

point source discharges from the application of pesticides to waters of the United States. States responsible for permitting these entities are also affected.

**Title:** National Pollutant Discharge Elimination System (NPDES) Permits for Point Source Discharges from the Application of Pesticides to Waters of the United States (New).

**ICR Numbers:** EPA ICR No. 2397.01, OMB Control No. 2040-NEW.

**ICR Status:** This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

**Abstract:** This Information Collection Request (ICR) calculates the burden and costs associated with information collection and reporting activities from EPA and State NPDES general permits for point source discharges from the application of pesticides to waters of the United States. On November 27, 2006, EPA issued a final rule (hereinafter called the "2006 NPDES Pesticides Rule") clarifying circumstances in which an NPDES permit was not required to apply pesticide to, or over, including near, waters of the U.S. On January 9, 2009, the Sixth Circuit Court vacated EPA's 2006 NPDES Pesticides Rule. As a result of the Court's decision, on April 9, 2011 NPDES permits will be required for discharges to waters of the U.S. from the application of biological pesticides and chemical pesticides that leave a residue. Regulations governing permit requirements for NPDES discharges are codified at 40 CFR parts 122. This ICR includes information submitted or recorded by permittees as well as information used primarily by permitting authorities. The permitting authority will use the information to assess permittee compliance and modify/add new permit requirements as appropriate. The estimated burden in this ICR is based on EPA's proposed NPDES Pesticide General Permit (PGP). EPA published the PGP in a **Federal Register** notice on June 4, 2010 (75 FR 31775) and received over 700 public comments. EPA is reviewing the comments and will address them in the

final permit. The final ICR will reflect the final permit.

**Burden Statement:** The annual permittees and permitting authorities (44 states and Virgin Islands) reporting and recordkeeping burden for this collection of information is estimated to average 0.8 hours per response. Burden means the total time, effort, or financial resources expended by permittees and permitting authorities to generate, maintain, retain, disclose or provide information to, or for, a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

**Estimated total number of potential respondents:** 365,000 permittees, 45 permitting authorities (44 states and Virgin Islands).

**Frequency of response:** varies from once every 5 years to occasionally as needed

**Estimated total average number of responses for each respondent:** 3.6.

**Estimated total annual burden hours:** 1,033,713 hours (987,904 hrs for permittees and 45,809 hrs for permitting authorities).

**Estimated total annual costs:** \$51,850,723 (\$50,109,969 for permittees and \$1,740,754 for permitting authorities). This includes an estimated labor burden cost of \$51,850,723 and an estimated cost of \$0 for capital investment or maintenance and operational costs.

**Change in the Estimates:** This is a new ICR. The burden from this ICR will be consolidated in the existing ICR for the NPDES Program (ICR Number 0229.19, OMB Number 2040-0004) during the next standard renewal cycle. The current annual burden in OMB's inventory for the existing NPDES Program ICR is 30,943,308 hours. This ICR will add 1,033,713 hours, increasing the burden by 3.3%.

#### What is the next step in the process for this ICR?

EPA will consider the comments received and amend this ICR as appropriate. EPA will also revise the burden estimates based on the final PGP. The final ICR package will then be submitted to OMB for review and

approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: October 27, 2010.

**Sheila E. Frace,**

*Acting Director, Office of Wastewater Management.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0848; FRL-8851-2]

### Notice of Intent To Suspend Certain Pesticide Registrations

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

**ACTION:** Notice.

**SUMMARY:** This notice, pursuant to section 6(f)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), publishes a Notice of Intent to Suspend issued by EPA pursuant to section 3(c)(2)(B) of FIFRA. The Notice of Intent to Suspend was issued following the Agency's issuance of a Data Call-In notice (DCI), which required the registrants of the affected pesticide products listed in Table 1, containing a certain pesticide active ingredient, to take appropriate steps to secure the data, as listed in Table 2, and following the registrant's failure to submit these data or to take other appropriate steps to secure the required data. The subject data were determined to be required to maintain in effect the existing registrations of the affected products. Failure to comply with the data requirements of a DCI is a basis for suspension of the affected registrations under section 3(c)(2)(B) of FIFRA.

