

Dated: October 6, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory  
Committee Policy.*

[FR Doc. E9-24598 Filed 10-9-09; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**National Institutes of Health**

**Center for Scientific Review; Notice of  
Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Research Resource Review.

*Date:* November 4-6, 2009.

*Time:* 6 p.m. to 1 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Renaissance Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, DC 20036.

*Contact Person:* George W. Chacko, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7849, Bethesda, MD 20892, 301-435-1245, [chackoge@csr.nih.gov](mailto:chackoge@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; High-end Mass Spectrometry Instrumentation.

*Date:* November 5-6, 2009.

*Time:* 8 a.m. to 12 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Arnold Revzin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, (301) 435-1153, [revzina@csr.nih.gov](mailto:revzina@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Shared Instrumentation Grant Applications.

*Date:* November 16-17, 2009.

*Time:* 8 a.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Patricia Greenwel, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, 301-435-1169, [greenwep@csr.nih.gov](mailto:greenwep@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR08-259: Bio-Organic Biomedical Mass Spectrometry Resource.

*Date:* November 18-20, 2009.

*Time:* 8 a.m. to 1 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hotel Nikko, 222 Mason Street, San Francisco, CA 94102.

*Contact Person:* Vonda K. Smith, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7806, Bethesda, MD 20892, 301-435-1789, [smithvo@csr.nih.gov](mailto:smithvo@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 6, 2009.

**Jennifer Spaeth,**

*Director, Office of Federal Advisory  
Committee Policy.*

[FR Doc. E9-24596 Filed 10-9-09; 8:45 am]

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**DEPARTMENT OF HOMELAND  
SECURITY**

**United States Immigration and  
Customs Enforcement**

**Agency Information Collection  
Activities: Extension of an Existing  
Information Collection; Comment  
Request**

**ACTION:** 60-Day Notice of Information Collection Under Review; File No. OMB-6, Emergency Federal Law Enforcement Assistance; OMB Control No. 1653-0019.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until December 14, 2009.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated

response time should be directed to the Department of Homeland Security (DHS), Joseph M. Gerhart, Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, 500 12th Street, SW., Room 3138, Washington, DC 20024; (202) 732-6337.

Comments are encouraged and will be accepted for sixty days until December 14, 2009. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and clarity of the information to be collected;

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved information collection.

(2) *Title of the Form/Collection:* Emergency Federal Law Enforcement Assistance.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* No Agency Form Number; (File No. OMB-6) U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, Local or Tribal Government. Section 404(b) of the Immigration and Naturalization Act provides for the reimbursement to States and localities for assistance provided in meeting an immigration emergency.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 300 annual burden hours.

Requests for a copy of the proposed information collection instrument, with

instructions; or inquiries for additional information should be requested via e-mail to: [forms.ice@dhs.gov](mailto:forms.ice@dhs.gov) with "IEF-Emergency Assistance" in the subject line.

Dated: October 7, 2009.

**Joseph M. Gerhart,**

*Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, Department of Homeland Security.*

[FR Doc. E9-24563 Filed 10-9-09; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### Electronic Baggage Screening Program

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** Notice of waiver.

**SUMMARY:** The Department of Homeland Security (DHS) has granted a limited nationwide waiver of the buy American provision contained in sec. 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act) Public Law 111-5, 123 Stat. 115, 303 (2009) under the authority of sec. 1605(b)(1) (public interest exception) provided that at least 95 percent of the costs of each Transportation Security Administration (TSA) Electronic Baggage Screening Program (EBSP) project will comply with sec. 1605(a).

**DATES:** This notice is effective October 13, 2009.

**ADDRESSES:** Office of Acquisitions/ Acquisitions Policy Office, TSA-25, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6025.

**FOR FURTHER INFORMATION CONTACT:** Ronald B. Gallihugh, Office of Acquisitions/ Acquisitions Policy Office, TSA-25, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6025; telephone (571) 227-2402; facsimile (571) 227-1372; e-mail [ronald.gallihugh@dhs.gov](mailto:ronald.gallihugh@dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 17, 2009, the Recovery Act was enacted to assist those most impacted by the recession by creating and preserving jobs and promoting economic recovery. The funding was specified for multiple areas of national interest. TSA received \$1 billion to invest in the procurement and installation of checked baggage explosives detection systems and checkpoint explosives detection

equipment to be obligated by September 30, 2010. Approximately \$500 million in Recovery Act funding will be allocated to facility modification projects to be administered through TSA's EBSP. This program directly benefits the traveling public, air carriers, airport authorities, and our Nation as a whole.

TSA's EBSP supports the DHS goals of protecting our Nation from dangerous goods and protecting our Nation's critical transportation infrastructure by strengthening screening of checked baggage to reduce the probability of a successful terrorist or other criminal attack to the air transportation system. Since December 31, 2002, EBSP has been responsible for ensuring 100 percent screening of checked baggage in the United States. The EBSP's objective is to deter, detect, mitigate, and prevent transportation of explosives or other prohibited items in checked baggage on commercial aircraft. One significant way EBSP accomplishes its objectives is through the construction of Checked Baggage Inspection Systems (CBIS). These projects form the backbone of TSA's EBSP and represent the highest level of baggage screening capability in terms of processing efficiency and security. TSA has identified twenty-six airports across the country with "shovel ready" facility modification projects that include CBIS construction. These projects are dependent on Recovery Act funding. Several of these projects, however, are on hold and in jeopardy because of concerns over compliance with sec. 1605(a).

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 to project awards under EBSP, "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." Subsections 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 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 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 waives the buy American provision, then the head of the department or agency is required to

publish a detailed justification in the **Federal Register**. Finally, sec. 1605(d) of the Recovery Act states that the buy American provision must be applied in a manner consistent with the United States' obligations under international agreements.

#### Public Interest Finding

The Secretary of Homeland Security has determined that it would be inconsistent with the public interest—and particularly with the Recovery Act's directives to ensure expeditious spending of construction funds consistent with prudent management, as cited above—to apply the buy American requirement to an entire CBIS project where at least 95 percent of the costs of the project will comply with sec. 1605(a).

A CBIS is a highly sophisticated electromechanical system for screening checked baggage. It consists of hundreds of mechanical and electrical items. It includes a mechanical conveyor system or baggage handling system (BHS) that transports checked baggage through the system. The CBIS also features a security screening matrix area where baggage is fed through one or more Explosion Detection Systems (EDS) or Explosive Trace Detection (ETD) systems to be analyzed. All of the mechanical and electrical items and processes that make up the CBIS are controlled by a central programmable logic controller (PLC) or programmable controller. The PLC is essentially a computer 'brain' used for the automation of electro-mechanical processes, such as the control of machinery on factory assembly lines. The PLC controls all aspects of the CBIS including conveyor belt speeds, baggage tracking and managing the BHS merge points or windows.

CBIS projects are comprised of thousands of manufactured goods, such as conveyor, conveyor motor drives, electrical and communications controls, programmable logic controllers, electronic tracking devices, high speed diverters, vertical sorters, specialty fasteners and switches. Not all of these items are domestically available. Furthermore, in many instances, the geographic origin of the equipment is not readily ascertainable. While arguably the Secretary of Homeland Security could have relied on the authority under sec. 1605(b)(2) (non-availability waiver), the burden placed on TSA and contractors in sourcing and evaluating equipment availability would be unduly burdensome, impracticable and not in keeping with the Recovery Act's overall goal of expeditious spending of recovery funds.