

engines to design and build vehicles which will comply with emission standards throughout their lifespan. Pursuant to the Clean Air Act section 207 (42 U.S.C. 7541), EPA is responsible for monitoring compliance and investigating possible noncompliance with emission standards.

**PURPOSE(S):**

The primary purpose of the system is to collect and maintain the information necessary to recruit vehicles of a particular class for testing. This includes information relevant to the testing of recruited vehicles, maintenance records (if volunteered by the participant), information from tests conducted on the vehicles, and documents necessary to administer the program (vehicle release, loaner agreement, cash receipt, *etc.*).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:**

General routine uses A, F, G, H, K and L apply to this system. (A detailed description of these routine uses can be found in the Agency's Systems of Records Web site at <http://www.epa.gov/privacy/notice/general.htm>.)

In addition, the following routine uses may also apply:

A. If the owner consents, maintenance records, questionnaire answers, and test results are disclosed to the manufacturer of the owner's vehicle. This information may be used by the manufacturer and EPA to help clarify the test-related issues.

B. Manufacturers may, on occasion, use this information to contact a vehicle owner to request voluntary participation in a manufacturer-conducted retest.

C. IRS Form 21099 is filed with the IRS as required for payments of \$600 or more. The information provided on the form includes the recipient's name, address, and social security number.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

- Storage: Information from the Michigan Secretary of State is received on diskette and stored on a computer. All subsequent data is received and stored as paper files.
- Retrievability: All data are retrieved by a control number that is assigned to each participant at the initiation of the vehicle recruitment process.

- Safeguards:
  - Computer-stored information is protected in accordance with the Agency's security requirements.

- Access to the information in the system is limited to authorized Agency and contractor personnel who

administer the program. No external access to the system is provided. A subset of the information may be shared with manufacturers in accordance with the vehicle owner's prior consent.

- The contractor is subject to Federal Acquisition Regulations (FAR) Privacy Act clauses included in its contract.

- All information in the system is subject to the agreement entered into by the Agency with the Michigan Department of State under the "Security, Privacy, and Personnel Policy Plan Governing Personal Information." The Plan includes methods to prohibit and detect any unauthorized access or use of personal information; an annual review of data security policies and procedures; notification of any known or alleged breach of security of personal data; notification of individuals affected by any unauthorized release of personal information; maintenance of records identifying each third-party person or entity obtaining personal information and the uses thereof; notification of the supervisor if any employee is approached to provide information improperly; and disciplinary actions for violations of the Plan.

- Retention and Disposal: Records stored in this system are subject to Schedule 483.

**SYSTEM MANAGER(S) AND ADDRESS:**

Lynn Sohacki, Compliance and Innovative Strategies Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood, Ann Arbor, Michigan 48105; *telephone number*: 734-214-4851; *fax number*: 734-214-4869; *e-mail address*: [sohacki.lynn@epa.gov](mailto:sohacki.lynn@epa.gov).

**NOTIFICATION PROCEDURE:**

Requests to determine whether this system of records contains a record pertaining to you must be sent to the Agency's Freedom of Information Office; U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue, NW., Room 6416 EPA West; Washington, DC 20460; (202) 566-1667; *E-mail*: ([hq.foia@epa.gov](mailto:hq.foia@epa.gov)); *Attn*: Privacy Officer.

**RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to their records should follow the Notification Procedures to contact the Agency. Individuals seeking access to their personal information contained in this system of records will be required to provide adequate identification (*e.g.*, driver's license, military identification card, employee badge or identification card). Access requests must meet the requirements of EPA's Privacy Act regulations at 40 CFR part 16.

**CONTESTING RECORDS PROCEDURES:**

Individuals wishing to request access to their records should follow the Notification Procedures to contact the Agency. Requests to correct or amend a record must identify the subject record and the corrective action sought. Complete EPA Privacy Act procedures are set out in 40 CFR part 16.

**RECORD SOURCE CATEGORIES:**

- (1) Vehicle Identification Numbers (VINs), vehicle class descriptors, and owner name and address from the Michigan Department of State;
- (2) Information on the vehicles provided by their owners from potential and actual participants in the program;
- (3) Results of tests conducted on participating owners' vehicles;
- (4) Information generated by EPA and its contractor in administering the program.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:**

None.

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**ENVIRONMENTAL PROTECTION AGENCY**

[Docket EPA-RO4-SFUND-2011-0432, FRL-9310-4]

**East Calloway County Middle School Mercury Spill Site, Murray, Calloway County, KY; Notice of Settlement**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Settlement.

**SUMMARY:** Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement for reimbursement of past response costs concerning the East Calloway County Middle School Mercury Spill Site located in Murray, Calloway County, Kentucky for publication.

**DATES:** The Agency will consider public comments on the settlement until June 23, 2011. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

**ADDRESSES:** Copies of the settlement are available from Ms. Paula V. Painter. Submit your comments, identified by Docket ID No. EPA-RO4-SFUND-2011-0432 or Site name East Calloway County

Middle School Mercury Spill Site by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- <http://www.epa.gov/region4/waste/sf/enforce.htm>.
- E-mail. [Painter.Paula@epa.gov](mailto:Painter.Paula@epa.gov).

