mixers available to meet project specifications. Accordingly, EPA will evaluate the request as if it were timely made.

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 a public works project 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 the 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 Town of Sturbridge is proposing a major upgrade to its existing secondary treatment facility. It will include the construction of a new

headworks building; renovations to the existing process and filter buildings; renovations to existing storage tanks and the construction of new storage tanks; construction of new yard piping and conduit systems; and other site improvements. The construction will take place while the existing treatment facility remains fully operational. The estimated cost of the entire wastewater treatment facility upgrade, necessary to meet more stringent effluent limits in the future and to accommodate expansion of the municipal sewer system, is approximately \$16M.

According to the Town's design engineer, the corrosive nature of the septage and landfill leachate to be stored in the new septage storage tank requires that the submersible mixer be constructed entirely of stainless steel. Other prominent specifications require that the mixer be equipped with a single planetary gear box with gear reduction capability to provide increased longevity and efficiency for the submersible mixer, and require that the mixer shaft be equipped with a motor shaft sealing system comprised of three seals. Excerpts from the submersible mixer specifications document provided by the Town's design engineer include the following:

(1) Each mixer shall be of the integral-gear, close coupled, submersible type with a maximum propeller speed of 390 rpm. All components of the mixer, including the motor and gearbox, shall be manufactured of solid AISI 316 acid-proof stainless steel and provide continuous underwater operation while the mixer blades are completely submerged. No stainless steel jackets that cover a cast iron housing shall be allowed.

(2) Each mixer shall be provided with a grease chamber in the propeller hub for the shaft sealing system, and a separate oil chamber for the gearbox and mechanical seals. Drains and inspection plugs shall be provided with positive anti-leak seals and shall be accessible from the outside.

(3) Each mixer shall be provided with a sealing system consisting of three seals separating the various parts. The outer seal in the propeller hub shall be a lip seal with a stainless steel spring, sealing the propeller shaft and hub grease chamber from the mixed media, running on a stainless steel exchangeable wear bushing.

(4) The gearbox shall be a one-stage planetary reduction gear, equipped with high precision, low-loaded gears designed for infinite life and shall have a service factor of not less than 1.5.

The Town provided information on four domestic manufacturers of

submersible mixers and has determined that there are currently no domestic manufacturers able to provide a submersible mixer that can meet all of the project technical specifications. The Town also identified a foreign manufacturer, Landia, Inc., in Denmark, which produces a submersible mixer, Landia Model POPR-1. According to the design engineer for the Town, it is the only submersible mixer that is equipped with a gear reduction capability and is constructed entirely of stainless steel-wetted parts meeting all project specifications. The Town has requested a waiver for the Landia submersible mixer, Model POPR-1, to be installed in the new septage storage tank.

An independent evaluation conducted by EPA's technical review team supports and confirms the Town's claim that there are currently no domestic manufacturers that can provide a submersible mixer to meet project specifications. Research and follow-up communications between EPA's national contractor and the four identified domestic manufacturers confirmed that three do not manufacture gear driven submersible mixers, and the fourth does not produce entirely stainless steel mixers. Additional research conducted by EPA's national contractor identified another domestic submersible mixer manufacturer. However, it is not able to provide a submersible mixer that meets project specifications. While this manufacturer claims that it plans to produce a submersible mixer to meet project specifications by the latter part of 2010, it does not currently do so.

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."

Furthermore, the purpose of the ARRA is to stimulate economic recovery by funding current infrastructure construction, not to delay or curtail entirely projects that are "shovel ready" by requiring potential SRF eligible recipients, such as the Town of Sturbridge, to revise their design standards and specifications. To curtail entirely 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 Sturbridge establishes both a proper basis to specify a particular manufactured good, and that the domestic manufactured goods that are currently available do not 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 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 Town of Sturbridge, Massachusetts 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 foreign manufactured submersible mixer in Sturbridge's waiver request submittal dated May 25, 2010. This supplementary information constitutes the detailed written justification required by Section 1605(c) for waivers based on a finding under subsection (b).

Authority: Pub. L. 111-5, section 1605.

Dated: August 19, 2010.

Ira W. Leighton,

Acting Regional Administrator, EPA Region 1—New England.

[FR Doc. 2010-21676 Filed 8-30-10; 8:45 am]

BILLING CODE 6560-50-P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular 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).

DATES: Date and Time: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 8, 2010, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT:

Roland E. Smith, 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: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. 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

- August 12, 2010.

B. New Business

- Merger of the Louisiana Ag Credit ACA, and Subsidiaries with Southern AgCredit, ACA, and Subsidiaries.

- Fall 2010 Abstract of the Unified Agenda of Federal Regulatory and Deregulatory Actions and Fall 2010 Regulatory Performance Plan.

- Farm Credit Administration Revised FY 2011 and Proposed FY 2012 Budget.

Closed Session*

Reports

- OSMO Quarterly Report.

*Session Closed—Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

Dated: August 27, 2010.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. 2010-21859 Filed 8-27-10; 4:15 pm]

BILLING CODE 6705-01-P

FINANCIAL CRISIS INQUIRY COMMISSION

Notice of Public Hearing

AGENCY: Financial Crisis Inquiry Commission.

ACTION: Notice.

SUMMARY: The next public hearing of the Financial Crisis Inquiry Commission (FCIC) is titled "Too Big to Fail: Expectations and Impact of Extraordinary Government Intervention and the role of Systemic Risk in the

Financial Crisis." The forum will also be webcast live at <http://www.FCIC.gov>.

DATES: The hearing will be held on: Wednesday, September 1, 2010, 9 a.m. EDT; and Thursday, September 2, 2010, 9 a.m. EDT.

ADDRESSES: The hearing will be held at: Dirksen Senate Office Building, Room 538, Washington, DC 20515.

FOR FURTHER INFORMATION CONTACT:

Gretchen Kinney Newsom, Financial Crisis Inquiry Commission, 1717 Pennsylvania Avenue, Suite 800, Washington, DC 20006. 202-292-2799; 202-632-1604 fax.

SUPPLEMENTARY INFORMATION: The purpose of the Financial Crisis Inquiry Commission is to examine the causes, domestic and global, of the current financial and economic crisis in the United States, per the requirements of the Fraud Enforcement and Recovery Act of 2009 ("FERA"), Section 5, Public Law 111-21-123 Stat. 1617 (2009).

Public Participation: The hearing is open to the public. The Chairman of the Commission will lead the hearing for the orderly conduct of business.

Dated: August 25, 2010.

Gretchen Kinney Newsom,

Certifying Official and Special Assistant to the Chairman, Financial Crisis Inquiry Commission.

[FR Doc. 2010-21613 Filed 8-30-10; 8:45 am]

BILLING CODE 6820-RK-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) and the Assistant Secretary for Health have taken final action in the following case:

Hung-Shu Chang, PhD, Washington State University: Based on the report of an investigation conducted by the Washington State University (WSU) and additional analysis by ORI in its oversight review, the U.S. Public Health Service (PHS) found that Hung-Shu Chang, PhD, former postdoctoral fellow, WSU, engaged in research misconduct in research supported by National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH), grant R01 ES012974.

PHS found that the Respondent engaged in scientific (42 CFR 50.102) and research misconduct by fabricating