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**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:** BeWanda Alexander, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7460; e-mail address: [alexander.bewanda@epa.gov](mailto:alexander.bewanda@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 [regulations.gov](http://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 active ingredients 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:** 1007-OL. **Applicant:** Pfizer, Inc., 7000 Portage Rd., KZO 300-403 SW., Kalamazoo, MI 49001. **Product name:** Demiditraz Technical. **Active ingredient:** Insecticide and Demiditraz at 100%. **Proposed classification/Use:** None.

2. **File Symbol:** 1007-OA. **Applicant:** Pfizer, Inc., 7000 Portage Rd., KZO 300-403 SW., Kalamazoo, MI 49001. **Product name:** CA Acaricide. **Active ingredient:** Insecticide and Demiditraz at 17.5%. **Proposed classification/Use:** Spot on treatment for dogs.

### List of Subjects

Environmental protection, Pesticides and pest.

Dated: January 28, 2010.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 2010-2826 Filed 2-8-10; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9112-4]

**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 Troy, VT**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The EPA is hereby granting a waiver of the Buy America 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 Troy, Vermont ("Town") for the purchase of foreign manufactured butterfly valves and actuators for an arsenic and manganese removal water treatment installation project. 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. Based upon information submitted by the Town and its consulting engineer, it has been determined that there are currently no domestic manufactured butterfly valves and actuators available to meet its proposed specialized needs and project schedule. The Regional Administrator is making this determination based on the review and recommendations of the Municipal Assistance Unit. 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 foreign manufactured butterfly valves and actuators by the Town, as specified in its November 19, 2009 request.

**DATES:** *Effective Date:* January 29, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Katie Connors, Environmental Engineer, (617) 918-1764, or David Chin, Environmental Engineer, (617) 918-1658, Municipal Assistance Unit (CMU), Office of Ecosystem Protection (OEP), U.S. EPA, 5 Post Office Square, Suite 100, Boston, MA 02109-3912.

**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(b)(2) of Public Law 111-5, Buy American requirements, to the Town for the purchase of non-domestic manufactured butterfly valve and actuators to meet the Town's project schedule to install an for arsenic and manganese water treatment system.

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 if EPA determines that (1) Applying these requirements would be inconsistent with the public the 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 Town of Troy, Vermont ("Town") is receiving funding from the VT ARRA Drinking Water State Revolving Fund (DWSRF) to install a water treatment facility for arsenic and manganese removal, as well as water meters in the distribution system. The treatment system is a skid mounted, preassembled and prewired arsenic and manganese removal system from a U.S. manufacturer. The components of the filtration system are manufactured in the U.S. with the exception of the system's electrically actuated butterfly valves which are manufactured by Value Valve in Taiwan. The Town is requesting a waiver for these foreign manufactured valves and actuators which are standard components provided on the selected U.S. manufacturer's filtration treatment systems.

The waiver is being requested after bid solicitation has been completed and construction has begun. The late request was due to unavailability of a domestic company able to provide the specialized valves and actuators according to the project schedule. The Town is under an enforcement action deadline by the State of Vermont to install and operate an arsenic removal system by April 30, 2010.

The Town contacted several domestic manufacturers of butterfly valve and actuators and although some of them could provide the products within the project specifications, they could not do so within the established project schedule. In order to adhere to the April 30, 2010 regulatory deadline, the skid system must be delivered to the construction site by December 2009. The domestic manufacturers could not produce the specialized valves and actuators needed for incorporation into the system within the time required. The filter system, including the valves and actuators, is assembled in California and will be freighted across the country to Troy, VT. Delaying the components several weeks would put their availability to the manufacturer at mid

December to early January, depending on the domestic supplier. To wait for domestically available valves and actuators and allowing for the time necessary to assemble and test the complete system would have pushed delivery of the system to the end of January. The delay would result in the Town of Troy possibly violating its regulatory compliance schedule.

An evaluation of all of the supporting documentation by EPA's national contractor, including results of research and communication with manufacturers of valves and actuators, supports and confirms the Town's claim that there are currently no domestic manufacturers that can provide specialized butterfly valves and actuators to meet the pre-established compliance schedule.

The consulting engineer for the Town identified three domestic manufacturers in the United States. The three companies could provide the valves and actuators. However, the shortest delivery time available was 6-8 weeks, with one of the companies estimating the delivery period to be 10-12 weeks. The supporting information for this proposed project includes contacts with valve and actuator manufacturers, telephone calls, and e-mail correspondence with domestic manufacturers. An independent review of the submitted documentation by EPA's national contractor confirmed this documentation.

