

Ruidoso included a performance guarantee in the request for proposal (RFP) as well as the original specification. Enviroquip's performance guarantee applies to the entire MBR system, including all components supplied by Enviroquip, which would be voided by substitution of other components. The potential voiding of the performance raises a valid issue regarding availability of alternative aeration blowers. The existence of such a performance guarantee supports treating the entire MBR system as a unitary whole, rather than a collection of individual components. Therefore, EPA Region 6 concludes that only the "Enviroquip MBR System—as a whole" meets the "specifications in project plans and design."

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." Ruidoso has incorporated specific technical design requirements for the installation of the MBR system at its WWTP.

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 Ruidoso, to revise their standards and specifications, institute a new bidding process, and potentially choose a more costly, less efficient project. 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 the fundamental economic purpose of the ARRA, which is to create or retain jobs.

The Region 6 Water Quality Protection Division has reviewed this waiver request, and to the best of my knowledge at the time of review, has determined that the supporting documentation provided by Ruidoso is sufficient to meet the criteria listed under ARRA, Section 1605(b), Office of Management and Budget (OMB) regulations at 2 CFR 176.60-176.170., 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 ARRA, 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 Ruidoso's technical specifications, a waiver from the Buy American requirement is justified.

EPA headquarters' 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, Ruidoso is hereby granted a waiver from the Buy American requirements of ARRA, Section 1605(a) of Public Law 111-5 for the purchase of "Enviroquip MBR system" using ARRA funds, as specified in Ruidoso's request of July 6, 2009. This supplementary information constitutes the detailed written justification required by ARRA, Section 1605(c), for waivers "based on a finding under subsection (b)."

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

Dated: August 24, 2009.

**Lawrence E. Starfield,**  
Acting Regional Administrator, Region 6.  
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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8970-3]

### EPA Science Advisory Board Staff Office; Request for Nominations of Experts for the SAB Methanol Review Panel

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

**ACTION:** Notice request for nominations.

**SUMMARY:** The Science Advisory Board (SAB) Staff Office is requesting public nominations of experts to form an SAB *Ad Hoc* Panel to review EPA's health effects assessment for Methanol.

**DATES:** Nominations should be submitted by November 10, 2009 per instructions below.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding this Request for Nominations may contact Mr. Edward Hanlon, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 343-9946; by fax at (202) 233-0643; or via e-mail at [hanlon.edward@epa.gov](mailto:hanlon.edward@epa.gov). General information concerning the EPA Science Advisory Board can be found on the EPA SAB Web site at <http://www.epa.gov/sab>.

#### SUPPLEMENTARY INFORMATION:

**Background:** EPA's Integrated Risk Information System (IRIS) is an electronic database containing descriptive and quantitative toxicological information on human health effects that may result from chronic exposure to various substances in the environment. This information supports human health risk assessments, and includes hazard identification and dose-response data and derivations of oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for noncancer effects and oral slope factors and oral and inhalation unit risks for cancer effects. IRIS is prepared and maintained by EPA's National Center for Environmental Assessment (NCEA) within the Office of Research and Development (ORD). NCEA is updating the health effects information that supported the 1988 IRIS Toxicological Assessment for Methanol, and has requested that SAB conduct a review of its updated Assessment.

The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice, consultation and recommendations to the EPA Administrator on the technical basis for Agency positions and regulations. The SAB Staff Office will form an expert Panel to review ORD's draft IRIS Toxicological Assessment for Methanol. The SAB Panel will comply with the provisions of the Federal Advisory Committee Act (FACA) and all appropriate SAB procedural policies. Upon completion, the Panel's report will be submitted to the chartered SAB for final approval for transmittal to the EPA Administrator. The Methanol Review Panel is being asked to comment on the scientific soundness of the Agency's draft IRIS review.

**Availability of the Review Materials:** The EPA draft IRIS Toxicological Review document to be reviewed by the Methanol Review Panel will be made available by ORD at the following URL: <http://epa.gov/ncea> (under "Recent Additions"). For questions concerning the review materials, please contact Dr.

Jeffrey Gift, ORD, at (919) 541-4828, or [gift.jeff@epa.gov](mailto:gift.jeff@epa.gov).

**Request for Nominations:** The SAB Staff Office is requesting nominations of nationally recognized experts with expertise in the assessment of health effects for Methanol in one or more of the following areas: Metabolism, toxicokinetics, toxicology, mechanisms of toxicity and carcinogenicity, epidemiology, statistics, and risk assessment. In addition, the SAB is requesting nominations of experts in the areas of lymphoma pathology and rodent infectious diseases, including *Mycoplasma pulmonis*.

**Process and Deadline for Submitting Nominations:** Any interested person or organization may nominate qualified individuals for possible service on the Methanol Panel in the areas of expertise described above. Nominations should be submitted in electronic format (which is preferred over hard copy) following the instructions for "Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed" provided on the SAB Web site. The instructions can be accessed through the "Nomination of Experts" link on the blue navigational bar on the SAB Web site at <http://www.epa.gov/sab>. To receive full consideration, nominations should include all of the information requested.

EPA's SAB Staff Office requests: contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's curriculum vita; sources of recent grant and/or contract support; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations.

Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB Web site, should contact Mr. Edward Hanlon, DFO, as indicated above in this notice. Nominations should be submitted in time to arrive no later than November 10, 2009. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

The EPA SAB Staff Office will acknowledge receipt of nominations. The names and biosketches of qualified nominees identified by respondents to the **Federal Register** notice and additional experts identified by the SAB Staff will be posted on the SAB Web site at <http://www.epa.gov/sab>. Public

comments on this "Short List" of candidates will be accepted for 21 calendar days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office, a balanced subcommittee or review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In establishing the Methanol Panel, the SAB Staff Office will consider public comments on the "Short List" of candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for Panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; and (e) skills working in committees, subcommittees and advisory panels; and, for the Panel as a whole, (f) diversity of, and balance among scientific expertise and viewpoints.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the "Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency" (EPA Form 3110-48). This confidential form allows Government officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The form may be viewed and downloaded from the following URL address: <http://www.epa.gov/sab/pdf/epaform3110-48.pdf>.

The approved policy under which the EPA SAB Office selects subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA-SAB-EC-02-010), which is posted on the SAB Web site at <http://www.epa.gov/sab/pdf/ec02010.pdf>.

Dated: October 13, 2009

**Anthony F. Maciorowski,**

*Deputy Director, EPA Science Advisory Board Staff Office.*

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## EXPORT-IMPORT BANK OF THE UNITED STATES

### Notice of Open Special Meeting of the Sub-Saharan Africa Advisory Committee (SAAC) of the Export-Import Bank of the United States (Export-Import Bank)

**SUMMARY:** The Sub-Saharan Africa Advisory Committee was established by Public Law 105-121, November 26, 1997, to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion of the Bank's financial commitments in Sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank. Further, the committee shall make recommendations on how the Bank can facilitate greater support by U.S. commercial banks for trade with Sub-Saharan Africa.

**Time and Place:** November 4, 2009, at 9:30 a.m. to 12:30 p.m. The meeting will be held at the Export-Import Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

**Agenda:** Presentation on recent developments in Sub-Saharan Africa markets by Export-Import Bank staff; discussion and update on the 2008 committee recommendations to U.S. Congress followed by an update on a new Sub-Saharan Africa special initiative; and an update on the Bank's on-going business development initiatives.

**Public Participation:** The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to November 4, 2009, Barbara Ransom, Room 1209, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 565-3525 or TDD (202) 565-3377.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact Barbara Ransom, Room 1209, 811 Vermont