

same function (e.g., brackets), the specific manufacturer and configuration may vary from project to project, making the analysis and consideration of individual waiver requests for them, including determining whether or not U.S. made products exist, is expected to be time-consuming and labor intensive far out of proportion to the percentage of total project materials they comprise. Further, since the specific use of these low-cost components can be expected to be widely varied, formulating categorical waivers for specific types of components would be impractical. Because the situations described above, i.e. a high number of low-cost, miscellaneous components, can be effectively addressed by a comprehensive application of a nationwide *de minimis* waiver, RUS finds that it would be inconsistent with the public interest to apply the Buy American requirement to incidental components when they in total comprise no more than 5 percent of the total cost of the materials used in and incorporated into a project.

In some instances, the Rural Utilities Service and the Environmental Protection Agency's (EPA) Clean Drinking Water State Revolving Funds (SRF) program jointly fund water infrastructure projects. The EPA undertook inquiries to identify the approximate scope of incidental components within its SRF water infrastructure projects. The responses were consistent and indicated that the percentage of total costs for drinking water or wastewater treatment infrastructure projects represented by these incidental components is generally not in excess of 5 percent of the total costs of the materials used in and incorporated into a project.

As a result of its research and analysis, EPA published two **Federal Register** notices of *de minimis* waivers. The first was published on Tuesday, June 2, 2009 (FR Vol. 74, No. 104, pp. 26398 and 26399), and set forth the EPA's determination with respect to a public interest finding on *de minimis*. The second notice, which revised the first, was published on Monday, August 10, 2009 (FR Vol. 74, No. 152, pp. 39959 and 39960). By these waivers the EPA has also determined that imposing ARRA's Buy American requirements for the category of *de minimis* incidental components is not in the public interest.

While the authorizing statutes and funding sources for the EPA and RUS borrowers are different, the types of projects that EPA finances under its SRF program are substantially similar in size, scope and purpose as those funded by RUS and, as stated above, some

projects are jointly funded by RUS and EPA. The Rural Utilities Service has decades of experience in financing water and wastewater projects in rural America and shares the EPA's rationale with respect to incidental components used in similar projects. With respect to jointly-funded projects, it is desirable to avoid disparate treatment of components based on whether or not ARRA funds come from EPA or RUS. Section 1605 should be administered consistently, both within a particular Federal agency and, to the extent possible, between agencies. Promoting consistent treatment and avoiding unnecessary delays in committing ARRA financing to projects around the country are crucial to the success of ARRA. Requiring individual waivers for incidental components would be time prohibitive and overly burdensome for applicants and RUS. The purpose of ARRA is to stimulate economic recovery by funding current infrastructure construction, not to delay projects that are "shovel ready." Therefore, a *de minimis* waiver of incidental components totaling no more than 5 percent of total project costs is in the public interest.

### III. Waiver

Based on the public interest finding discussed above and pursuant to Section 1605(c), USDA hereby issues a national waiver from the requirements of ARRA Section 1605 for any incidental components of the type described above that comprise in total a *de minimis* amount of the project, specifically, for any such incidental components up to a limit of no more than 5 percent of the total cost of the materials used in and incorporated into a project.

Assistance recipients who elect to use this waiver shall, in consultation with their contractors, determine the items to be covered by this waiver, retain relevant documentation as to those items in their project files, and be able to summarize in reports to RUS, if so requested, the types and/or categories of items to which this waiver is applied, the total cost of incidental components covered by the waiver for each type or category, and the calculations by which they determined the total cost of materials used in and incorporated into the project.

In using this waiver, assistance recipients must consider that there may be circumstances where there are multiple types of low-cost components which, when combined with the incidental components described above, may total more than 5 percent.

Assistance recipients in such cases will have to choose which of these incidental components will be covered by the waiver and which will not. Components that the recipient is unable to include within the 5 percent limit of this waiver must comply with the requirements of section 1605 of ARRA by appropriate means other than reliance on this waiver.

Further, as described above, in some cases RUS and EPA jointly fund projects. Both RUS and EPA have issued *de minimis* waivers that have a cap of a total of 5 percent of project costs. In the case of a jointly funded project, these waivers shall not be combined to create a waiver of greater than 5 percent of total project costs.

This supplementary information constitutes the "detailed written justification" required by Section 1605(c) of ARRA and Section 176.80 of the Office of Management and Budget's rules for waivers of the Buy American provisions.

**Authority:** Public Law 111-5, Section 1605.

Dated: September 21, 2009.

**Thomas J. Vilsack,**  
*Secretary.*

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**BILLING CODE 3410-15-P**

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## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Prop Canyon Watershed, Site 1 (Big Draw Dam), Cibola County, NM

**AGENCY:** Natural Resources Conservation Service, USDA.

**ACTION:** Notice of a Finding of No Significant Impact.

**SUMMARY:** Pursuant to Section 102 (2) (C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Regulations (7 CFR part 650); the Natural Resources Conservation Service, U. S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Prop Canyon Watershed, Site 1, Grant County, New Mexico.

