

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

| EPA company No.   | Company name and address   |
|---|--|
| HI090002 .....<br>AZ050001 .....<br>WI040005; WI040006 .....<br>AR070009; FL030014; FL940005;<br>ID060002; IL080001; IN080001;<br>KS080001; KY090029; MD090001;<br>MI080001; MN030016; MN080009;<br>MO080006; MO100003; ND100004;<br>OR050004; OR060015; PA090001;<br>TX030006; VA080008; WI080005;<br>WV080002.<br>AZ060003 .....<br>AZ050011; AZ960003 .....<br>AR960006; KS040009; MI050002;<br>MS060010; OR920023; OR940025;<br>SD030002; SD980002. | Nod Apiary Products USA, Inc., 8345 NW 66th Street, #8418, Miami, FL 33166–2626.<br>Nufarm Americas, Inc., 150 Harvester Drive, Suite 200, Burr Ridge, IL 60527.<br>Sipcam Agro U.S.A., Inc., 2520 Meridian Pkwy., Suite 525, Durham, NC 27713.<br>Syngenta Crop Protection, Inc., Attn: Regulatory Affairs, P.O. Box 18300, Greensboro, NC 27419–8300.<br><br>United Phosphorus, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.<br>Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596.<br>Winfield Solutions, LLC, P.O. Box 64589, St Paul, MN 55164–0589. |

### III. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants in Table 3 of Unit II. have not requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 180-day comment period on the proposed requests.

### IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

### V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Because the Agency has identified no significant potential risk concerns associated with these pesticide products, upon cancellation of the products identified in Tables 1 and 2 of Unit II. the existing stocks will be as follows:

#### A. Registrations Listed in Table 1 of Unit II

The Agency anticipates allowing registrants to sell and distribute existing stocks of these products for 1 year after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

#### B. Registrations Listed in Table 2 of Unit II

The effective date of cancellation will be the date of the cancellation order. The Agency anticipates allowing registrants to sell and distribute existing stocks of these products until January 15, 2012, 1 year after the date on which the maintenance fee was due. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 2 of Unit

II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 14, 2011.

**Peter Caulkins,**

*Acting Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.*

[FR Doc. 2011–9935 Filed 4–26–11; 8:45 am]

**BILLING CODE 6560–50–P**

### ENVIRONMENTAL PROTECTION AGENCY

[FRL–9299–4]

### Notice of a Regional Waiver of Section 1605 (Buy American Requirement) of American Recovery and Reinvestment Act of 2009 (ARRA) to the Virginia Department of Environmental Quality (VADEQ)

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

**ACTION:** Notice.

**SUMMARY:** The Regional Administrator of EPA Region III is hereby granting a waiver of the Buy American requirement of the American Recovery and Reinvestment Act of 2009 (U.S. Pub. L. 111–5) (ARRA) Section 1605(a) under the authority of Section 1605(b)(1) (public interest waiver) to VADEQ for *de minimis* incidental components of eligible water infrastructure projects funded under

VADEQ's ARRA Leaking Underground Storage Tank (LUST) grant. This action permits the use of non-domestic iron, steel, and manufactured goods when they occur in *de minimis* incidental components of such projects that would otherwise be prohibited under Section 1605(a).

**DATES:** *Effective Date:* April 27, 2011.

**FOR FURTHER INFORMATION CONTACT:** Rick Rogers, Associate Director, Land and Chemicals Division, Office of State Programs, U.S. EPA Region III, 1650 Arch Street, Mail Code: 3LC50, Philadelphia, PA 19103-2029, Telephone: 215-814-5711, E-mail: [rogers.rick@epa.gov](mailto:rogers.rick@epa.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with ARRA Section 1605(c), the EPA hereby provides notice that it is granting a waiver of the requirements of Section 1605(a) of Public Law 111-5, Buy American requirements, to VADEQ for projects funded under their ARRA LUST grant, based on the public interest authority of Section 1605(b)(1). EPA issued a Nationwide "public interest" Buy American waiver on May 22, 2009 to allow the use of *de minimis* incidental components of eligible projects for Clean or Drinking Water State Revolving Fund (SRF) projects where such components comprise no more than 5 percent of the total cost of the materials used in and incorporated into a project. EPA Region III believes that the justifications applied to the SRF Buy American waiver pertain to equivalent drinking water infrastructure projects being completed under VADEQ's ARRA LUST grant, that are being used to extend public water lines to properties with petroleum-contaminated drinking water wells.

Among the General Provisions of ARRA, Section 1605(a) requires that "all of the iron, steel, and manufactured goods used in" a public works project built with ARRA funds must be produced in the United States unless the head of the respective Federal department or agency determines it necessary to waive this requirement based on findings set forth in Section 1605(b). In implementing ARRA Section 1605, EPA must ensure that the Section's requirements are applied consistent with congressional intent in adopting this Section and in the broader context of the purposes, objectives, and other provisions of ARRA applicable to projects funded under the Underground Storage Tank funds. Further, Congress' overarching directive to

"[t]he President and the heads of Federal departments and agencies [is that they] shall manage and expend the funds made available in this Act so as to achieve the purposes [of

this Act], including commencing expenditures and activities as quickly as possible consistent with prudent management." [ARRA Section 3(b)].

