

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Announcement of Value-Added Producer Grant Application Deadlines

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice of withdrawal of Solicitation of Applications (NOSA) for Value-Added Producer Grant Program (VAPG).

SUMMARY: Rural Development is withdrawing the May 6, 2009, **Federal Register** notice (74 FR 20900), announcing the availability of approximately \$18 million in competitive grants for fiscal year 2009 to help independent agricultural producers enter into value-added activities.

DATES: July 1, 2009.

FOR FURTHER INFORMATION CONTACT: Andrew A. Jermolowicz, USDA Rural Development, Mail STOP 3250, Room 4016–South, 1400 Independence Avenue, SW., Washington, DC 20250–3250, *Telephone:* (202) 720–8460, *e-mail:* cpgrants@wdc.usda.gov.

SUPPLEMENTARY INFORMATION: The May 6, 2009, **Federal Register** notice was published in error. The notice will be reissued with clarification of contradictory language, additional guidance on new program components, and extended application deadlines.

Dated: June 25, 2009.

Judith A. Canales,

Administrator, Rural Business-Cooperative Service.

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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Notice of Limited Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) for the Broadband Initiatives Program

AGENCY: Rural Utilities Service, U.S. Department of Agriculture.

ACTION: Notice.

SUMMARY: The Rural Utilities Service (RUS) is hereby granting a limited waiver of the Buy American requirements of ARRA Section 1605 with respect to certain broadband equipment that will be used in projects funded under the Broadband Initiatives Program (BIP). This action permits the use of certain essential components of a modern broadband infrastructure as specified in section III of this notice.

DATES: *Effective Date:* July 1, 2009.

ADDRESSES: Send any correspondence regarding this order to David J. Villano, Assistant Administrator, Telecommunications Program, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1590, Room 5151, Washington, DC 20250–1590.

FOR FURTHER INFORMATION CONTACT: Ken Kuchno, Director, Broadband Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 1599, Room 2868–S, Washington, DC 20250–1590.

SUPPLEMENTARY INFORMATION: In accordance with section 1605(c) of the Recovery Act and section 176.80 of the rules of the Office of Management and Budget (OMB), RUS hereby provides notice that it is granting a limited waiver of section 1605 of the Recovery Act with respect to certain broadband equipment that will be used in projects funded under BIP. (*See American Recovery and Reinvestment Act of 2009, Public Law 111–5, § 1605, 123 Stat. 115, 303 (Feb. 17, 2009) (“Recovery Act”); Requirements for Implementing Sections 1512, 1605, and 1606 of the American Recovery and Reinvestment Act of 2009 for Financial Assistance Awards, Interim Final Guidance, 74 FR 18449 (Apr. 23, 2009) (codifying the Buy American provisions at 2 CFR part 176, subpart B) (“Buy American Guidance”).*) The basis for this waiver is

a public interest determination pursuant to section 1605(b)(1) of the Recovery Act.

I. Background

The Recovery Act appropriates \$2.5 billion in budget authority to RUS to establish BIP, through which RUS will provide grants, loans, and loan/grant combinations for broadband initiatives throughout the United States, including projects in unserved and underserved rural areas. Section 1605(a) of the Recovery Act, the “Buy American” provision, states that none of the funds appropriated by the Act, including the funds that have been dedicated BIP, “may be 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.”¹

Sections 1605(b) and (c) of the Recovery Act authorize the head of a Federal department or agency to waive the Buy American provision by finding that: (1) Applying the provision would be inconsistent with the public interest; (2) the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the inclusion of the manufactured goods produced in the United States will increase the cost of the project by more than 25 percent. If the head of the Federal department or agency determines that it is necessary to waive application of the Buy American provision, then the head of the department or agency shall publish a detailed justification in the **Federal Register**. Finally, the Recovery Act states that the Buy American provision must be applied in a manner consistent with the United States’ obligations under international agreements.

II. Public Interest Finding

The Agency has determined that, as applied to certain broadband equipment used in a BIP project, the application of the Buy American provision would be inconsistent with the public interest.

¹ Because the Buy American provision applies only to public works and public buildings, completely private projects need not obtain a waiver to utilize iron, steel, and manufactured goods produced outside of the United States. Note, however, that public-private partnerships are considered public for purposes of the Buy American limitation.