**FOR FURTHER INFORMATION CONTACT:** Roger Ford, State Conservation Engineer, Natural Resources Conservation Service, 6200 Jefferson Street, NE., Albuquerque, New Mexico 87109, Telephone 505-761-4430, E-mail [roger.ford@nm.usda.gov](mailto:roger.ford@nm.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Environmental Assessment of the federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Dennis Alexander, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project purpose is to improve public safety by reducing the threat of dam failure. The planned works include the installation of a filter, confining berm, restoration of the original dam cross-sectional shape, and the addition of a gravel shell over the dam's slope and crest. The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency; various Federal, state, and local agencies; and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address. Basic data developed during the EA are on file and may be reviewed by contacting Roger Ford. No administrative action on implementation of the proposed action will be taken until 30 days after the date of this publication in the **Federal Register**.

**Rosabeth Garcia-Sais,**

*State Administrative Officer.*

[FR Doc. E9-23204 Filed 9-24-09; 8:45 am]

**BILLING CODE 3410-16-P**

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Fresno County Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Fresno County Resource Advisory Committee will be meeting in Prather, California on October 21 and Clovis, California on November 18th. The purpose of these meetings will be to accept project proposals for the next funding cycle as authorized under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 110-343) for expenditure of Payments to States Fresno County Title II funds.

**DATES:** The meetings will be held on October 21, 2009 from 6 p.m. to 8 p.m. in Prather, CA and November 18, 2009 from 6 p.m. to 8 p.m. in Clovis, CA.

**ADDRESSES:** The meeting on October 21st will be held at the High Sierra Ranger District, 29688 Auberry Rd. Prather, CA and the meeting on November 18th will be held at the Sierra

National Forest Supervisor's Office, 1600 Tollhouse Rd. Clovis, CA. Send written comments to Robbin Ekman, Fresno County Resource Advisory Committee Coordinator, c/o Sierra National Forest, High Sierra Ranger District, 29688 Auberry Road, Prather, CA 93651 or electronically to [rekman@fs.fed.us](mailto:rekman@fs.fed.us).

**FOR FURTHER INFORMATION CONTACT:** Robbin Ekman, Fresno County Resource Advisory Committee Coordinator, (559) 855-5355 ext. 3341.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who I wish to bring Payments to States Fresno County Title II project matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Agenda items to be covered include: (1) Accept Project Proposals, (2) Discuss Member Recruitment.

Dated: September 18, 2009.

**Ray Porter,**

*District Ranger.*

[FR Doc. E9-23036 Filed 9-24-09; 8:45 am]

**BILLING CODE 3410-11-M**

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Deschutes Provincial Advisory Committee (DPAC)

**AGENCY:** Forest Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The Deschutes Provincial Advisory Committee will meet on October 8, 2009, to review the PAC Recommendation from the Restoration Subcommittee, Update members on Travel Management Subcommittee and the DEIS), and then visit the field on the Bend-Ft. Rock Ranger District to discuss fire in ponderosa pine ecosystems. The meeting will start at 8:30 a.m. at the Bend-Ft. Rock Ranger District at Red Oaks Square, 1230 NE 3 St, Suite A-262, Bend, Oregon in the East/West Conference Room.

Members will be updated on the Winter Recreation Sustainability Analysis. Following an Open Public Forum, members will travel to the field to have lunch and visit examples of prescribed burning. The trip is scheduled to end at 4:30 p.m. in Bend. All Deschutes Province Advisory Committee Meetings are open to the public.

**FOR FURTHER INFORMATION CONTACT:** Chris Mickle, Province Liaison, Crescent Ranger District, Highway 97, Crescent, Oregon 97733, Phone (541) 433-3216.

**John Allen,**

*Deschutes National Forest Supervisor.*

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**BILLING CODE 3410-11-M**

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## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the Alabama Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Alabama Advisory Committee (Committee) to the Commission will convene by conference call at 1:30 p.m. and adjourn at approximately 2:30 p.m. on Thursday, November 19, 2009. The purpose of this meeting is to discuss the Committee's civil rights project.

This meeting is available to the public through the following toll-free call-in number: (866) 364-7584, conference call access code number 30830452. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and contact name Farella E. Robinson.

To ensure that the Commission secures an appropriate number of lines for the public, persons are asked to register by contacting Corrine Sanders of the Central Regional Office and TTY/TDD telephone number, by 4:00 p.m. on November 13, 2009.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by December 19, 2009. The address is U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. Comments may be e-mailed to [frobinson@usccr.gov](mailto:frobinson@usccr.gov). Records generated by this meeting may be inspected and reproduced at the Central Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory