

Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(g), of the Instruction. This rule involves the establishment of an RNA. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under

**ADDRESSES.** Any comments received concerning environmental impacts will be considered and changes made to the environmental analysis checklist and categorical exclusion determination as appropriate.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01-0084 to read as follows:

#### § 165.T01-0084 Regulated Navigation Area; Little Bay Bridge Construction, Little Bay, Portsmouth, NH.

(a) *Location.* The following area is a Regulated Navigation Area (RNA): all navigable waters of Little Bay between Newington, NH and Dover, NH, from surface to bottom, within a 300 yard radius of position 43°07'05" N, 070°49'33" W.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.10, 165.11, and 165.13 apply within the RNA. In addition, the following regulations apply:

(2) In accordance with the general regulations, entry into or movement within this zone, during periods of enforcement, is prohibited unless authorized by the Port Sector Northern New England (COTP).

(3) A speed limit of five (5) knots will be in effect within the regulated area. All vessels must proceed through the area with caution and operate in such a manner as to produce no wake.

(4) All persons and vessels must comply with all directions given to them by the COTP or his on-scene representative. The “on-scene representative” of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP’s behalf. The on-scene representative may be on a Coast Guard vessel, New Hampshire State Police vessel, New Hampshire Marine Patrol vessel or other designated craft, or may be on shore, and will communicate with vessels via

VHF-FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(5) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel must proceed as directed.

(6) All other relevant regulations, including but not limited to the Rules of the Road (33 CFR part 84—Subchapter E, Inland Navigational Rules) remain in effect within the regulated area and must be strictly followed at all times.

(c) *Enforcement Period.* (1) This section is enforceable from February 28, 2012 until 11:59 p.m. on July 31, 2013.

(2) The COTP will give notice of enforcement by appropriate means to inform the affected segments of the public, and such notification will include dates and times. Means of notification may include, but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners.

(d) *Penalties.* Failure to comply with this section may result in civil or criminal penalties pursuant to the Ports and Waterways Safety Act, 33 U.S.C. 1221 et seq. Report violations of this regulated navigation area to the COTP Sector Northern New England, at 207-767-0303 or on VHF—Channel 16.

Dated: February 28, 2012.

**J.B. McPherson,**

*Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.*

[FR Doc. 2012-5782 Filed 3-8-12; 8:45 am]

**BILLING CODE 9110-04-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 59

[EPA-HQ-OAR-2006-0971; FRL-9644-8]

RIN 2060-AR37

#### National Volatile Organic Compound Emission Standards for Aerosol Coatings—Addition of Dimethyl Carbonate, Benzotrifluoride, and Hexamethyldisiloxane to Table of Reactivity Factors

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is taking direct final action to amend the National Volatile Organic Compound Emission Standards for Aerosol Coatings final rule, which is a rule that establishes national reactivity-based emission standards for the aerosol coatings category (aerosol spray paints) under the Clean Air Act, published elsewhere in the **Federal**

**Register.** This direct final action adds three compounds: dimethyl carbonate, benzotrifluoride and hexamethyldisiloxane, and their associated reactivity factors to the aerosol coatings reactivity rule's table of reactivity factors based on petitions received from regulated entities. This action also revises two tables in the final rule, and corrects a typographical error in a test method reference.

**DATES:** This rule is effective on June 7, 2012 without further notice, unless the EPA receives adverse comment by April 23, 2012. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that some or all of the amendments in the final rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2006-0971, by one of the following methods:

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

- *Email:* [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).

- *Fax:* (202) 566-9744.

- *Mail:* U.S. Postal Service, send comment to: EPA Docket Center (6102T), Air and Radiation Docket, National Volatile Organic Compound Emission Standards for Aerosol Coatings, 1200 Pennsylvania Avenue NW., Washington, DC 20460. Please include a total of two copies.

