

Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 605-0513; e-mail address: [casciano.gina@epa.gov](mailto:casciano.gina@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also 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. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](http://regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at

your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

##### II. What Action is the Agency Taking?

Under section 5 of FIFRA, 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

*Submitter:* Fine Agrochemicals Ltd., (62097-EUP-R).

*Pesticide Chemical:* Prohydrojasmon (PDJ).

*Summary of Request:* Use as a plant growth regulator on red apple varieties in the states of California, Maryland, Michigan, New York, North Carolina, Oregon, Pennsylvania, Virginia, Washington, and West Virginia.

A copy of the application and any information submitted is available for public review in the docket established for this EUP application as described under **ADDRESSES**.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be

conducted. Any issuance of an EUP will be announced in the **Federal Register**.

##### List of Subjects

Environmental protection,  
Experimental use permits.

Dated: January 25, 2010.

**Keith A. Matthews,**

*Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-9110-6]

#### Notice of a Project Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the City of LaSalle, IL (LaSalle)

**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 of a satisfactory quality] to LaSalle for the purchase of membrane bioreactor (MBR) membrane racks, which include the hollow fiber membrane modules and the associated proprietary mechanical equipment to secure the membranes in the tank. 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. These hollow fiber membrane racks, which are supplied by Siemens Water Technologies Corporation, are manufactured in Australia and China, and meet LaSalle's performance specifications and requirements. The Acting Regional Administrator is making this determination based on the review and recommendations of EPA Region 5's Water Division. LaSalle has provided sufficient documentation to support its request, as detailed below. The Assistant Administrator of the Office of Administration and Resources Management has concurred on this decision to make an exception to Section 1605 of ARRA. This action permits the purchase of hollow fiber membrane racks for LaSalle's "East Side

Regional Wastewater Treatment Facility Project” that may otherwise be prohibited under Section 1605(a) of the ARRA.

**DATES:** *Effective Date:* January 7, 2010.

**FOR FURTHER INFORMATION CONTACT:** Julie Henning, SRF Financial Analyst (312) 886-4882, or Puja Lakhani, Regional Counsel, (312) 353-3190, U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60613.

**SUPPLEMENTARY INFORMATION:** In accordance with ARRA Section 1605(c) and pursuant to Section 1605(b)(2) of Public Law 111-5, Buy American requirements, EPA hereby provides notice that it is granting a project waiver to LaSalle for the acquisition of hollow fiber membrane racks which are manufactured in Australia and China. The manufacturer is Siemens Water Technologies Corporation.

Section 1605 of the ARRA requires that none of the appropriated funds may be used 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, or unless a waiver is provided to the recipient by the head of the appropriate agency, here EPA. A waiver may be provided if EPA determines that (1) Applying these requirements would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and the relevant manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

LaSalle proposes to construct a new 0.50 million gallons per day (MGD) wastewater treatment plant. The plant is designed based upon membrane bioreactor (MBR) technology. The MBR technology will produce effluent which has superior quality than conventional secondary or tertiary treatment facilities. The superior effluent quality afforded by the MBR technology was necessary for this project due to the characteristics of the receiving stream, the Little Vermilion River. The segment of the Little Vermilion River into which the proposed wastewater treatment plant will discharge is on the list of impaired waters set forth in Section 303(d) of the Federal Clean Water Act and the Water Quality Planning and Management regulation at 40 CFR Part 130. The segment has been listed with the designated use of aquatic life as impaired by potential pollutants

including total nitrogen, pH, total phosphorus, total suspended solids, zinc and fecal coliform. The MBR technology proved to be the cost-effective alternative for achieving effluent of sufficient quality with regard to the pollutants that are the potential source of impairment that would be required in order to obtain a National Pollutant Discharge Elimination System (NPDES) permit for a new discharge into the 303(d)-listed receiving stream (Little Vermilion River).

During the bidding phase of the project, LaSalle received proposals from three MBR equipment manufacturers, of which Siemens Water Technologies Corporation was selected. None of the three equipment manufacturers produces the hollow fiber membrane rack components of the MBR systems within the U.S. LaSalle stated in the waiver application that based on information gathered during the planning and early design stages of the project, including their contact with contractors and equipment suppliers during the bidding phase of the project, to the best of their knowledge at the time of equipment selection and design, they could not identify any other reputable membrane system for wastewater treatment applications that was currently manufactured in the United States and available to meet LaSalle's technical specifications and design requirements.

