

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". Based on conversations with the District, the technical design specifications for the manhole cover and frame were provided separately to all of the interested contractors prior to bid to ensure that materials would meet the District's standard specifications.

The District has provided information to the EPA representing that there are currently no ductile iron manhole frames and covers manufactured in the United States that have the exact same product specifications in place. The District has also provided certification from its supplier representing that there are no other ductile iron manhole covers and frames from a domestic manufacturer to meet the District's exact specifications.

Based on additional research (*i.e.* Internet product literature search and follow-up telephone calls) conducted by the Municipal Assistance Unit and to the best of the Region's knowledge at the time of the review, there do not appear to be other manhole covers and frames available to meet the District's exact technical specifications. There is one domestic manufacturer that has a product that appears to have most of the same attributes (*e.g.* ductile iron cover and frame, hinged cover, and a locking capability). However, based on information provided to the EPA at the time of the review, it did not have the spring loaded feature for its 24" diameter manhole cover.

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 Auburn, Maine Sewerage District, 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 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 a fundamental economic purpose of the ARRA, which is to create or retain jobs.

The Municipal Assistance Unit (CMU) has reviewed this waiver request and has determined that the supporting documentation provided by the Auburn, Maine Sewerage District is sufficient to meet the 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 District's technical specifications, 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 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 Auburn, Maine Sewerage District is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5 for the purchase of ductile iron manhole covers and frames using ARRA funds as specified in the District's request of April 6, 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.

June 8, 2009.

**Ira W. Leighton,**

*Acting Regional Administrator, Region I, New England.*

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## EXPORT-IMPORT BANK OF THE U.S.

[Public Notice 119]

### Agency Information Collection Activities: Final Collection; Comment Request

**AGENCY:** Export-Import Bank of the U.S.

**ACTION:** Submission for OMB review and comments request.

*Form Title:* Payment Default Report (EIB 09-01).

**SUMMARY:** The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

This collection allows insured/guaranteed parties and insurance brokers to report overdue payments from the borrower and/or guarantor. Ex-Im Bank customers will submit this form electronically through Ex-Im Online, replacing paper reporting. Ex-Im Bank has simplified reporting of payment defaults in this form by including checkboxes and providing for many fields to be self-populated. Ex-Im Bank provides insurance, loans, and guarantees for the financing of exports of goods and services.

**DATES:** Comments should be received on or before July 22, 2009 to be assured of consideration.

**ADDRESSES:** Direct all comments to Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20038.

#### SUPPLEMENTARY INFORMATION:

*Titles and Form Number:* EIB 09-01 Payment Default Report.

*OMB Number:* None.

*Type of Review:* Regular.

*Need and Use:* The information requested enables insured/guaranteed parties and insurance brokers to report overdue payments from the borrower and/or guarantor.

*Affected Public:* Insured/guaranteed parties and brokers.

*Annual Number of Respondents:* 200.

*Estimated Time per Respondent:* 15 minutes.

*Government Annual Burden Hours:* 16.67.

**Sharon A. Whitt,**

*Agency Clearance Officer.*

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