Water infrastructure projects typically contain a relatively small number of high-cost components incorporated into the project that are iron, steel, and manufactured goods, such as pipes, tanks, pumps, motors, instrumentation and control equipment, treatment process equipment, and relevant materials to build structures for such facilities as treatment plants, pumping stations, pipe networks, etc. In bid solicitations for a project, these high-cost components are generally clearly described via project specific technical specifications. For these major components, utility owners and their contractors are generally familiar with the conditions of availability, the approximate cost, and the country of manufacture of available components.

Every water infrastructure extension project also involves the use of literally thousands of miscellaneous, generally low-cost components that are essential for but incidental to the construction, and are incorporated into the physical structure of the project, such as nuts, bolts, other fasteners, tubing, gaskets, etc. These incidental components are subject to the Buy American requirement of ARRA Section 1605(a), as stated above.

In contrast with the situation applicable to major components with regard to country of manufacture, availability, and procurement process, the situation applicable to these incidental components is one where the country of manufacture and the availability of alternatives are not readily or reasonably identifiable prior to procurement in the normal course of business. Particularly under the time constraints outlined above, it would be laborious, likely unproductive as to feasible alternatives, and disproportionate to the costs and time involved for an owner or its contractor to pursue such inquiries.

While evaluating the SRF waiver in 2009, EPA undertook multiple inquiries to identify the approximate scope of *de minimis* incidental components within water infrastructure projects. EPA consulted informally with many major associations representing equipment manufacturers and suppliers, construction contractors, consulting engineers, and water and wastewater utilities, and a contractor performed targeted interviews with several well-established water infrastructure contractors and firms who work in a variety of project sizes, and regional and

demographic settings. The contractor asked the following questions:

- What percentage of total project costs were consumables or incidental costs?
- What percentage of materials costs were consumables or incidental costs?
- Did these percentages vary by type of project (drinking water vs. wastewater; treatment plant vs. pipe)?

The responses were consistent across the variety of settings and project types, and indicated that the percentage of total costs for drinking water or wastewater infrastructure projects comprised by these incidental components is generally not in excess of 5 percent of the total cost of the materials used in and incorporated into a project. Additionally, VADEQ investigated costs of LUST projects comprised by these components, and reports that the components will not exceed 5 percent of the total cost of those projects. In drafting this waiver, EPA has considered the *de minimis* proportion of project costs generally represented by each individual type of these incidental components within the hundreds or thousands of types of such components comprising those percentages, the fact that these types of incidental components are obtained by contractors in many different ways from many different sources, and the disproportionate cost and delay that would be imposed on projects if EPA did not issue this waiver.

Under such specific circumstances associated with these particular types of incidental components, EPA has found that it would be inconsistent with the public interest—and particularly with ARRA's directives to ensure expeditious water infrastructure construction consistent with prudent management, as cited above—to require that the national origins of these components be identified in compliance with Section 1605(a). Pursuant to ARRA Section 1605(b)(1), EPA is hereby issuing a waiver to VADEQ from the requirements of ARRA Section 1605(a) for the incidental components described above as a *de minimis* factor in the ARRA LUST projects, where such components comprise no more than 5 percent of the total cost of the materials used in and incorporated into a project.

VADEQ should, in consultation with their contractors, determine the items to be covered by this waiver, must retain relevant documentation of those items in their project files, and must summarize in reports to EPA the types and/or categories of items to which this waiver is applied, the total cost of incidental components covered by the waiver for each type or category, and the

calculations by which they determined the total cost of materials used in and incorporated into the project.

For the foregoing reasons, imposing ARRA's Buy American requirements for the category of *de minimis* incidental components described herein is not in the public interest. 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: April 16, 2011.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2011-10235 Filed 4-26-11; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (<http://www.fmc.gov>) or by contacting the Office of Agreements at (202) 523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 011794-015.

*Title:* COSCON/KL/YMUK/Hanjin Worldwide Slot Allocation & Sailing Agreement.

*Parties:* COSCO Container Lines Company, Limited; Hanjin Shipping Co., Ltd.; Kawasaki Kisen Kaisha, Ltd.; and Yangming (UK) Ltd.

*Filing Party:* Susannah K. Keagle; Nixon Peabody LLP; 555 West Fifth Street, 46th Floor; Los Angeles, CA 90013.

*Synopsis:* The amendment sets a maximum number of vessels the parties may deploy in the U.S. trades.

*Agreement No.:* 012120-001.

*Title:* CSAV/Liberty Turkey Space Charter Agreement.

