

overflow water for this process eliminates the need for freshwater. Auburn researched additional options for cleaning the settled solids from the storage tank, including tipping buckets, and vacuum flushing, and concluded that the flushing gate system is preferable to the other options because it is more cost effective and allows for lower maintenance and more efficiency in operation due the use of stored CSO volume for cleaning.

Auburn has requested a waiver from the Buy American provision for the purchase of a Hydrosel model HS40 flushing gate system manufactured in Canada. Auburn stated in their waiver application that they were unable to locate any domestic manufacturers of flushing gate systems.

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."

EPA's national contractor prepared a technical assessment report dated August 2, 2009 based on the submitted waiver request, identifying two potential domestic suppliers of flushing gates. After being notified of the potential domestic suppliers, Auburn contacted each of them to determine the availability of the manufactured good. The subsequent analysis by Auburn and EPA concluded that neither of the domestic suppliers were able to provide the specified good at the time needed and place needed, and in the proper form or specification as dictated by the project plans and design.

Domestic supplier #1 is currently involved in a lawsuit that could stop the manufacturing and sale of the flushing gate. EPA has determined that, under certain circumstances, litigation creates a sufficient basis to render the specified equipment unavailable from a defendant U.S. manufacturer. Specifically, a U.S. manufacturer's product may be considered unavailable when litigation that may implicate an assistance recipient's legal rights to use—and consequently may subject the assistance recipient to patent infringement liability for using—the manufactured good being considered for a project has proceeded through initial legal processes, or been pending for a sufficient period of time (to make clear that the litigation will not be dismissed as frivolous). EPA

reviewed the litigation documentation and concluded that, due to this pending litigation, procuring the flushing gates from domestic supplier #1 would present an unacceptable risk to Auburn, and this impediment thus means that the specified goods are not available from this supplier. Auburn contacted domestic supplier #2, and inquired about their ability to deliver the manufactured good within the project timeline. On September 30, 2009, domestic supplier #2 stated in writing that they could not meet Auburn's timeline requirements for this project, thus establishing that the flushing gates would not be available from domestic supplier #2. EPA's national contractor's technical assessment report from August 2, 2009, did not find any additional domestic suppliers of the specified manufactured good.

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 Auburn 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 ARRA State Revolving Fund assistance would result in unreasonable delay and thus displace the "shovel ready" status for this project. To further delay project implementation is in direct conflict with a fundamental economic purpose of the ARRA, which is to create or retain jobs.

The State and Tribal Programs Branch has reviewed this waiver request and has determined that the supporting documentation provided by Auburn is sufficient to meet the criteria listed under Section 1605(b) of the ARRA, 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) 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 Auburn's performance 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 this project, and that this manufactured good was not available from a producer in the United States, Auburn is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5 for the purchase of the Hydrosel model HS40 flushing gate system using ARRA funds as specified in the community's request of July 14, 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 December 10, 2009.

**Walter W. Kovalick, Jr.,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 2010-2661 Filed 2-5-10; 8:45 am]

**BILLING CODE 6560-50-P**

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## FEDERAL DEPOSIT INSURANCE CORPORATION

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

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

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

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**SUMMARY:** The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995 (4 U.S.C. chapter 35). On December 1, 2009 (74 FR 62776), the FDIC solicited public comment for a 60-day period on renewal of its "Qualifications for Failed Bank Acquisitions" information collection (OMB No. 3064-0169), currently approved under OMB emergency clearance procedures. No comments were received. Therefore, the FDIC hereby gives notice of its submission of the information collection to OMB for review under normal clearance procedures.

**DATES:** Comments must be submitted on or before March 10, 2010.

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

methods. All comments should refer to the name of the collection:

- <http://www.FDIC.gov/regulations/federal/notices.html>.
- *E-mail: 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.

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 G. Gregorie at the address identified above.

**SUPPLEMENTARY INFORMATION:**

**Request To Obtain Full Clearance of the Following Collection of Information Currently Approved on an Emergency Basis**

*Title:* Qualifications for Failed Bank Acquisitions.

*OMB Number:* 3064–0169.

*Estimated Number of Respondents*

*Investor reports on affiliates—20.*  
*Maintenance of business books and records—5.*

*Disclosures regarding investors and entities in ownership chain—20.*

*Frequency of Response*

*Investor reports on affiliates—12.*  
*Maintenance of business books and records—4.*

*Disclosures regarding investors and entities in ownership chain—4.*

*Affected Public:* Private capital investors seeking to acquire assets and/or liabilities of failed insured depository institutions.

*Estimated Time per Response*

*Investor reports on affiliates—2 hours.*  
*Maintenance of business books and records—2 hours.*

*Disclosures regarding investors and entities in ownership chain—4 hours.*

*Total Annual Burden:* 840 hours.

*General Description of Collection:*

This collection includes reporting, recordkeeping, and disclosure requirements for private capital investors that propose to acquire, directly or indirectly, the deposit liabilities and or such liabilities and assets from the resolution of a failed

insured depository institution or for applicants of deposit insurance in the case of *de novo* charters issued in connection with the resolution of failed insured depository institutions (Investors). The information sought from these Investors will provide greater transparency to the FDIC about their business models, capital structures, management, interaction with related parties, and other interests of Investors involved in the acquisition of deposit liabilities or liabilities and assets from troubled insured depository institutions.

*Request for Comment*

*Comments are invited on:* (a) Whether this collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodologies and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

All comments will become a matter of public record.

Dated at Washington, DC this 2nd day of February, 2010.

Federal Deposit Insurance Corporation.

**Valerie Best,**  
*Assistant Executive Secretary.*

[FR Doc. 2010–2576 Filed 2–5–10; 8:45 am]

**BILLING CODE 6714–01–P**

**FEDERAL RESERVE SYSTEM**

**Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 22, 2010.

**A. Federal Reserve Bank of Philadelphia** (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *Evelyn Rome Tabas*, Narberth, Pennsylvania; to acquire voting shares of Royal Bancshares of Pennsylvania, Inc. Narberth, Pennsylvania, and thereby indirectly acquire voting shares of Royal Asian Bank, Philadelphia, Pennsylvania, and Royal Bank of America, Narberth, Pennsylvania.

**B. Federal Reserve Bank of Kansas City** (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The Galen L. Curry Marital Trust and Donna M. Curry*, Piqua, Kansas, trustee, to retain control of My Anns Corporation, and thereby indirectly retain control of Piqua State Bank, both in Piqua, Kansas.

Board of Governors of the Federal Reserve System, February 2, 2010.

**Robert deV. Frierson,**  
*Deputy Secretary of the Board.*

[FR Doc. 2010–2564 Filed 2–5–10; 8:45 am]

**BILLING CODE 6210–01–S**

**FEDERAL MARITIME COMMISSION**

**Notice of Agreement Filed—Correction**

The Commission hereby gives notice of a correction in the Title of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. A copy of the agreement is available through the Commission's Web site (<http://www.fmc.gov>) or by contacting the Office of Agreements at (202) 523–5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 201118–002.

*Title:* Lease and Operating Agreement between Philadelphia Regional Port Authority and Penn Warehousing & Distribution, Inc.

*Parties:* Philadelphia Regional Port Authority and Penn Warehousing and Distribution, Inc.

*Filing Party:* Paul D. Coleman, Esq.; Hoppel, Mayer & Coleman; 1050 Connecticut Ave., NW., 10th Floor; Washington, DC 20036.

*Synopsis:* The amendment defines the lease year, clarifies the dockage fee, allows a credit to the Lessee if dockage fees collected reach a certain level, and makes other miscellaneous changes.

By Order of the Federal Maritime Commission.