**FOR FURTHER INFORMATION CONTACT:**

Paula V. Painter at 404/562-8887.

Dated: April 29, 2011.

**Anita L. Davis,**

*Chief, Superfund Enforcement & Information Management Branch, Superfund Division.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9310-3]

**Notice of a Regional Project Waiver of Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Town of Smyrna, DE**

**SUMMARY:** The EPA is hereby granting a 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 in sufficient and reasonably available quantities and of a satisfactory quality] to the Town of Smyrna, DE (“Town”), for the purchase of two inverter-driven ductless split HVAC systems: one air conditioning system and one combined heating/air conditioning system (HVAC), manufactured in Japan and Thailand by Mitsubishi Electronics American, Inc.—HVAC Division. This is a project specific waiver and only applies to the use of the specified product for the ARRA project being proposed. Any other ARRA recipient that wishes to use the same product must apply for a separate waiver based on project specific circumstances.

The ARRA funded project is for upgrading two well houses (Well House No. 1 and Well House No. 2) with ductless split HVAC systems. The Well House No. 1 upgrade includes an air conditioning system for the well room and for Well House No. 2 the upgrade includes a heat pump system for the electrical room. The Town evaluated four different manufacturers of the specified ductless split air conditioning and heat pump systems. Based upon information submitted by the Town and its consulting engineer, EPA has concluded that there are no HVAC systems manufactured in the United States in sufficient and reasonable

quantity and of a satisfactory quality to meet the technical specifications and that a waiver of the Buy American provisions is justified. The Regional Administrator is making this determination based on the review and recommendations of the EPA Region III, Water Protection Division, Office of Infrastructure and Assistance.

The Assistant Administrator of the Office of Administration and Resources Management has concurred on this decision to make an exception to the requirements of Section 1605(a) of ARRA. This action permits the purchase of two inverter-driven ductless split HVAC systems for the proposed project being implemented by the Town of Smyrna.

**DATES:** May 24, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Robert Chominski, Deputy Associate Director, (215) 814-2162, or David McAdams, Environmental Engineer, (215) 814-5764, Office of Infrastructure & Assistance (OIA), Water Protection Division, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

**SUPPLEMENTARY INFORMATION:** In accordance with ARRA Section 1605(c), the EPA hereby provides notice that it is granting a project waiver of the requirements of Section 1605(a) of Public Law 111-5, Buy American requirements, to the Town of Smyrna, Delaware for the purchase of two inverter-driven ductless split HVAC systems (HVAC) for Well Houses 1 and 2. EPA has evaluated the Town’s basis for procuring the two HVAC systems for these well houses. The ARRA funded project is for upgrading two well houses (Well House No. 1 and Well House No. 2) with HVAC systems. The Well House No. 1 upgrade includes an air conditioning system for the well room and for Well House No. 2 the upgrade includes a heat pump system for the electrical room. Each system includes an indoor wall mounted evaporator-fan unit and an outdoor aired cooled compressor-condenser. The new HVAC split systems will provide benefits to the Town due to the product’s reliability with the electronics controlling critical infrastructure, cost effectiveness, energy efficiency, and ease of maintenance. The project specifications require a scroll inverter type compressor with multi-speed motor and copper refrigerant tubes having mechanically bonded aluminum fins complying with ARI 210/240, and with liquid sub-cooler; wall mounted evaporator fan unit with direct drive centrifugal fan and copper refrigerant tubes with mechanically bonded aluminum fins complying with

ARI 210/240; use of R-410A refrigerant; and a low ambient kit permitting operation down to 0°F [applicable to the heat pump only]. The HVAC systems are specifically designed for this project to support new Motor Control Centers in the well houses. Currently, there are no HVAC systems in the two well houses. Based upon information submitted by the Town and its consulting engineer, EPA has concluded that there are no ductless split HVAC systems manufactured in the United States in sufficient and reasonable quantity and of a satisfactory quality to meet the technical specifications for the Town to pursue the purchase of domestically manufactured HVAC systems.

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 a public works project unless all of the iron, steel, and manufactured goods used in the project is produced in the United States, or unless a waiver is provided to the recipient by the head of the appropriate agency, here the EPA. A waiver may be provided under Section 1605(b) 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.

EPA has also evaluated the Town’s request to determine if its submission is considered late or if it could be considered as if it was timely filed, as per the OMB Guidance at 2 CFR 176.120. EPA will generally regard waiver requests with respect to components that were specified in the bid solicitation or in a general/primary construction contract as “late” if submitted after the contract date. However EPA could also determine that a request be evaluated as timely, though made after the date that the contract was signed, if the need for a waiver was not reasonably foreseeable. If the need for a waiver is reasonably foreseeable, then EPA could still apply discretion in these late cases as per the OMB guidance, which says “the award official may deny the request”. For those waiver requests that do not have a reasonably unforeseeable basis for lateness, but for which the waiver basis is valid and there is no apparent gain by the ARRA recipient or loss on behalf of the