- *Hand Delivery:* In person or by courier, deliver comments to: EPA Docket Center (6102T), Air and Radiation Docket, National Volatile Organic Compound Emission Standards for Aerosol Coatings, Public Reading Room, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OAR-2006-0971. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](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](http://www.regulations.gov) or email. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means the EPA will not know

your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the 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.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the aerosol coatings reactivity rule, contact Ms. J. Kaye Whitfield, U.S. EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Minerals and Manufacturing Group (D243-02), Research Triangle Park, North Carolina 27711, telephone number: (919) 541-2509, fax number (919) 541-5450, email address: [whitfield.kaye@epa.gov](mailto:whitfield.kaye@epa.gov). For information concerning the Clean Air Act section 183(e) consumer and commercial products program, contact Ms. Kim Teal, U.S. EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Minerals and Manufacturing Group (D243-04), Research Triangle Park, North Carolina 27711, telephone number: (919) 541-5580, fax number (919) 541-5450, email address: [teal.kim@epa.gov](mailto:teal.kim@epa.gov).

#### SUPPLEMENTARY INFORMATION:

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#### I. Why is the EPA using a direct final rule?

The EPA is publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. Section 59.511(j) of the final rule states that if a regulated entity identifies a VOC that is needed for an aerosol formulation that is not listed in Tables 2A, 2B, or 2C, it is assigned a default reactivity factor (RF) of 22.04/Z g O<sub>3</sub>/g VOC. However, regulated entities may petition the Agency to add a compound to Table 2A, 2B, or 2C provided that the petitions include the chemical name, CAS number, a statement certifying the intent to use the compound in an aerosol coatings product, and adequate information to evaluate the reactivity of the compound and assign a RF value consistent with the values for the other compounds listed in Table 2A. Since publication of the final rule (73 FR 15604, March 24, 2008), compounds have been added to Table 2A following the same procedure (74 FR 29595, June 23, 2009). The amendments to the aerosol coatings final rule described herein consist of adding three compounds to Table 2A, and their associated RFs and Chemical Abstract Service (CAS) numbers, based on petitions received by the Agency and consistent with Section 59.511(j) of the final rule. The amendments do not make material changes to the rule. This action also revises Table 1 of the final rule by moving the units from the table heading to the reactivity limits column, revises Tables 2A, 2B, and 2C by assigning units to the reactivity factor column, and corrects a typographical error in a test method reference. However, in the "Proposed Rules" section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to the National Volatile Organic Compound Emission Standards for Aerosol Coatings (40 CFR part 59) if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that some or all of the amendments in this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule.

**II. Does this action apply to me?**

The entities potentially affected by this direct final rule are the same entities that are subject to the aerosol coatings final rule. The entities affected by the aerosol coatings final rule include: Manufacturers, processors, distributors or importers of aerosol coatings for sale or distribution in the United States, and manufacturers, processors, distributors or importers who supply the entities listed above with aerosol coatings for sale or distribution in interstate commerce in the United States.

**III. What should I consider as I prepare my comments for the EPA?**

*A. Submitting CBI.* Do not submit this information to the EPA through [www.regulations.gov](http://www.regulations.gov) or email. 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 the 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.

*B. Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- 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.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

**IV. What are the amendments made by this direct final rule?**

This direct final rule adds three compounds to Table 2A—Reactivity

Factors: dimethyl carbonate, benzotrifluoride, hexamethyldisiloxane, and their corresponding CAS numbers and RFs (see Table A). This action is in accordance with Section 59.511(j) of the final rule which allows regulated entities to petition the Agency to add compounds to Table 2A, 2B, or 2C provided that the petition includes the chemical name, CAS number, a statement certifying the intent to use the compound in an aerosol coatings product, and adequate information to evaluate the reactivity of the compound and assign a RF value consistent with the values for the other compounds listed in Table 2A (73 FR 15604, March 24, 2008; 74 FR 29595, June 23, 2009). EPA received petitions from KOWA America, Raymond Regulatory Resources, Seymour of Sycamore, and 3M, requesting the addition of the three compounds to Table 2A.

This action also revises Table 1 of the final rule by moving the units, expressed as grams of ozone per gram of product (g O<sub>3</sub>/g product), from the table heading to the column titled, “Reactivity Limit”; revises Tables 2A, 2B, and 2C by adding units, expressed as grams of ozone per gram of VOC (g O<sub>3</sub>/g VOC), to the column titled, “Reactivity Factors”; and corrects a test method typographical error by replacing the phrase “California Air Resources Board Method 3–0” in 40 CFR 59.515(a)(1) with “California Air Resources Board Method 310.”