**DATES:** Each Notice of Intent to Suspend included in this **Federal Register** notice will become a final and effective suspension order automatically by operation of law 30 days after the date of the registrant's receipt of the mailed Notice of Intent to Suspend, or 30 days after the date of publication of this notice in the **Federal Register** if the mailed Notice of Intent to Suspend is returned to the Administrator as undeliverable, if delivery is refused, or if the Administrator otherwise is unable to accomplish delivery to the registrant

after making reasonable efforts to do so, unless during that time a timely and adequate request for a hearing is made by a person adversely affected by the Notice of Intent to Suspend or the registrant has satisfied the Administrator that the registrant has complied fully with the requirements that served as a basis for the Notice of Intent to Suspend. Unit IV explains what must be done to avoid suspension under this notice (*i.e.*, how to request a hearing or how to comply fully with the requirements that served as a basis for the Notice of Intent to Suspend).

**FOR FURTHER INFORMATION CONTACT:** Terria Northern, Pesticide Re-evaluation Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC, 20460-0001; telephone number: (703) 305-7093; e-mail address: [northern.terria@epa.gov](mailto:northern.terria@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How can I get copies of this document and other related information?*

EPA has established a docket for this action under docket identification (ID)

number EPA-HQ-OPP-2010-0848. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

**II. Registrant Issued Notice of Intent to Suspend Active Ingredient, Product Affected, and Date Issued**

A Notice of Intent to Suspend was sent via the U.S. Postal Service (USPS), return receipt requested, to the registrants for the products listed in Table 1 of this unit.

TABLE 1—LIST OF PRODUCTS

Registrant affected	Active ingredient	EPA registration number	Product name	Date EPA issued notice of intent to suspend
Roebic Labs Inc. ....	Copper Compounds .....	7792-1	Roebic Root Killer Formula K-77	TBD.
Roebic Labs Inc. ....	Copper Compounds .....	7792-5	Roebic Root ENDZ .....	TBD.
Qualco Inc. ....	Copper Compounds .....	3525-102	Winter Tablets "W" .....	TBD.

**III. Basis for Issuance of Notice of Intent to Suspend; Requirement List**

The registrants failed to submit the required data or information or to take

other appropriate steps to secure the required data listed in Table 2 for their pesticide products.

TABLE 2—LIST OF REQUIREMENTS

EPA registration number	Guideline # as listed in applicable DCI	Requirement name	Date EPA issued DCI	Date registrant received DCI	Final data due date	Reason for notice of intent to suspend
7792-1 .....	830.1550	Product identity and composition.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
7792-5 .....	830.1600	Description of materials used to produce the product.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
3525-102 .....	830.1620	Description of production process.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.1650	Description of formulation process.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.1670	Discussion of formation of impurities.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.1700	Preliminary analysis .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.1750	Certified limits .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.1800	Enforcement analytical method.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.6302	Color .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.6303	Physical state .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.6304	Odor .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.

TABLE 2—LIST OF REQUIREMENTS—Continued

EPA registration number	Guideline # as listed in applicable DCI	Requirement name	Date EPA issued DCI	Date registrant received DCI	Final data due date	Reason for notice of intent to suspend
	830.6313	Stability to normal and elevated temperatures, metals, and metal ions.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.6314	Oxidizing or reducing action.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.6315	Flammability .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.6316	Explosibility .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.6317	Storage stability .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.6319	Miscibility .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.6320	Corrosion characteristics	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.6321	Dielectric breakdown voltage.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7000	pH .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7050	UV/Visible absorption .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7100	Viscosity .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7200	Melting point/melting range.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7220	Boiling point/Boiling range	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7300	Density/relative density ....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7370	Dissociation constants in water.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7550	Partition coefficient (n-octanol/water) shake flask method.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7570	Partition coefficient (n-octanol/water), estimation by liquid chromatography.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7840	Water solubility: Column elution method, shake flask method.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7860	Water solubility, generator column method.	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	830.7950	Vapor pressure .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	870.1100	Acute Oral Toxicity .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	870.1200	Acute dermal toxicity .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	870.1300	Acute inhalation toxicity ...	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	870.2400	Acute eye irritation .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	870.2500	Acute dermal irritation .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.
	870.2600	Skin sensitization .....	December 14, 2007.	December 24, 2007.	August 30, 2008	No data received.

#### IV. How to avoid suspension under this Notice?

1. You may avoid suspension under this notice if you or another person adversely affected by this notice properly request a hearing within 30 days of your receipt of the Notice of Intent to Suspend by mail or, if you did

not receive the notice that was sent to you via USPS first class mail, return receipt requested, then within 30 days from the date of publication of this **Federal Register** notice (*see DATES*). If you request a hearing, it will be conducted in accordance with the requirements of section 6(d) of FIFRA and the Agency's procedural regulations

in 40 CFR part 164. Section 3(c)(2)(B) of FIFRA, however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this notice and whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA.

Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, any allegations of errors or unfairness in any proceedings before an arbitrator, and the risks and benefits associated with continued registration of the affected product, may be considered in the proceeding. The Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding. Section 3(c)(2)(B)(iv) of FIFRA provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75-day period may not be extended unless all parties in the proceeding stipulate to such an extension. If a hearing is properly requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your product(s). A request for a hearing pursuant to this notice must:

- Include specific objections which pertain to the allowable issues which may be heard at the hearing.
- Identify the registrations for which a hearing is requested.
- Set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing.

If a hearing is requested by any person other than the registrant, that person must also state specifically why he/she asserts that he/she would be adversely affected by the suspension action described in this notice. Three copies of the request must be submitted to: Hearing Clerk, 1900, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

An additional copy should be sent to the person who signed this notice. The request must be received by the Hearing Clerk by the applicable 30th day deadline as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice in the **Federal Register**, as set forth in **DATES** and in Unit IV.1., in order to be legally effective. The 30-day time limit is established by FIFRA and cannot be extended for any reason. Failure to meet the 30-day time limit will result in automatic suspension of your registration(s) by operation of law and, under such circumstances, the suspension of the registration for your affected products will be final and effective at the close of business on the

applicable 30th day deadline as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice in the **Federal Register**, as set forth in **DATES** and in Unit IV.1., and will not be subject to further administrative review. The Agency's rules of practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex-parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office of the Administrative Law Judges, the Office of the Environmental Appeals Board, the Administrator, the Deputy Administrator, and the members of the staff in the immediate offices of the Administrator and Deputy Administrator. None of the persons designated as the judicial staff shall have any *ex-parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

2. You may also avoid suspension if, within the applicable 30 day deadline period as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice in the **Federal Register**, as set forth in **DATES** and in Unit IV.1., the Agency determines that you have taken appropriate steps to comply with the FIFRA section 3(c)(2)(B) Data Call-In notice. In order to avoid suspension under this option, you must satisfactorily comply with the data requirements listed in Table 2—List of Requirements in Unit II, for each product by submitting all required supporting data/information described in Table 2, and in the Explanatory Appendix (in the docket for this **Federal Register** notice) to the following address (preferably by certified mail): Office of Pesticide Programs, Pesticide Re-evaluation Division, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

For you to avoid automatic suspension under this notice, the Agency must also determine within the applicable 30-day deadline period that you have satisfied the requirements that are the bases of this notice and so notify

you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your products. The suspension of the registrations of your company's products pursuant to this notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this notice. Such compliance may only be achieved by submission of the data/information described in Table 2 of Unit II.

## V. Status of Products That Become Suspended

Your product will remain suspended until the Agency determines you are in compliance with the requirements which are the bases of this notice and so informs you in writing.

After the suspension becomes final and effective, the registrants subject to this notice, including all supplemental registrants of products listed in Table 1 of Unit II., may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive, and having so received, deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Persons other than the registrants subject to this notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive, and having so received, deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Nothing in this notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive, and having so received, deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II in any manner which would have been unlawful prior to the suspension.

If the registrations for your products listed in Table 1 of Unit II are currently suspended as a result of failure to comply with another FIFRA section 3(c)(2)(B) Data Call-In notice or section 4 Data Requirements notice, this notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, *i.e.*, all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

It is the responsibility of the basic registrant to notify all supplementary registered distributors of a basic registered product that this suspension action also applies to their supplementary registered products. The basic registrant may be held liable for

violations committed by their distributors.

Any questions about the requirements and procedures set forth in this notice or in the subject FIFRA section 3(c)(2)(B) Data Call-In notice, should be addressed to the person listed under **FOR FURTHER INFORMATION CONTACT**.

#### **VI. What is the Agency's authority for taking this action?**

The Agency's authority for taking this action is contained in sections 3(c)(2)(B) and 6(f)(2) of FIFRA, 7 U.S.C. 136 *et seq.*

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: October 25, 2010.

**Richard P. Keigwin, Jr.,**

*Director, Pesticide Re-evaluation Division,  
Office of Pesticide Programs.*

[FR Doc. 2010-27506 Filed 11-2-10; 8:45 am]

**BILLING CODE 6560-50-P**

### **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9220-8]

#### **Meeting of the Local Government Advisory Committee**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** The Local Government Advisory Committee (LGAC) will meet on November 17-18, 2010, in Washington, DC. The Committee meeting will be located at The Hall of States, 444 North Capitol Street, NW., Washington, DC. The focus of the Committee meeting will be on Administrator Lisa P. Jackson's priorities for EPA: Protecting America's waters; cleaning up our communities; expanding the conversation on environmental protection; improving air quality; taking action on climate change; assuring the safety of chemicals, and building strong partnerships.

