

5790) (FRL-8807-5) (EPA-HQ-OPP-2009-0937), which announced the filing of a pesticide petition (PP 9E7638) by Cognis Corporation, c/o Lewis & Harrison, LLC., 122 C. St., NW., Suite 740, Washington, DC 20001. The petition proposed to establish an exemption from the requirement of a tolerance for residues of the alkyl polyglycosides (CAS Reg. Nos. 68515-73-1, 110615-47-9, and 132778-08-6) under 40 CFR 180.950 when used as inert ingredient in pesticide formulations. On September 8, 2010, Lewis & Harrison, LLC., notified EPA that it was withdrawing this petition. Contact: Karen Samek, (703) 347-8825, *e-mail address: samek.karen@epa.gov*.

8. *PP 0F7739 (Diflubenzuron)*. EPA issued a notice in the **Federal Register** of August 11, 2010 (75 FR 48667) (FRL-8840-6) (EPA-HQ-OPP-2010-0603), which announced the filing of a pesticide petition (PP 0F7739) by Chemtura Corporation, 199 Benson Road (2-5), Middlebury, CT 06749. The petition proposes to establish tolerances in 40 CFR part 180 for residues of the insecticide diflubenzuron, N-[[[4-chlorophenyl] amino]carbonyl]-2,6-difluorobenzamide (DFB) and its metabolites 4-chlorophenylurea (CPU) and 4-chloroaniline (PCA), in or on citrus fruit, crop group 10 at 1.3 ppm, and citrus, oil processed commodity at 39 ppm. On August 12, 2010, Chemtura Corp., notified EPA that it was withdrawing the petition for citrus fruit, crop group 10, only. Contact: Kable Davis, (703) 306-0415, *e-mail address: davis.kable@epa.gov*.

9. *PP 8F7349 (Methomyl)*. EPA issued a notice in the **Federal Register** of August 13, 2008 (73 FR 47184) (FRL-8376-8), (EPA-HQ-OPP-2007-0975), which announced the filing of a pesticide petition (PP 8F7349) by DuPont de Nemours and Company, DuPont Crop Protection, P.O. Box 30, Newark, DE 19714-0030. The petition proposes to set reduced tolerances in 40 CFR Part 180 for residues of the insecticide, methomyl (S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate), in or on grapes, table at 1.5 ppm; grapes, juice at 5.0 ppm; grapes, raisin at 5.0 ppm; and grapes, wine at 5.0 ppm. On February 9, 2010, DuPont, notified EPA that it was withdrawing the petition for decreasing the tolerance on grapes. Contact: Tom Harris, (703) 308-9423, *e-mail address: harris.thomas@epa.gov*.

10. *PP 9F7622 (Metconazole)*. EPA issued a notice in the **Federal Register** of June 23, 2010 (75 FR 35801) (FRL-8831-3), (EPA-HQ-OPP-2010-0287), which announced the filing of a pesticide petition (PP 9F7622) by Valent

U.S.A. Company, 1600 Riviera Ave., Suite 200, Walnut Creek, CA 94596-8025. The petition proposed to amend the tolerances in 40 CFR 180.617 by decreasing the established tolerance for residues of the fungicide metconazole, 5-[[[4-chlorophenyl]methyl]-2,2-dimethyl-1-(1H-1,2,4-triazol-1-yl)methyl]cyclopentanol, measured as the sum of *cis*- and *trans*-isomers, in or on nut, tree (crop group 14) from 0.04 ppm to 0.02 ppm. On November 30, 2010, Valent U.S.A. Company, notified EPA that it was withdrawing this petition. Contact: Tracy Keigwin, (703) 305-6605, *e-mail address: keigwin.tracy@epa.gov*.

11. *PP 7F7264 (Flusilazole)*. EPA issued a notice in the **Federal Register** of April 13, 2009 (74 FR 16866) (FRL-8396-6) (EPA-HQ-OPP-2008-0838), which announced the filing of a pesticide petition (PP 7F7264) by E. I. duPont de Nemours and Company, DuPont Crop Protection, P. O. Box 30, Newark, DE 19714-0030. The petition proposed to establish a tolerance in 40 CFR Part 180 for residues of the fungicide flusilazole, (1[[bis(4-fluorophenyl)methyl-silyl]methyl]-1H-1,2,4-triazole) and its metabolite IN-F7321 (bis(4-fluorophenyl)methylsilanol) in or on soybean at 0.04 parts per million (ppm); soybean, aspirated grain fractions at 2.6 ppm; soybean, refined oil at 0.1 ppm; wheat, grain at 0.15 ppm; wheat, forage at 25 ppm; wheat, straw at 7.0 ppm; wheat, aspirated grain fractions at 6.0 ppm; cattle, fat at 1.5 ppm; cattle, kidney at 5.0 ppm; cattle, liver at 2.0 ppm; cattle, meat and cattle meat byproducts at 0.40 ppm; goat, fat at 1.5 ppm; goat, kidney at 5.0 ppm; goat, liver, at 2.0 ppm; goat, meat and goat, meat byproducts at 0.40 ppm; hog, fat at 1.5 ppm; hog, kidney at 5.0 ppm; hog, liver at 2.0 ppm; hog, meat and hog, meat byproducts at 0.40 ppm; horse, fat at 1.5 ppm; horse, kidney at 5.0 ppm; horse, liver at 2.0 ppm; horse, meat and horse, meat byproducts a 0.40 ppm; milk at 0.20 ppm; milk, fat at 1.3 ppm; sheep, fat at 1.5 ppm; sheep, kidney at 5.0 ppm; sheep, liver at 2.0 ppm; sheep, meat and sheep, meat byproducts at 0.40 ppm. On February 2, 2009, E. I. duPont de Nemours and Company, DuPont Crop Protection notified EPA that it was withdrawing this petition. Contact: Tracy Keigwin, 703-305-6605, *keigwin.tracy@epa.gov*.

12. *PP 8E7313 (Fenpropidin)*. EPA issued a notice in the **Federal Register** of April 13, 2009 (74 FR 16866) (FRL-8396-6) (EPA-HQ-OPP-2008-0840), which announced the filing of a pesticide petition (PP 8E7313) by Syngenta Crop Protection, P.O. Box

18300, Greensboro, NC 27419. The petition proposed to establish a tolerance in 40 CFR part 180 for residues of the fungicide fenpropidin, 1-[3-[4-(1, 1-dimethylethyl) phenyl]-2-methyl-propyl]-piperidine in or on banana, whole fruit at 10 parts per million (ppm). On October 16, 2009, Syngenta Crop Protection notified EPA that it was withdrawing this petition. Contact: Tracy Keigwin, 703-305-6605, *keigwin.tracy@epa.gov*.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 21, 2011.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2011-16199 Filed 6-28-11; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2011-0357, FRL-8878-5]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing an active ingredient not included in any previously registered pesticide products. Pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before July 29, 2011.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2011-0357, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket

Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2011-0357. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Gene Benbow, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; *telephone number:* (703) 347-0235; e-mail address: benbow.gene@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. 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 www.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.

II. Registration Applications

EPA has received applications to register pesticide products containing an active ingredient not included in any previously registered pesticide products. Pursuant to the provisions of section 3(c)(4) of FIFRA, EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

1. **File Symbol:** 59639-RIN. **Applicant:** Valent U.S.A. Corporation, 1600 Riviera Ave., Suite 200, Walnut Creek, CA 94596. **Product name:** V-10135 Technical Fungicide. **Active ingredient:** Fungicide and fenpyrazamine at 96.6%. **Proposed classification/Use:** Fungicide for formulation use only.

2. **File Symbol:** 59639-RTO. **Applicant:** Valent U.S.A. Corporation, 1600 Riviera Ave., Suite 200, Walnut Creek, CA 94596. **Product name:** V10135 4 SC Fungicide. **Active ingredient:** Fungicide and fenpyrazamine at 43.6%. **Proposed classification/Use:** For control of certain diseases in almond, grape (small fruit vine climbing group, except fuzzy kiwifruit), lettuce (head and leaf), strawberry (low growing berry subgroup) and ornamentals.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: June 16, 2011.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2011-16042 Filed 6-24-11; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9426-8]

Notice of a Project Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Wayne County Department of Public Services in Wayne County, MI (Wayne County)

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 Wayne County for the purchase of Link-Pipe PVC products in various pipe diameters for sewer pipe repair in seventeen locations throughout the Rouge Valley Sewage Disposal System in Wayne County, Michigan. This is a project-specific waiver and only applies to the use of the specified products 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 Link-Pipe PVC products, which are manufactured in Canada, meet Wayne County's performance specifications and requirements. The Regional Administrator is making this determination based on the review and recommendations of EPA Region 5's Water Division. Wayne County has provided sufficient documentation to support its request. 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 Link-Pipe PVC products in various pipe diameters for sewer pipe repair that may otherwise be prohibited under Section 1605(a) of the ARRA.

DATES: *Effective Date:* June 29, 2011.

FOR FURTHER INFORMATION CONTACT: Andrew Lausted, SRF Program Manager (312) 886-0189, or Puja Lakhani, Office

of Regional Counsel, (312) 353-3190, U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604.

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 Wayne County, Michigan, for the acquisition of Link-Pipe PVC in various pipe diameters that are manufactured in Canada.

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.

The Link-Pipe PVC products will allow for efficient and effective sewer pipe repair at seventeen locations throughout the Rouge Valley Sewage Disposal System. Wayne County selected Link-Pipe products to allow for trenchless spot repair of sanitary sewer interceptor lines. The snap-out PVC repair sleeves are designed to quickly and easily repair damaged/leaking sanitary sewers without excavation—a requirement for the project since many of the sewer interceptor repair sites are located in remote wetlands and forested areas where access is restricted. Wayne County's submissions clearly articulated the functional reasons that justified their technical specifications and requirements.

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."

The applicant met the requirements specified for the availability inquiry as

appropriate to the circumstances by conducting an extensive investigation into all possible sources for products to repair sewer pipe 42 to 78 inches in diameter. Based on the investigation, several companies were found to manufacture sewer repair products, but none were able to meet all of the criteria in the project specifications, namely snap-out repair sleeves consisting of rigid polyvinylchloride pipe material conforming to material standards known as Normal Impact Type 1 PVC 12454-B, snap-out parts connected by non-corrodible metal hinges, and sleeves to repair sewer pipe between 42 to 78 inches in diameter. Therefore, Wayne County contends that there is no domestic product of satisfactory quality available.

EPA's national contractor prepared a technical assessment report based on the submitted waiver request. The report determined that the waiver request submittal was complete, that adequate technical information was provided, and that there were no significant weaknesses in the justification provided. Therefore, based on the information provided to EPA and to the best of our knowledge at this time, the Link-Pipe PVC snap-out sewer repair sleeves necessary for this project are not manufactured in the United States, and no other U.S. manufactured product can meet Wayne County's project performance specifications and requirements.

EPA has also evaluated Wayne County's request to determine if its submission is considered late or if it could be considered timely, 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 government, then EPA will still consider granting a waiver.

In this case, there are no U.S. manufacturers that meet Wayne County's project specifications for PVC repair sleeves that fit sewer pipe 42 to