

determined MBR to be the most environmentally sound and cost effective solution. The MBR system 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, Frederick County had issued specifications for the MBR system in its June 2007 Request for Proposal (RFP) and evaluated and awarded the contract in March 2008. Section 11500 of this RFP No. 07–CP–78 included technical specifications for Membrane Filtration Equipment, and the qualification criteria in Section 1.03 of the bidder questionnaire required an established record of installed systems at municipal WWTPs. Specifically, Section 1.03 of the bidder questionnaire required that: (1) The bidder furnish a list of five of its MBR system installations at municipal WWTPs, (2) three of these systems have been in operation for at least one year, and (3) at least one of the three systems has an average flow design capacity of 1.0 MGD or more. These specifications and requirements were justified by Frederick County's obligation to meet reliably the environmental requirements of its NPDES permit. In this selection phase, no domestic manufacturers were able to meet these technical specifications and experience requirements. In May 2009, Frederick County received bids for the construction of the entire WWTP expansion based on the RFP. The winning general contractor will use the pre-selected MBR design/equipment in the final installation.

Frederick County has provided information to the EPA demonstrating that there are no membrane filtration systems manufactured in the United States in sufficient and reasonable quantity and of a satisfactory quality to meet these technical specifications in its RFP. Two companies, neither of which manufacture in the United States, met Frederick County's justified technical specifications and experience requirements.

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” (“EPA 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.” Frederick County has incorporated specific technical design

requirements for installation of a MBR system 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 Frederick County, 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 did not appear to be other MBR systems manufactured domestically back in March 2008 that would meet Frederick County's technical specifications. EPA's national contractor prepared a technical assessment report dated October 16, 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 only non-domestic manufacturers of the MBR cartridge could meet the technical specifications included in the RFP for Membrane Filtration Equipment and the qualification criteria for an established record of installed systems at WWTPs included in the bidder questionnaire.

Frederick County included a performance guarantee in the RFP as well as the original specification. GE's performance guarantee applies to the entire MBR system, including all components supplied by GE, which would be voided by substitution of other components. The potential voiding of the performance raises a valid issue regarding availability of alternative desiccant air dryers and vacuum ejectors. The existence of such a performance guarantee supports treating the entire MBR system as a unitary whole, rather than a collection of individual components. Therefore, EPA Region III concludes that only the “GE Zenon MBR System—as a whole”

meets the “specifications in project plans and design.”

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 Frederick County is sufficient to meet the criteria listed under Section 1605(b), OMB's regulations at 2 CFR 176.60–176.170, and in the April 28, 2009, EPA 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 Frederick County'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, Frederick County is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111–5 for the purchase of a MBR system using ARRA funds as specified in Frederick County's request of August 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: Pub. L. 111–5, section 1605.

Dated: November 20, 2009.

William C. Early,

*Acting Regional Administrator, U.S.
Environmental Protection Agency, Region III.*
[FR Doc. E9–29214 Filed 12–7–09; 8:45 am]

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FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, December 3, 2009, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC, (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.
Adoption of Policy to Prepare and Publish a Guidebook for Complainants and Respondents in Enforcement Matters.

Agency Procedure.
Management and Administrative Matters.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Mary Dove, Commission Secretary, at (202) 694-1040, at least 72 hours prior to the hearing date.

PERSON TO CONTACT FOR INFORMATION:

Judith Ingram, Press Officer; Telephone: (202) 694-1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. E9-29118 Filed 12-7-09; 8:45 am]

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FEDERAL HOUSING FINANCE AGENCY

[No. 2009-N-13]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 30-day Notice of submission of information collection for approval from the Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, the Federal Housing Finance Agency (FHFA) is seeking public comments concerning a currently approved information collection known as "Affordable Housing Program (AHP)," which has been assigned control number 2590-0007 by the Office of Management and Budget (OMB). FHFA will submit a request to OMB for regular review and approval to renew the information collection for a three-year period. The control number is due to expire on December 31, 2009.

DATES: Interested persons may submit comments on or before January 7, 2010.