TABLE A—COMPOUNDS ADDED TO TABLE OF REACTIVITY FACTORS

Compound	CAS No.	Reactivity factor (g O <sub>3</sub> /g VOC)
Benzotrifluoride .....	98–08–8	0.26
Hexamethyldisiloxane .....	107–46–0	0.00
Dimethyl carbonate .....	616–38–6	0.06

As is the case for the other compounds in Table 2A, the RFs assigned to the three compounds are consistent with the maximum incremental reactivity (MIR) values in California’s aerosol coatings regulation (Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 8.6, Article 1, § 94700).

In the instance of benzotrifluoride and dimethyl carbonate, their RFs were previously published in the EPA’s original proposal for this rule; therefore, the information on their reactivity had been adequately evaluated and RFs assigned (72 FR 38592, July 16, 2007).

When the rule was finalized, only those compounds known to EPA to be used in aerosol coating formulations were included in Table 2A (73 FR 15604, March 24, 2008). At the time the original rule was finalized, EPA did not know of any aerosol coating formulations in which benzotrifluoride and dimethyl carbonate were used, so their RFs were not included in Table 2A. The RFs for benzotrifluoride and dimethyl carbonate are consistent with the California MIR values that have been effective since July 18, 2001.

For hexamethyldisiloxane, an RF value was not included in the original

proposal for this rule. California assigned an MIR value of zero to hexamethyldisiloxane, effective October 2, 2010. The most recent MIR values published by Dr. William Carter at the University of California at Riverside, upon which the California MIR values are based, lists the MIR for hexamethyldisiloxane as –0.025 g O<sub>3</sub>/g VOC (see <http://www.cert.ucr.edu/~carter/SAPRC/scales07.xls>). This MIR value indicates that hexamethyldisiloxane acts as a slight inhibitor to ozone formation. Based on this information, the EPA believes that

a RF of zero is appropriate for the purposes of this regulation.

Comments on this direct final action are to be limited to issues directly associated with adding these three compounds, and their associated RFs to Table 2A.

## V. Statutory and Executive Order Reviews

### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a “significant regulatory action” under the terms of Executive Order 12866 (58 FR 51735 October 4, 1993) and is, therefore, not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

### B. Paperwork Reduction Act

This action does not impose any new information collection burden because it serves to add compounds to Table 2A of the rule and make several clarifying edits. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations (40 CFR parts 51 and 59) under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0617. The OMB control numbers for the EPA’s regulations in 40 CFR are listed in 40 CFR part 9.

### C. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this final rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration’s regulations at 13 CFR 121.201; (2) a governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final rule on small

entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant *adverse* economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives “which minimize any significant economic impact of the rule on small entities.” 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule.

This rule will not impose any requirements on small entities. We have determined that small businesses will not incur any adverse impacts because the EPA is taking this action to amend the aerosol coatings rule by adding compounds to Table 2A of the rule and making several clarifying edits. These amendments do not create any new requirements or burdens, and no costs are associated with these amendments.

We have, therefore, concluded that this final rule will relieve regulatory burden for all affected small entities.

### D. Unfunded Mandates Reform Act

This rule does not contain a federal mandate that may result in expenditures of \$100 million or more for state, local and tribal governments, in the aggregate, or the private sector in any one year. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. In this action, the EPA is amending Table 2A by adding three compounds and their associated reactivity factors, and making several clarifying edits.

### E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action adds compounds and corresponding Chemical Abstract Service numbers and reactivity factors to Table 2A of the aerosol coatings rule, and makes several

clarifying edits. Thus, Executive Order 13132 does not apply to this action.

### F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action adds compounds and corresponding Chemical Abstract Service numbers and reactivity factors to Table 2A of the aerosol coatings rule, and makes several clarifying edits. Thus, Executive Order 13175 does not apply to this action.

### G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is based solely on technology performance.

### H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

### I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, the EPA did not consider the use of any voluntary consensus standards.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. Further, this action adds compounds to Table 2 of the aerosol coatings rule, and corresponding Chemical Abstract Service numbers and reactivity factors, and makes several clarifying edits.