This is an open meeting and all interested persons are invited to attend. The Committee will hear comments from the public between 3:15 p.m. and 3:45 p.m. on Wednesday, November 17, 2010. Individuals or organizations wishing to address the LGAC meeting will be allowed a maximum of five minutes to present their point of view. Also, written comments should be submitted electronically to [Eargle.Frances@epa.gov](mailto:Eargle.Frances@epa.gov). Please contact the Designated Federal Officer (DFO) at the number listed below to schedule agenda time. Time will be allotted on a first come first serve basis, and the total

period for comments may be extended if the number of requests for appearances requires it.

**DATES:** November 17-18, 2010.

**ADDRESSES:** The LGAC meeting will be held at The Hall of States, located at 444 North Capitol Street NW., Washington DC. The Committee's meeting minutes and summary notes will be available after the meeting online at <http://www.epa.gov/ocir/scas> and can be obtained by written request to the DFO.

**FOR FURTHER INFORMATION CONTACT:** Frances Eargle, DFO for the Local Government Advisory Committee (LGAC) at (202) 564-3115 or e-mail at [Eargle.Frances@epa.gov](mailto:Eargle.Frances@epa.gov).

**INFORMATION ON SERVICES FOR THOSE WITH DISABILITIES:** For Information on access or services for individuals with disabilities, please contact Frances Eargle at (202) 564-3115 or [eargle.frances@epa.gov](mailto:eargle.frances@epa.gov). To request accommodation of a disability, please request it 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: October 29, 2010.

**Frances Eargle,**

*Designated Federal Officer, Local Government Advisory Committee.*

[FR Doc. 2010-27875 Filed 11-2-10; 8:45 am]

**BILLING CODE 6560-50-P**

### **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9220-3]

#### **Notice of a Project Waiver of Section 1605: (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Town of Windsor, CA; Project# 4910017-033 Funded by the California DWSRF ARRA Loan# AR09FP45**

**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 Town of Windsor, a California Drinking Water State Revolving Fund (DWSRF)/ARRA loan recipient, for the purchase of a 20-inch diameter mild steel well casing (API standard 5L or ASTM standard A53 schedule 30b or better). This is a project-specific waiver and only applies to the use of the specified product for the ARRA-funded

project being proposed. Any other ARRA project that may wish to use the same product must apply for a separate waiver based on project-specific circumstances. The Assistant Administrator of the Office of Administration and Resources Management has concurred on this decision to make an exception under section 1605(b)(2) of ARRA.

**DATES:** *Effective Date:* August 13, 2010.

**FOR FURTHER INFORMATION CONTACT:** Abimbola Odusoga, Environmental Engineer, Water Division, Infrastructure Office (WTR-4), (415) 972-3437, U.S. EPA Region 9, 75 Hawthorne, San Francisco, CA, 94105.

**SUPPLEMENTARY INFORMATION:** In accordance with ARRA Section 1605(c) and OMB regulations at 2 CFR Part 176, Subpart B, the EPA hereby provides notice that it is granting a late project waiver of the requirements of Section 1605(a) of Public Law 111-5, Buy American requirements, to the City for the purchase and use of a 20-inch diameter mild steel well casing manufactured abroad. The head of each Federal agency is authorized to issue project waivers pursuant to Section 1605(c) of ARRA. A delegation of authority memorandum was issued by the EPA Administrator on March 31, 2009 which provided EPA Regional Administrators with the authority to issue waivers to Section 1605(a) of ARRA within the geographic boundaries of their respective regions and with respect to requests by individual recipients of ARRA financial assistance.

This waiver request came after the goods had been used in the project. Under 2 CFR 176.130(c)(1), the applicable noncompliance provision regarding unauthorized use of foreign manufactured goods, EPA is authorized to process a waiver under 2 CFR 176.120(a) if "the need for such determination otherwise was not reasonably foreseeable." EPA has further outlined this process in its April 28, 2009 memorandum: Implementation of Buy American provisions of Public Law 111-5, the "American Recovery and Reinvestment Act of 2009" (the April 28 memorandum). EPA has determined under these circumstances that the need for such a waiver was not reasonably foreseeable. Therefore, under the authority of 2 CFR 176.120 and 176.130(c)(1), and as explained in the April 28 memorandum, EPA will process the waiver request as if it was requested in a timely manner. EPA has determined that it would have evaluated a waiver request had the recipient applied for a waiver prior to using the foreign casing in the ARRA project. EPA