

requests must be received no later than September 30, 2009.

**Meeting Access:** For information on access or services for individuals with disabilities, please contact Jennifer Peyser at [jpeyser@RESOLV.org](mailto:jpeyser@RESOLV.org). To request accommodation of a disability, please contact Jennifer Peyser at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: September 21, 2009.

**Regina Langton,**

*Designated Federal Officer.*

[FR Doc. E9-23049 Filed 9-23-09; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8962-7]

### Notice of a Project Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the City of Salem, New Jersey

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The EPA is hereby granting a project waiver of the Buy American 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 City of Salem, New Jersey (the City), for the purchase of a specific Canadian-manufactured membrane filtration system (ZeeWeed® 500). The ZeeWeed® 500 Immersed Ultra-filtration Membranes are manufactured outside of the United States by GE Water & Processes Technologies (GEW&PT), in Canada. The design and specifications of the City's proposed new Surface Water Treatment Plant were based on the performance and characteristics of the ZeeWeed® 500 membrane system, following pilot testing conducted from March through August 2007, which demonstrated that the equipment worked very well in removing total organic carbon, as well as other contaminants; the successful pilot testing of surface treatment plant technologies is a prerequisite to obtaining a construction permit from the New Jersey Department of Environmental Protection (NJDEP). The Acting Regional Administrator is making this determination based on the review and recommendations of the State Revolving Fund Program Team.

The City has provided sufficient documentation to support its 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 ARRA. This action permits the purchase of ZeeWeed® 500 Immersed Ultra-filtration Membranes for the proposed project being implemented by the City of Salem, New Jersey.

**DATES:** *Effective Date:* August 27, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Alicia Suárez, Environmental Engineer, (212) 637-3851, State Revolving Fund Program Team, Division of Environmental Planning and Protection, U.S. EPA, 290 Broadway, New York, NY 10007.

**SUPPLEMENTARY INFORMATION:** In accordance with ARRA Section 1605(c) and pursuant to Section 1605(b)(2) of Public Law 111-5, Buy American requirements, the EPA hereby provides notice that it is granting a project waiver to the City for the acquisition of ZeeWeed® 500 Immersed Ultra-filtration Membranes manufactured in Canada by GEW&PT.

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 are produced in the United States, unless a waiver is provided to the recipient by EPA. A waiver may be provided if EPA determines that (1) applying these requirements would be inconsistent with 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 City proposes to replace its existing surface water treatment plant because the current plant, constructed in 1974, is unlikely to be able to provide water that complies with the Stage II Disinfectants and Disinfection Byproducts Rule or appropriate log removal of microorganisms. The use of the ZeeWeed® 500 membrane system is based on a stated need for immersed ultra-filtration membranes that have a reinforced hollow fiber membrane with a very high tensile strength and a high solids tolerance that is necessary for direct filtration after enhanced coagulation without clarification. The

ZeeWeed® 500 Immersed Ultra-filtration Membranes were described by the City as meeting these specifications.

The City has stated that all surface treatment plant technologies must be piloted in New Jersey in order to receive a construction permit from the NJDEP. Successful pilot testing prior to NJDEP approval of a construction permit ensures that the completed facility will be in compliance with the Stage II Disinfectants and Disinfection Byproducts Rule. The pilot testing results of the ZeeWeed® 500 membranes, conducted from March through August 2007, demonstrated that the equipment worked very well in removing total organic carbon, as well as other contaminants, and that the design of the new water treatment plan was based on the ZeeWeed® 500 ultra filtration membrane system. The City has provided information to the EPA representing that GEW&PT, manufacturer of the ZeeWeed® 500, is the only company capable of supplying a membrane system that meets the criteria of an immersed, reinforced, hollow fiber ultra filtration system that does not require clarification prior to filtration. The City's submission clearly articulates entirely functional reasons for its technical specifications, and has provided sufficient documentation that the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantity and of a satisfactory quality to meet its technical specifications.

The April 28, 2009, EPA Headquarters 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 the 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," and *satisfactory quality* as "the quality of iron, steel, or the relevant manufactured good as specified in the project plans and designs."

Based on additional research conducted by the State Revolving Fund Program Team of the Division of Environmental Planning and Protection and to the best of the Region's knowledge at the time of the review, there does not appear to be other membrane equipment that meets the City's exact technical specifications.

Furthermore, 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 utilities,

such as the City, to begin a new pilot study with an alternate membrane, revise plans and specifications, and apply for a new construction permit from the NJDEP. The City has stated that if the City were subject to the Buy American provision, the project would be delayed for at least one year. 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 the fundamental purpose of the ARRA, which is to preserve and create jobs and promote economic recovery.