*Parties:* Compania Sud Americana de Vapores S.A. and Liberty Global Logistics LLC.

*Filing Party:* Walter H. Lion, Esq.; McLaughlin & Stern, LLP; 260 Madison Avenue; New York, NY 10016.

*Synopsis:* The amendment clarifies the number of units CSAV agrees to ship on Liberty's vessels.

By Order of the Federal Maritime Commission.

Dated: April 22, 2011.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. 2011-10165 Filed 4-26-11; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL MARITIME COMMISSION

### Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for a license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF)—Ocean Transportation Intermediary (OTI) pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515). Notice is also hereby given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a license.

Interested persons may contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523-5843 or by e-mail at [OTI@fmc.gov](mailto:OTI@fmc.gov).

African Mediterranean Lines Inc. (NVO), Amci Bldg. Jezine Street, Saida, Lebanon, Officers: Ahmad K. Osman, Vice President/Assistant General Manager (Qualifying Individual), Hussein M. Bassal, Assistant General Manager, Application Type: New NVO License.  
Bahaghari Holdings, Inc. dba Bahaghari Holdings, Inc., dba Bahaghari Express Cargo dba DL Lawin Cargo (NVO), 761 Highland Place, San Dimas, CA 91773, Officer: Leandro R. Dinglasan, President/CFO/Secretary, Application Type: New NVO License.

CTC Logistics (L.A.) Inc. (NVO), 5250 W. Century Blvd., Suite 660, Los Angeles, CA 90045, Officers: Ann L. Shang, CFO (Qualifying Individual), Yon L. Li, President, Application Type: QI Change.

Diversities International Corporation (NVO & OFF), 6022 Melrose Avenue, San Angelo, TX 76901, Officers: Nguyet Nguyen, President/Secretary (Qualifying Individual), Sean Lee, Vice President/Treasurer, Application Type: New NVO & OFF License.

DS International Corporation (NVO), 315 Harbor Way, South San Francisco, CA 94080, Officer: Charlie Shi, President/Secretary/Treasurer (Qualifying Individual), Application Type: New NVO License.

Falcon Shipping, Inc. (NVO & OFF), 4458 NW. 74th Avenue, Miami, FL 33166, Officer: Abdiel Falcon,

President/Secretary (Qualifying Individual), Application Type: New NVO & OFF License.

Ground Cargo Transportation, Inc. (NVO & OFF), 9900 West Sample Road, #208, Coral Springs, FL 33065, Officer: Marcelo A. Leston, President/Secretary/Treasurer (Qualifying Individual), Application Type: Add NVO Service.

Jetstream Freight Forwarding, Inc. (OFF), 21024 24th Avenue South, #114, Sea-Tac, WA 98198, Officers: AiChu Sun-Franck, Sec./Dir. Of Ocean Export Operations (Qualifying Individual), Bryan D. Jennings, President, Application Type: QI Change.

"K" Line Logistics (U.S.A.) Inc. (OFF), 145 Hook Creek Blvd., Bldg. C5B, Valley Stream, NY 11581, Officers: Donald Whang, Vice President (Corporate Customs Officer) (Qualifying Individual), Mamoru Shozui, President, Application Type: QI Change.

NACA Logistics (USA), Inc. dba Vanguard Logistics Services, dba Vanguard dba Brennan International Transport, dba Brennan dba Conterm Consolidation Services, dba Conterm dba Direct Container Line dba DCL, dba Ocean World Shipping dba OWS dba Ocean Express, dba Oceanexpress (NVO), 857 East 230th Street, Carson, CA 90745, Officers: Michael Sinclair, President (Qualifying Individual), Charles Brennan, Vice President/Director, Application Type: Trade Name Change.

NK America, Inc. (NVO & OFF), 777 S. Kuther Road, Sidney, OH 45365, Officers: Bruce Hetzler, Vice President (Qualifying Individual), Hiroshi Sakairi, President, Application Type: QI Change.

Pactrans Global LLC. (NVO & OFF), 951-961 Thorndale Avenue, Bensenville, IL 60106, Officers: Alexander F. Pon, Managing Member (Qualifying Individual), Kitty Y. Pon, Manager, Application Type: New NVO & OFF License.

PME Logistics, Inc. (NVO), 19401 S. Main Street, Suite 102, Gardena, CA 90248, Officers: Nelson Yang, Secretary/Director (Qualifying Individual), David Y. Seong, President/CEO/Treasurer/CFO, Application Type: New NVO License.  
Samskip Icepak Logistics, Inc. (NVO & OFF), 220 N. Centre Street, Suite 2, Merchantville, NJ 08109, Officer: Paul Dean, President (Qualifying Individual), Application Type: Name Change.

Sky 2 C Freight Systems, Inc. (NVO & OFF), 4221 Business Center Drive, Suite 5 & 6, Fremont, CA 94538,