Furthermore, the purpose of the ARRA is to stimulate economic recovery by funding current infrastructure construction, not to delay projects that are "shovel ready" by requiring potential SRF eligible recipients, such as the Town of Troy, VT, to possibly violate the established compliance schedule. The imposition of ARRA Buy American requirements in this case would result in unreasonable delay for this project. To delay this construction would directly conflict with a fundamental economic purpose of ARRA, which is to create or retain jobs.

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'" ("Memorandum"), 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 Municipal Assistance Unit (CMU) has reviewed this waiver request and has determined that the supporting documentation provided by the Town

establishes both a proper basis to specify a particular manufactured good, and that the domestic manufactured good that is currently available cannot be delivered in the necessary timeframe for the proposed project. The information provided is sufficient to meet the following criteria listed under Section 1605(b) of the ARRA and in the April 28, 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 March 31, 2009 Delegation of Authority Memorandum provided Regional Administrators with the temporary 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 in the necessary timeframe, the Town of Troy, Vermont is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111–5. This waiver permits use of ARRA funds for the purchase of non-domestic manufactured butterfly valves and actuators documented in Town's waiver request submitted to the EPA on November 19, 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 29, 2010.

**Ira Leighton,**

*Acting Regional Administrator, EPA Region 1—New England.*

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**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–9112–5]

### Notice of a Regional Project Waiver of Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the City of Gloucester, MA

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**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 City of Gloucester, Massachusetts (“City”) for the purchase of foreign manufactured rotary sludge dewatering presses. 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 City's proposed wastewater treatment facility improvements will include replacement of the existing belt filter press for sludge generated at the plant. Based upon information submitted by the City and its consultants, it was determined that two 6-channel rotary press sludge dewatering units, manufactured by Fournier Industries of Quebec, Canada, will meet the City's design and performance specifications. The Regional Administrator is making this determination based on the review and recommendations of the Municipal Assistance Unit. The City, through its consulting engineers, has provided sufficient documentation to support their 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 two, six channel rotary press sludge dewatering units, manufactured by Fournier Industries, by the City, as specified in its September 28, 2009 request, as part of the improvements to the wastewater treatment facility.

**DATES:** Effective Date: January 29, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Mark Spinale, Environmental Engineer, (617) 918–1547, or Katie Connors, Environmental Engineer, (617) 918–1658, Municipal Assistance Unit (CMU), Office of Ecosystem Protection (OEP), U.S. EPA, One Congress Street, CMU, Boston, MA 02114.

#### SUPPLEMENTARY INFORMATION:

In accordance with ARRA Sections 1605(c) and 1605(b)(2), the EPA hereby provides notice that it is granting a project waiver of the requirements of Sections 1605(a) of Public Law 111–5, Buy American requirements, to the City of Gloucester, (“City”), Massachusetts for the purchase of two, six channel rotary press sludge dewatering units, manufactured by Fournier Industries of Quebec, Canada. It has been determined that these rotary presses meet the City's technical specifications for design and

performance of a sludge dewatering unit as part of its wastewater treatment plant improvement project. Based on the information provided by the applicant, there are no domestically manufactured rotary sludge presses that at this time meet the specific design criteria established for this unit in the City's project.

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 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 if EPA determines that (1) Applying these requirements would be inconsistent with public the 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 wastewater treatment facility for the City is a primary treatment plant designed to handle an annual average flow of 7.24 million gallons per day. The plant began operations in 1984, and in the early 1990's the facility was modified to provide an ocean outfall extension as well as odor control and disinfection improvements. Plant improvements again occurred in the mid-2000's with the replacement of various pumps and sludge removal mechanisms. However, no other significant expansions or upgrades have occurred during the 25 years of operations.

Most of the equipment at the treatment facility is original equipment that has largely reached or exceeded its expected service life. The City is now replacing major components of the facility through a phased program of equipment replacement and facility refurbishment. Included in the first phase of the facility-wide improvements is the installation of a new rotary sludge dewatering unit to replace the existing belt filter press. The City is requesting a waiver from the Buy American Provisions for the purchase of two foreign made rotary press sludge dewatering units manufactured by Fournier Industries (Quebec, Canada).

The key selection criteria established by the City and its consulting engineers for the sludge dewatering equipment include: