

Region 10, Mail Stop ORC-158, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Alexander Fidis, Assistant Regional Counsel, U.S. EPA Region 10, Mail Stop ORC-158, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101; (206) 553-4710.

SUPPLEMENTARY INFORMATION: The Anderson-Calhoun Mine and Mill site is located in Leadpoint, Stevens County, Washington (Site). Site operations conducted between 1910 and the early 1980s included the mining and milling of zinc ore, and the milling of barite ore. Waste-rock and mill tailings produced by these operations were disposed at the Site in areas around the mill building and in a raised tailings impoundment. The waste-rock and tailings at the Site contain hazardous substances including barium, cadmium, copper, lead, selenium and zinc at concentrations that exceed applicable cleanup levels. The Agency has selected a removal action to address potential or actual threats that these substances may present to public health, welfare, or the environment.

The Goldfield Corporation and Combustion Engineering, Inc., two prior owners and operators of the Site, have jointly spent approximately \$465,000 to investigate and study the Site, assess cleanup alternatives, and to develop draft plans for the removal action. The Agency is proposing to enter into an administrative settlement with both parties for a payment of \$357,000. These funds will be deposited in a site-specific account and will be used to reimburse the Agency for its past costs and for future response costs at the Site. The proposed settlement will provide the settling parties with a release of liability subject to certain rights reserved by the Agency.

Dated: June 22, 2009.

Linda Anderson-Carnahan,
Acting Director, Office of Environmental Cleanup.

[FR Doc. E9-15284 Filed 6-26-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8923-8]

Notice of a Regional Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the State of New Hampshire Department of Environmental Services' Winnepesaukee River Basin Bureau

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 State of New Hampshire Department of Environmental Services' Winnepesaukee River Basin Bureau (WRBB) for the purchase of air bearing turbo aeration blowers and an associated main blower control panel. These blowers and associated control panel are manufactured outside of the United States by APG-Neuros of South Korea, and meet the WRBB's technical design specifications. The Acting Regional Administrator is making this determination based on the review and recommendation of the Municipal Assistance Unit. The WRBB 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 the ARRA. This action permits the purchase of air bearing turbo aeration blowers and an associated main blower control panel by the WRBB, as specified in its May 11, 2009 waiver request, to upgrade its regional wastewater treatment facility in Franklin, New Hampshire as part of a project funded under the ARRA.

DATES: *Effective Date:* June 8, 2009

FOR FURTHER INFORMATION CONTACT: Katie Connors, Environmental Engineer, (617) 918-1658, or David Chin, Environmental Engineer, (617) 918-1764, 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 Section 1605(a) of

Public Law 111-5, Buy American requirements, to the WRBB for the purchase of air bearing turbo aeration blowers and an associated main blower control panel manufactured outside of the United States by APG-Neuros of South Korea, which meet the WRBB's technical design specifications for its wastewater treatment plant upgrade 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 unless a waiver is provided to the recipient by EPA. A waiver may be provided if EPA determines under Section 1605(b) 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.

In a letter dated May 11, 2009 to the EPA, the WRBB requested a waiver from the Buy American Provision for the purchase of air bearing turbo aeration blowers and an associated Main Blower Control Panel (MBCP), manufactured outside of the United States (US) by APG-Neuros, a South Korea based company.

Based on information provided to the EPA, the WRBB performed a pre-bid selection of the high efficiency, air bearing turbo aeration blowers with the help of a 12 member technical review committee that included WRBB operations, maintenance, electrical, electronics and management staff, WRBB's technical consultant, and the NHDES' Wastewater Engineering Bureau Design Review staff. This pre-bid selection committee determined critical specifications and manufacturer capabilities, and the development of a weighted scoring system to assess the submitted proposals. Three priority technical specifications were identified by the pre-bid committee:

- (1) That the entire proposed blower package proposed had to be Underwriters Laboratories (UL) or CSA-US (NRTL) certified in order to be approved by the State Fire Marshall for installation at the facility;
- (2) That the manufacturer demonstrated experience with installed

aeration blowers in US wastewater treatment plants; and

(3) That their process include site specific blower monitoring, control and automation using dissolved oxygen, air flow, and pressure sensing to achieve appropriate aerobic treatment levels.

A Request for Information (RFI) solicitation was published in the New Hampshire Union Leader newspaper and sent directly to four (4) known manufacturers of air-bearing turbo aeration blowers. Three of the four manufacturers responded to the RFI. According to the WRBB, the fourth manufacturer did not formally submit a RFI because its air-bearing turbo aeration blower was not yet in production and it would not be able to provide the required scope of supply.

One mandatory requirement identified by the pre-bid selection committee was that the entire blower package proposed had to be UL or CSA-US (NRTL) certified in order to be approved by the State Fire Marshall for installation at this state-operated wastewater treatment facility. The time for meeting required certifications was deemed critical by the WRBB pre-selection committee in order to incorporate the pre-selected blower into the construction contract documents so that the contract award could meet the "ready to proceed" ARRA requirements. APG-Neuros was the only manufacturer that met this requirement at the time of the RFI submittal. The other two manufacturers did not have this certification at the time of the RFI submittal nor did they indicate whether they would proceed to obtain the necessary certification.

