

submit its final action in its report to Congress under the Act.

Dated: November 5, 2009.

**David R. Lloyd,**

*Director, Office of Brownfields and Land Revitalization, Office of Solid Waste and Emergency Response.*

[FR Doc. E9-27568 Filed 11-16-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2009-0430; FRL-8977-8]

### Final Notice of Data Availability Concerning Compliance Supplement Pool Allowance Allocations Under the Clean Air Interstate Rule Federal Implementation Plan.

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

**ACTION:** Notice of data availability (NODA).

**SUMMARY:** EPA is administering—under the Clean Air Interstate Rule (CAIR) Federal Implementation Plans (FIPs)—the CAIR NO<sub>x</sub> Annual Trading Program Compliance Supplement Pool (CAIR CSP) for the States of Delaware, Louisiana, Maryland, Pennsylvania, and Wisconsin. The CAIR FIPs require the Administrator to determine by order the CAIR CSP allowance allocations for units in these States whose owners and operators requested and qualify for these allocations and to provide the public with the opportunity to object to the determinations of allocations and denials of allocations. On August 6, 2009, EPA issued a NODA setting forth such determinations in the **Federal Register** and provided an opportunity for submission of objections. Through the NODA issued today, EPA is making available to the public the Agency's determinations, after considering all objections, of CAIR CSP allowance allocations and denials of such allocations under the FIPs, as well as the data upon which the allocations and denials of allocations were based.

**DATES:** Under § 97.143(d)(5), EPA must record, by January 1, 2010, the CSP allowance allocations, consistent with this NODA, in the compliance accounts of units whose owners and operators successfully applied for a CSP allowance allocation under the CAIR FIPs.

**Docket:** EPA established a docket for this action at <http://www.regulations.gov> under docket ID No. EPA-HQ-OAR-2009-0430. All documents in the docket (including documents showing EPA's

determinations of CAIR CSP allowance allocations and denials of allocations and the data upon which the allocations and denial of allocations were based) are listed in the <http://www.regulations.gov> index. Docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742.

#### FOR FURTHER INFORMATION CONTACT:

Questions concerning this action should be addressed to Robert L. Miller, EPA Headquarters, CAMD (6204J), 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone (202) 343-9077, and e-mail [miller.robertl@epa.gov](mailto:miller.robertl@epa.gov).

#### SUPPLEMENTARY INFORMATION:

For more background and information regarding the purpose of the NODA, requirements for requesting and receiving CAIR CSP allowances under the CAIR FIPs, procedures for allocating such allowances, the application by EPA of requirements to individual CSP allocation requests, and the interpretation the data upon which CSP allocations and denial of allocations were based, see the August 6, 2009 NODA (74 FR 39315, Aug. 6, 2009).

EPA received one objection to the determinations and data in the August 6, 2009 NODA. EPA responded to the objection in a written response in which EPA denied the objection (See Document ID EPA-HQ-OAR-2009-0430-0006). For the reasons set forth in the August 6, 2009 NODA, the NODA, and the response to the objection, EPA adopts the CSP allocations set forth in the August 6, 2009 NODA.

EPA is not requesting objections to the data provided in this final NODA. This action constitutes a final action for determining the CAIR CSP allowance allocations under § 97.143 and the CAIR FIPs.

Dated: October 27, 2009.

**Edward Callahan,**

*Acting Director, Office of Atmospheric Programs.*

[FR Doc. E9-27614 Filed 11-16-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8981-6]

### Notice of a Regional Project Waiver of Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Town of Newburyport, MA

**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 Town of Newburyport, Massachusetts ("Town") for the purchase of a foreign manufactured rotary sludge dewatering press. This is a project specific waiver and only applies to the use of the specified product for the ARRA project being proposed. Any other ARRA recipient that wishes to use the same product must apply for a separate waiver based on project specific circumstances. The Town's proposed wastewater treatment facility improvements will include replacement of the existing belt filter presses for sludge generated at the plant. Based upon information submitted by the Town and its consultants, it was determined that two 4-channel rotary press sludge dewatering units, manufactured by Fournier Industries of Quebec, Canada, will meet the Town's design and performance specifications. The Acting Regional Administrator is making this determination based on the review and recommendations of the Municipal Assistance Unit. The Town, through its consulting engineers, 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 ARRA. This action permits the purchase of two 4-channel rotary press sludge dewatering units, manufactured by Fournier Industries, by the Town, as specified in its August 13, 2009 request, as part of the improvements to the wastewater treatment facility.

**DATES:** Effective Date: November 3, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Mark Spinale, Environmental Engineer, (617) 918-1547, or Katie Connors,