The State Revolving Fund Program Team has reviewed this waiver request and has determined that the supporting documentation provided by the City is sufficient to meet the criteria listed under Section 1605(b), OMB's regulation at 2 CFR 176.100, and in the EPA Headquarters April 28, 2009, Memorandum, "Implementation of Buy American provisions of Public Law 111-5, the 'American Recovery and Reinvestment Act of 2009':" 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 City's technical specifications, a waiver from the Buy American requirement is justified.

The Administrator's 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 City of Salem is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5 for the purchase of a ZeeWeed® 500 ultra filtration membrane system using ARRA funds as specified in the City's request of June 5, 2009, as supplemented on June 16, 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: August 27, 2009.

**Barbara Finazzo,**

*Acting Regional Administrator, Region 2.*

[FR Doc. E9-23080 Filed 9-23-09; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[DA 09-1917]

### Notice of Debarment; Schools and Libraries Universal Service Support Mechanism

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Enforcement Bureau (the "Bureau") debars Mr. Frankie Logyang Wong from the schools and libraries universal service support mechanism (or "E-Rate Program") for a period of three years. The Bureau takes this action to protect the E-Rate Program from waste, fraud and abuse.

**DATES:** Debarment commences on the date Mr. Frankie Logyang Wong receives the debarment letter or September 24, 2009, whichever date come first, for a period of three years.

**FOR FURTHER INFORMATION CONTACT:** Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554. Rebekah Bina may be contacted by phone at (202) 418-7931 or e-mail at [Rebekah.Bina@fcc.gov](mailto:Rebekah.Bina@fcc.gov). If Ms. Bina is unavailable, you may contact Ms. Michele Berlove, Acting Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1420 and by e-mail at [michele.berlove@fcc.gov](mailto:michele.berlove@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Bureau debarred Mr. Frankie Logyang Wong from the schools and libraries universal service support mechanism for a period of three years pursuant to 47 CFR 54.8 and 47 CFR 0.111. Attached is the debarment letter, DA 09-473, which was mailed to Mr. Frankie Logyang Wong and released on February 26, 2009. The complete text of the notice of debarment is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. In addition, the complete text is available on the FCC's Web site at <http://www.fcc.gov>. The text may also be purchased from the Commission's duplicating inspection

and copying during regular business hours at the contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY-B420, Washington, DC 20554, telephone (202) 488-5300 or (800) 378-3160, facsimile (202) 488-5563, or via e-mail <http://www.bcpiweb.com>.

Federal Communications Commission.

**Hillary S. DeNigro,**

*Chief, Investigations and Hearings Division, Enforcement Bureau.*

August 27, 2009

DA 09-1917

VIA CERTIFIED MAIL

**RETURN RECEIPT REQUESTED AND FACSIMILE (713) 224-5153**

Mr. Frankie Logyang Wong, c/o David Gerger, 1001 Fannin, Suite 1950, Houston, TX 77002.

**Re: Notice of Debarment, File No. EB-08-IH-5313**

Dear Mr. Wong: Pursuant to section 54.8 of the rules of the Federal Communications Commission (the "Commission"), by this Notice of Debarment you are debarred from the schools and libraries universal service support mechanism (or "E-Rate program") for a period of three years.<sup>1</sup>

On February 26, 2009, the Enforcement Bureau (the "Bureau") sent you a Notice of Suspension and Initiation of Debarment Proceedings (the "Notice of Suspension").<sup>2</sup> That Notice of Suspension was published in the **Federal Register** on March 19, 2009.<sup>3</sup> The Notice of Suspension suspended you from the schools and libraries universal service support mechanism and described the basis for initiation of debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.<sup>4</sup>

Pursuant to the Commission's rules, any opposition to your suspension or its scope or to your proposed debarment or its scope had to be filed with the Commission no later than thirty (30) calendar days from the earlier date of your receipt of the Notice of Suspension or publication of the Notice of Suspension in

<sup>1</sup> See 47 CFR 0.111(a), 54.8.

<sup>2</sup> Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, to Mr. Frankie Logyang Wong, Notice of Suspension and Initiation of Debarment Proceedings, 24 FCC Rcd 2456 (Inv. & Hearings Div., Enf. Bur. 2009) (Attachment 1) ("Notice of Suspension"). In the Notice of Suspension, the Bureau referred to your frauds as being associated with E-Rate Funding Year 2002. See *Notice of Suspension* at 2456. The proper funding year associated with your fraud is E-Rate Program 6 and should be noted as Funding Year 2003. See *United States v. Ruben B. Bohuchot, et al.*, Criminal Docket No. 3:07-CR-167-L-2, Indictment at 5 (N.D.Tex. filed May 22, 2007, and entered May 24, 2007, under seal; unsealed May 29, 2007). ("DISD Indictment").

<sup>3</sup> 74 FR 11728, Mar. 19, 2009.

<sup>4</sup> See Notice of Suspension, 24 FCC Rcd at 2456-57.