The April 28, 2009 EPA HQ Memorandum, “Implementation of Buy American provisions of P.L. 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.”

EPA's national engineering contractor prepared a technical assessment report dated September 29, 2009, based on the submitted waiver request, identifying one potential domestic manufacturer of membrane racks which appeared to have the potential to meet LaSalle's performance criteria and specifications. Subsequent analysis by EPA and the national contractor, however, concluded that the potential domestic manufacturer only produces modules with flat plate membranes. LaSalle's project design plans specify that hollow fiber configured modules are required, and discussions with both EPA's national engineering contractors and LaSalle confirmed that the use of flat plate membranes would require re-designing major portions of the project,

including the membrane bioreactor basins, process inlet and outlet piping, filtrate pumping system, recycle pumping system, air scour blowers and air piping system, chemical cleaning system, and other features. The re-design would involve major changes to the basin concrete structures, masonry building enclosure, piping and mechanical systems, electrical/controls systems, and access platforms. Therefore, the potential domestic manufacturer does not provide the required hollow fiber membrane racks in sufficient and reasonably available quantities and of a satisfactory quality to meet the design specifications. EPA's national contractor's technical assessment report from September 29, 2009, did not find any additional domestic manufacturers of the specified manufactured good.

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 communities such as Auburn 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 ARRA State Revolving Fund assistance would result in unreasonable delay and thus displace the “shovel ready” status for this project. To further delay project implementation is in direct conflict with a fundamental economic purpose of the ARRA, which is to create or retain jobs.

The State and Tribal Programs Branch has reviewed this waiver request and has determined that the supporting documentation provided by LaSalle is sufficient to meet the criteria listed under Section 1605(b) of the ARRA 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) of the ARRA. 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 LaSalle's performance specifications and requirements, 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 the 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, LaSalle is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5 for the purchase of the MBR membrane racks using ARRA funds as specified in the community's request of September 10, 2009. This supplementary information constitutes the detailed written justification required by Section 1605(c) for waivers "based on a finding under subsection (b)."

**Authority:** Pub. L. 111-5, section 1605.

Dated: January 7, 2010.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9110-9]

### EPA Science Advisory Board Staff Office Request for Nominations of Experts for the SAB Lead (Pb) 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 draft technical analyses which will be used to support the development of lead-based paint dust hazard standards and lead-safe work practice standards.

**DATES:** Nominations should be submitted by February 26, 2010 per instructions below.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding this Request for Nominations may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 343-9878; by fax at (202) 233-0643; or via e-mail at [yeow.aaron@epa.gov](mailto:yeow.aaron@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:** Human exposure to lead may cause a variety of adverse health effects, particularly in children. EPA's Office of Pollution Prevention and Toxics (OPPT) regulates toxic substances, such as lead, through the Toxic Substances Control Act (TSCA). In 2001, EPA established standards for lead-based paint hazards, which include lead in residential dust. OPPT is developing draft technical analyses that will be used to support: (a) Possible revision of existing residential lead-based paint dust hazard standards, (b) the development of new lead-based paint dust hazard standards for public and commercial buildings, and (c) the development of lead-safe work practice standards for renovations of public and commercial buildings. OPPT has requested that the SAB conduct a review of these draft technical analyses.

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 OPPT's draft technical analyses. 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 SAB Lead Review Panel is being asked to comment on the scientific soundness of the Agency's draft technical analyses.

**Availability of the Review Materials:** The EPA draft technical analyses to be reviewed by the SAB Panel will be made available on the SAB Web site. For questions concerning the review materials, please contact Dr. Jennifer Seed, at (202) 564-7634, or [seed.jennifer@epa.gov](mailto:seed.jennifer@epa.gov).

**Request for Nominations:** The SAB Staff Office is requesting nominations of nationally recognized experts with expertise in one or more of the following areas, particularly with respect to lead: dust transport, exposure assessment, epidemiology, general toxicology, neurotoxicology, pediatrics, biokinetic modeling, biostatistics, and risk assessment.

**Process and Deadline for Submitting Nominations:** Any interested person or organization may nominate qualified individuals for possible service on the SAB Review 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 vitae; sources of recent grants and/or contracts; 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. Aaron Yeow, DFO, as indicated above in this notice. Nominations should be submitted in time to arrive no later than February 26, 2010. 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 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 SAB Panel, the SAB Staff Office will consider public comments on the 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