Comments: Submit comments to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Housing Finance Agency, Washington, DC 20503, Fax: 202-395-6974, E-mail address: OIRA_Submission@omb.eop.gov. Please also submit them to FHFA using any one of the following methods:

- *E-mail:* RegComments@fhfa.gov. Please include Proposed Collection; Comment Request: Affordable Housing Program (AHP) (No. 2009-N-##) in the subject line of the message.

- *Mail/Hand Delivery:* Federal Housing Finance Agency, Fourth Floor, 1700 G Street, NW., Washington, DC 20552, Attention: Public Comments/Proposed Collection; Comment Request: Affordable Housing Program (AHP) (No. 2009-N-##).

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, on the FHFA Web site at <http://www.fhfa.gov>. Send requests for copies of the Affordable Housing Program information collection and supporting documentation to the contact referenced in the For Further Information Contact section. There is no charge for copies.

FOR FURTHER INFORMATION CONTACT:

Charles E. McLean, Acting Manager, Division of Housing Mission and Goals, Charles.Mclean@fhfa.gov, 202-408-2537; or Deattra D. Perkins, Community Development Specialist, Division of Housing Mission and Goals, Deattra.Perkins@fhfa.gov, 202-408-2527 (not toll-free numbers). The telephone number for the Telecommunications Device for the Deaf is 800-877-8339.

SUPPLEMENTARY INFORMATION:

A. Background

Section 10(j) of the Federal Home Loan Bank Act (Bank Act) requires each Bank to establish an affordable housing program, the purpose of which is to enable a Bank's members to finance homeownership by households with incomes at or below 80% of the area median income (low- or moderate-income households), and to finance the purchase, construction, or rehabilitation of rental projects in which at least 20% of the units will be occupied by and affordable for households earning 50% or less of the area median income (very low-income households). 12 U.S.C. 1430(j)(1) and (2). The Bank Act requires each Bank to contribute 10% of its previous year's net earnings to its AHP annually, subject to a minimum annual combined contribution by the 12 Banks of \$100 million. 12 U.S.C. 1430(j)(5)(C).

The AHP regulation authorizes a Bank, in its discretion, to set aside a portion of its annual required AHP contribution to establish homeownership set-aside programs for

the purpose of promoting homeownership for low- or moderate-income households. See 12 CFR 1291.6. Under the homeownership set-aside programs, a Bank may provide AHP direct subsidy (grants) to members to pay for down payment assistance, closing costs, and counseling costs in connection with a household's purchase of its primary residence, and for rehabilitation assistance in connection with a household's rehabilitation of an owner-occupied residence. 12 CFR 1291.6(c)(4). Currently, a Bank may allocate up to the greater of \$4.5 million or 35% of its annual required AHP contribution to homeownership set-aside programs in that year.

B. Need for and Use of the Information Collection

The Banks use AHP data collection to determine whether an AHP applicant satisfies the statutory and regulatory requirements to receive AHP subsidies. FHFA's use of the information is necessary to enable and to ensure that Bank funding decisions, and the use of the funds awarded, are consistent with statutory and regulatory requirements. The AHP information collection is found in the Data Reporting Manual (DRM). See Resolution Number 2006-13 (available electronically in the FOIA Reading Room: <http://www.fhfa.gov/Default.aspx?Page=256&ListYear=2006&ListCategory=9#9/2006>).

The OMB number for the information collection is 2590-0007. The OMB clearance for the information collection expires on December 31, 2009. The likely respondents are institutions that are Bank members.

C. Burden Estimate

FHFA analyzed the cost and hour burden for the seven facets of the AHP information collection—AHP applications, AHP modification requests, AHP monitoring agreements, AHP recapture agreements, homeownership set-aside program applications, verifications of statutory and regulatory compliance at the time of subsidy disbursement, and Bank Advisory Council reports and recommendations on AHP implementation plans. As explained in more detail below, the estimate for the total annual hour burden for applicant and member respondents for all seven facets of the AHP information collection is 76,214 hours.

1. AHP Applications

FHFA estimates a total annual average of 2,050 applications for AHP funding, with 1 response per applicant, and a 24-hour average processing time for each