

- Part 61—National Emission Standards For Hazardous Air Pollutants;
- Part 62—Approval and Promulgation of State Plans for Designated Facilities and Pollutants;
- Part 63—National Emission Standards For Hazardous Air Pollutants For Source Categories;
- Part 70—State Operating Permit Programs;
- Part 123—State Program Requirements (National Pollutant Discharge Elimination System Permit Program);
- Part 147—State, Tribal, and EPA-administered Underground Injection Control Programs; and
- Part 282—Approved Underground Storage Tank Programs.

WAE CY was notified of EPA's determination to approve its application with respect to the authorized programs listed above in a letter dated August 6, 2009.

Dated: August 6, 2009.

Lisa Schlosser,

Director, Office of Information Collection.

[FR Doc. E9-19463 Filed 8-12-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-8945-4]

Notice of a Regional Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the City of Ocean Shores (the City), Washington for the Purchase of Resin Beads (Miex® DOC Resin) Manufactured Outside of the United States Under the Section 1605 Waiver Authority Based on the Conclusion That 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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Acting Regional Administrator of EPA Region 10, 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 City for the purchase of resin beads (MIEX® DOC Resin) supplied by Orica Ltd, in Victoria, Australia and manufactured in Australia. The

applicant indicates that MIEX® DOC Resin is necessary to the MIEX® process, a treatment process evaluated in pilot studies and selected for implementation. While the majority of other equipment is manufactured in the U.S., the MIEX® DOC Resin is only manufactured in Australia. It is patented and no alternative exists which can be used with the MIEX® process. The Acting Regional Administrator is making this determination based on the review and recommendations of the Drinking Water Unit. The City has provided sufficient documentation to support their request.

DATES: *Effective Date:* July 24, 2009.

FOR FURTHER INFORMATION CONTACT: Rick Green, DWSRF Coordinator, Drinking Water Unit (DWU), Office of Water & Watersheds (OWW), (206) 553-8504, U.S. EPA Region 10 (OWW-136), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.

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(b)(2) of Public Law 111-5, Buy American requirements, to the City for the acquisition of resin beads (MIEX® DOC Resin) supplied by Orica Ltd, in Victoria, Australia and manufactured in Australia. The applicant indicates that MIEX® DOC Resin is necessary to the MIEX® process, a treatment process evaluated in pilot studies at the City and selected for use. While the majority of other equipment is manufactured in the U.S., the MIEX® DOC Resin is only manufactured in Australia. It is patented and no alternative exists which can be used with the MIEX® process. 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 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 construction project being undertaken by the City is treatment of

water from a shallow aquifer, which contains problematic levels of iron, manganese, hydrogen sulfide, ammonia, organic nitrogen, and organic carbon. Based on the results of pilot studies, the City chose to use a combination of greensand filtration and the MIEX® process to treat this water supply. The community chose this treatment process over the alternatives of ultrafiltration or nanofiltration because the capital costs are significantly lower, the electrical consumption is significantly less, and there is much less water wasted during the treatment process.

The City's submission clearly articulates entirely reasonable reasons for choosing the type of technology that it chose for this project 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 HQ 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 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 City has incorporated specific technical design features for the proposed project based on pilot studies which demonstrated that the combination of greensand filtration and MIEX treatment is the best alternative.

The City has provided information to the EPA representing that there are currently no resin beads manufactured in the United States that have the exact same product specifications in place. The City has also provided certification from its supplier representing that there are no beads of comparable quality available from a domestic manufacturer to meet its exact specifications.

Based on additional research by EPA's consulting contractor (Cadmus), and to the best of the Region's knowledge at this time, there does not appear to be other resin beads available to meet the City's specifications.

Furthermore, the purpose of the ARRA provisions was to stimulate economic recovery by funding current infrastructure construction, not to delay projects that are already shovel ready by requiring entities, like the City, to revise their design and potentially choose a more costly and less efficient project. The imposition of ARRA Buy American requirements on such projects eligible

for DWSRF 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 most fundamental economic purposes of ARRA; to create or retain jobs.

The Drinking Water Unit (DWU) has reviewed this waiver request and has determined that the supporting documentation provided by the City is sufficient to meet the following 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 City’s design specifications.

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 City is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5 for the purchase of resin beads (MIEX® DOC Resin) supplied by Orica Ltd, in Victoria, Australia and manufactured in Australia as specified in the City’s request of June 26, 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.

Issued on: July 28, 2009.

Michelle Pirzadeh,

Acting Regional Administrator, EPA, Region 10.

[FR Doc. E9-19465 Filed 8-12-09; 8:45 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 9:03 a.m. on Tuesday, August 11, 2009, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation’s resolution activities.

In calling the meeting, the Board determined, on motion of Director Thomas J. Curry (Appointive), seconded by Vice Chairman Martin J. Gruenberg, concurred in by Ms. Julie L. Williams, acting in the place and stead of Director John C. Dugan (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 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)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the “Government in the Sunshine Act” (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

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

Dated: August 11, 2009.

Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.

[FR Doc. E9-19492 Filed 8-12-09; 8:45 am]

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GOVERNMENT ACCOUNTABILITY OFFICE

System of Personnel Records

AGENCY: Government Accountability Office.

ACTION: Notice of Establishment of Human Capital Management System of Records.

SUMMARY: The Government Accountability Office (GAO) proposes to establish a new system of personnel records under its privacy regulations, Privacy Procedures for Personnel Records. This Human Capital Management System of Records encompasses GAO payroll- and

personnel-related information maintained by GAO and exchanged with the U.S. Department of Agriculture’s National Finance Center (USDA/NFC) and the U.S. Department of the Treasury’s HR Connect program (Treasury/HR Connect). To support its human capital management activities, GAO has entered into interagency agreements with these two Federal Executive Branch agencies as shared service providers. USDA/NFC provides payroll and personnel information processing (Department of Agriculture, Systems of Record Notice OP-1), and Treasury/HR Connect operates a human capital management support system (Department of Treasury .001—Treasury Payroll and Personnel System). The policies and procedures described in this notice are intended to ensure that personal information contained in GAO’s personnel records is protected as provided by GAO’s privacy regulation.

DATES: Comments may be submitted on or before September 14, 2009.

ADDRESSES: Comments should be sent to: Government Accountability Office, Privacy Office, Room 1127, 441 G St., NW., Washington, DC 20548, or by e-mail to privacy@gao.gov. Please include reference to “Comment: Human Capital Management System of Records” at the top of a comment letter or in the subject line of an e-mail.

FOR FURTHER INFORMATION CONTACT: For information about GAO human capital information management, contact the Chief Human Capital Officer, Government Accountability Office, Room 1157, 441 G St., NW., Washington, DC 20548; e-mail, HCOhelp@gao.gov. For information about GAO privacy protections, contact the Chief Agency Privacy Officer, Government Accountability Office, Room 1127, 441 G St., NW., Washington, DC 20548; e-mail, privacy@gao.gov.

SUPPLEMENTARY INFORMATION:

Background

A. GAO. GAO is an independent, nonpartisan Legislative Branch agency that examines a wide range of government activities and provides analyses, recommendations, and other assistance to help Congress make sound oversight, policy, and funding decisions. As a Legislative Branch agency, GAO is not subject to the privacy and information security laws applicable to Executive Branch agencies, such as the Privacy Act of 1974 (Privacy Act), Federal Information Security Management Act of 2002 (FISMA), the E-Government Act of 2002 (E-Government Act), and Office of