

|                        | Number of respondents | Annual responses | × | Hours per response | = | Burden hours |
|------------------------|-----------------------|------------------|---|--------------------|---|--------------|
| Reporting Burden ..... | 492,450               | 6.129            |   | 0.354              |   | 1,071,354    |

*Total Estimated Burden Hours:*  
1,071,354.

*Status:* Revision of currently approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 24, 2009.

**Lillian Deitzer,**

*Departmental Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. E9-15478 Filed 6-29-09; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5311-N-03]

**Buy American Exception Under the American Recovery and Reinvestment Act of 2009**

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** In accordance with the American Recovery and Reinvestment Act of 2009 (Recovery Act), and implementing guidance of the Office of Management and Budget (OMB), this notice advises that an exception to the Buy American requirements of the Recovery Act was determined applicable to the Boston Housing Authority's construction of a project using Recovery Act funds.

**FOR FURTHER INFORMATION CONTACT:** Dominique G. Blom, Deputy Assistant Secretary for Public Housing Investments, Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4210, Washington, DC 20410-4000, telephone 202-402-8500 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800-877-8339.

**SUPPLEMENTARY INFORMATION:** Section 1605(a) of the Recovery Act imposes a "Buy American" requirement on Recovery Act funds used for a project 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. Section 1605(b) provides that the Buy American requirement shall not apply in any case or category in which the head of Federal department or agency finds that: (1) Applying the Buy American requirement would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the U.S. in sufficient and reasonably available quantities or of satisfactory quality, or (3) inclusion of iron, steel, and manufactured goods will increase the cost of the overall project by more than 25 percent. Section 1605(c) provides that if the head of a Federal department or agency makes a determination pursuant to section 1605(b), the head of the department or agency shall publish a detailed written justification in the **Federal Register**.

In accordance with section 1605(c) of the Recovery Act and OMB's implementing guidance published on April 23, 2009 (74 FR 18449), this notice advises the public that, on June 11, 2009, HUD granted the Boston Housing Authority, upon its request, an exception to applicability of the Buy American requirements with respect to work, using Recovery Act funds, in connection with the construction of units for Phase 1B of the Washington Beech HOPE VI project. Although a final determination of applicability of the Buy American requirements to housing had not been made at the time that HUD granted the exception, given the compelling exigencies presented by BHA in its waiver request (as described in this notice), HUD considered the waiver request on the assumption of the applicability of the Buy American requirements to the Phase 1B project. The exception was granted by HUD on the basis that applicability of the Recovery Act Buy American requirements would be inconsistent with the public interest.

BHA received Recovery Act funds in the amount of \$10 million for construction of Phase 1B units of the Washington Beech HOPE VI project. An award of the HOPE VI funds to BHA predated BHA's award of the Recovery Act funds. BHA notified HUD that it had procured Trinity Financial as its development partner in 2007 for the HOPE VI grant awarded for the construction of the Phase 1B units. Because the award of the HOPE VI grant to BHA was made prior to passage of the

Recovery Act's requirements, the requirements of section 1605(a) were not included in BHA's procurement process. Trinity Financial secured and selected a general contractor, CWC Builders, Inc., to build the units in Phase 1B. This construction contract between Trinity Financial and CWC was also negotiated prior to the passage of the Recovery Act, and accordingly section 1605 requirements were not included in the contract. The contract requires CWC Builders to obtain all structural steel as soon as possible to meet the construction deadlines for the Phase 1B project.