One of the highest priority requirements identified by the pre-selection committee was demonstrated experience with numerous installed aeration blowers in wastewater treatment plants within the United States. According to the WRBB, wastewater aeration processes, as approved by the State through operational and design requirements, require the facility to include appropriate site specific blower monitoring, control and automation using dissolved oxygen, air flow, and pressure sensing to achieve appropriate aerobic treatment levels. Only one manufacturer, APG-Neuros, had a multiple year turbo aeration blower manufacturing history, including over sixty-five (65) aeration blower installations at US wastewater treatment plants, and provided additional verifiable documentation of their ability to automate the process using dissolved oxygen, air flow, and pressure sensing. The other two manufacturers that were

evaluated, including the US-based manufacturer, did not cite or propose any experience with automated dissolved oxygen control as required in the specifications for this facility for aerobic wastewater treatment supplied with the RFI. Based upon conformance with identified mandatory and critical parameters, as well as the scoring for additional technical requirements, the twelve member pre-bid selection committee unanimously selected APG-Neuros, Inc. as the highest scoring respondent to the RFI.

APG-Neuros of South Korea was the only manufacturer that met the technical design specifications set forth in the RFI, and had a verifiable history of supplying air bearing turbo aeration blowers for US wastewater treatment plant applications. It was the only manufacturer that had current UL/CSA-US certifications for their proposed air bearing turbo aeration blowers package systems as required for installation at State of New Hampshire operated facilities. The other two responding manufacturers did not meet any of these critical requirements.

Based on the information provided to EPA from the WRBB, and to the best of our knowledge at the time of the review, there do not appear to be other air bearing turbo aeration blowers currently manufactured in the United States available to meet the WRBB's exact technical specifications and requirements.

In addition, the WRBB is highly ranked on New Hampshire's Intended Use Plan due in part to the highly energy efficient air bearing turbo aeration blower components in this project. The electric energy savings from using these turbo blowers is projected to result in an estimated 50-54% reduction in power compared to the existing blowers. This reduction will result in a savings of 548,000 kilowatt-hours of electricity use per year for an estimated 18-19% reduction in the total energy consumption required for the wastewater treatment plant operation.

Requiring a less efficient product would be contrary to Congress' explicit and specific intent to achieve greater energy efficiency as stated in the SRF-specific 20% Green Project Reserve requirements of Title VII of the ARRA. 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 potentially eligible SRF recipients such as the WRBB to revise their standards and specifications and to start the bidding process again. 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 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 Municipal Assistance Unit (CMU) has reviewed this waiver request and has determined that the supporting documentation provided by the WRBB 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 the WRBB's technical specifications, a waiver from the ARRA 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 WRBB is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5 for the purchase of air bearing turbo aeration blowers and an associated main blower control panel manufactured outside of the United States by APG-Neuros of South Korea. 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: June 22, 2009.

Ira W. Leighton,

Acting Regional Administrator, Region I, New England.

[FR Doc. E9–15318 Filed 6–26–09; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; 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).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on July 9, 2009, 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

- June 11, 2009

B. New Business

- Farm Credit System Compensation Committees—Proposed Bookletter;
- Determining Eligibility and Scope of Financing for Limited Liability Companies—Proposed Bookletter;
- Borrower Rights—Frequently Asked Questions.

C. Reports

- Office of Examination Quarterly Report

Closed Session*

- Update on Office of Examination Oversight Activities

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

Dated: June 24, 2009.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. E9–15448 Filed 6–25–09; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the “Government in the Sunshine Act” (5 U.S.C. 552b), notice is hereby given that at 10 a.m. on Tuesday, June 23, 2009, the Board of Directors of the Federal Deposit Insurance Corporation met in open session to consider the following matters:

Summary Agenda

Disposition of minutes of previous Board of Directors’ Meetings.

Summary reports, status reports, reports of the Office of Inspector General, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Interagency Interim Rule on Capital Maintenance: Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program of the U.S. Department of Treasury.

Memorandum and resolution re: Notice of Proposed Rulemaking regarding Proposed Interagency Guidance—Funding and Liquidity Risk Management.

Discussion Agenda

Memorandum and resolution re: Notice of Proposed Rulemaking on the Transaction Account Guarantee Program.

Memorandum and resolution re: Joint Notice of Proposed Rulemaking: Amendment to the Community Reinvestment Act Regulation.

Memorandum and resolution re: Final Rule on Annual Audit and Reporting Requirements (Part 363) and Related Technical Amendment to (Part 308, Subpart U).

In calling the meeting, the Board determined, on motion of Vice Chairman Martin J. Gruenberg, seconded by Director Thomas J. Curry (Appointive), and concurred in by Director John C. Dugan (Director, Comptroller of the Currency), Director

John E. Bowman (Acting Director, Office of Thrift Supervision), and Chairman Sheila C. Bair, that Corporation business required its consideration of the matters on less than seven days’ notice to the public; and that no earlier notice of the meeting than that previously provided on June 19, 2009, was practicable.

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: June 23, 2009.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. E9–15375 Filed 6–25–09; 11:15 am]

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FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the “Government in the Sunshine Act” (5 U.S.C. 552b), notice is hereby given that at 10:40 a.m. on Tuesday, June 23, 2009, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation’s corporate, supervisory, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Martin J. Gruenberg, seconded by Director John E. Bowman (Acting Director, Office of Thrift Supervision), concurred in by Director John C. Dugan (Comptroller of the Currency), Director Thomas J. Curry (Appointive), and Chairman Sheila C. Bair, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days’ notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the “Government in the Sunshine Act” (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: June 23, 2009.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. E9–15376 Filed 6–25–09; 11:15 am]

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