In addition to these contracts entered into prior to the Recovery Act, Washington Beech Phase 1B will be developed by a limited partnership that includes a tax credit investor, RBC Tax Credit Equity, LLC (RBC). Prior to passage of the Recovery Act, Trinity Financial received a commitment from RBC to provide equity through the Low-Income Housing Tax Credit (LIHTC) program. RBC informed Trinity Financial and BHA that if the funding transaction for Phase 1B did not close and documents were not recorded by June 15, 2009, RBC would withdraw its offer to purchase the Phase 1B credits. Such withdrawal would place Trinity Financial in the situation of having to renegotiate the tax credit contribution or find another equity investor. BHA advised that delay at this juncture would imperil the availability of the tax credits and jeopardize the ability to complete construction of the Phase 1B units by the deadline of July 28, 2010. BHA also advised that, in accordance with the contracts entered into prior to enactment of the Recovery Act, CWC Builders are ready to begin construction immediately upon the closing that was scheduled to take place on June 15, 2009. BHA advised that if there is a delay in the start of construction, jobs planned by the construction would be lost.

HUD determined that application of the Buy American requirements to the Phase 1B units, given the actions and contracts that occurred prior to enactment of the Recovery Act would be inconsistent with the public interest. The exception granted is for Phase 1B units only. It is not applicable to future construction phases at the Washington Beech HOPE VI project.

Dated: June 23, 2009.

**Dominique G. Blom,**

*Deputy Assistant Secretary for Public Housing Investments.*

[FR Doc. E9-15480 Filed 6-29-09; 8:45 am]

BILLING CODE 4210-67-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5300-N-07]

### Notice of Availability: Notice of Funding Availability (NOFA) for Fiscal Year (FY) 2009 Healthy Homes Technical Studies

**AGENCY:** Office of Healthy Homes and Lead Hazard Control, HUD.

**ACTION:** Notice.

**SUMMARY:** Through this notice, HUD announces the availability on its Web site of the application information, submission deadlines, funding criteria, and other requirements for the FY2009 Healthy Homes Technical Studies NOFA. The Healthy Homes Technical Studies NOFA makes \$4 million available under the Department of Housing and Urban Development Appropriations Act 2009 (Pub. L. 111-8, approved March 11, 2009). Applicants for assistance under the Healthy Homes Technical Studies NOFA must address applicable requirements found in the Notice of HUD's Fiscal Year 2009 Notice of Funding Availability (NOFA) Policy Requirements and General Section to the HUD's FY2009 NOFAs for Discretionary Programs published on December 29, 2008 (73 FR 79548), as amended on April 16, 2009 (74 FR 17685). Applicants should take particular note that they should follow the application submission instructions contained in this NOFA and not use those in the General Section. The notice providing information regarding the application process, funding criteria and eligibility requirements is available on the HUD Web site at <http://www.hud.gov/lead>.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the Healthy Homes Technical Studies Program, contact Dr. Peter Ashley, Office of Healthy Homes and Lead Hazard Control, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8236, Washington, DC 20410-3000; telephone 202-402-7595 (this is not a toll-free number) or via e-mail at [Peter.J.Ashley@hud.gov](mailto:Peter.J.Ashley@hud.gov). Persons with speech or hearing impairments may access this telephone number via TTY by calling the toll-free Federal

Information Relay Service during working hours at 800-877-8339.

Dated: June 18, 2009.

**Jon L. Gant,**

*Director, Office of Healthy Homes and Lead Hazard Control.*

[FR Doc. E9-15460 Filed 6-25-09; 4:15 pm]

BILLING CODE 4210-67-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5324-N-01]

### Notice of Regulatory Waiver Requests Granted for the First Quarter of Calendar Year 2009

**AGENCY:** Office of the General Counsel, HUD.

**ACTION:** Notice.

**SUMMARY:** Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on January 1, 2009 and ending on March 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice, contact Aaron Santa Anna, Assistant General Counsel for Regulations, Department of Housing and Urban Development, 451 7th Street, SW., Room 10276, Washington, DC 20410-0500, telephone (202) 708-3055 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the first quarter of calendar year 2009.

#### SUPPLEMENTARY INFORMATION:

Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall: a. Identify the project, activity, or undertaking involved; b. Describe the nature of the provision waived and the designation of the provision; c. Indicate the name and title of the person who granted the waiver request; d. Describe briefly the grounds for approval of the request; and e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from January 1, 2009 through March 31, 2009. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, *etc.*). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is