*K. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This rule will be effective June 7, 2012.

**List of Subjects in 40 CFR Part 59**

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 1, 2012.

**Lisa P. Jackson,**  
*Administrator.*

For the reasons set out in the preamble, part 59 of title 40, Chapter I of the Code of Federal Regulations is amended as follows:

**PART 59—[AMENDED]**

■ 1. The authority citation for part 59 continues to read as follows:

**Authority:** 42 U.S.C. 7414 and 7511b(e).

■ 2. Section 59.515 is amended by revising paragraph (a)(1) to read as follows:

**§ 59.515 Incorporations by reference.**

\* \* \* \* \*

(a) \* \* \*

(1) California Air Resources Board Method 310—Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products (May 5, 2005), IBR approved for § 59.508.

\* \* \* \* \*

■ 3. Table 1 to Subpart E of Part 59 is revised to read as follows:

TABLE 1 TO SUBPART E OF PART 59—PRODUCT-WEIGHTED REACTIVITY LIMITS BY COATING CATEGORY

Coating category	Category code <sup>a</sup>	Reactivity limit (g O <sub>3</sub> /g product)
Clear Coatings .....	CCP	1.50
Flat Coatings .....	FCP	1.20
Fluorescent Coatings .....	FLP	1.75
Metallic Coatings .....	MCP	1.90
Non-Flat Coatings .....	NFP	1.40
Primers .....	PCP	1.20
Ground Traffic/Marking .....	GTM	1.20
Art Fixatives or Sealants .....	AFS	1.80
Auto Body Primers .....	ABP	1.55
Automotive Bumper and Trim Products .....	ABT	1.75
Aviation or Marine Primers .....	AMP	2.00
Aviation Propellor Coatings .....	APC	2.50
Corrosion Resistant Brass, Bronze, or Copper Coatings .....	CRB	1.80
Exact Match Finish—Engine Enamel .....	EEE	1.70
Exact Match Finish—Automotive .....	EFA	1.50
Exact Match Finish—Industrial .....	EFI	2.05
Floral Sprays .....	FSP	1.70
Glass Coatings .....	GCP	1.40
High Temperature Coatings .....	HTC	1.85
Hobby/Model/Craft Coatings, Enamel .....	HME	1.45
Hobby/Model/Craft Coatings, Lacquer .....	HML	2.70
Hobby/Model/Craft Coatings, Clear or Metallic .....	HMC	1.60
Marine Spar Varnishes .....	MSV	0.90
Photograph Coatings .....	PHC	1.00
Pleasure Craft Primers, Surfacers or Undercoaters .....	PCS	1.05
Pleasure Craft Topcoats .....	PCT	0.60
Polyolefin Adhesion Promoters .....	PAP	2.50
Shellac Sealers, Clear .....	SSC	1.00
Shellac Sealers, Pigmented .....	SSP	0.95
Slip-Resistant Coatings .....	SRC	2.45
Splatter/Multicolor Coatings .....	SMC	1.05
Vinyl/Fabric/Leather/Polycarbonate Coatings .....	VFL	1.55
Webbing/Veiling Coatings .....	WFC	0.85
Weld-Through Primers .....	WTP	1.00
Wood Stains .....	WSP	1.40

TABLE 1 TO SUBPART E OF PART 59—PRODUCT-WEIGHTED REACTIVITY LIMITS BY COATING CATEGORY—Continued

Coating category	Category code <sup>a</sup>	Reactivity limit (g O <sub>3</sub> /g product)
Wood Touch-up/Repair or Restoration Coatings .....	WTR	1.50

<sup>a</sup> Regulated entities may use these category codes or define their own in accordance with § 59.511(b)(6).

■ 4. Table 2A to Subpart E of Part 59 is revised to read as follows:

TABLE 2A TO SUBPART E OF PART 59—REACTIVITY FACTORS

Compound	CAS No.	Reactivity factor (g O <sub>3</sub> /g VOC)
Formaldehyde .....	50-00-0	8.97
Glycerol (1,2,3-Propanetriol) .....	56-81-5	3.27
Propylene Glycol .....	57-55-6	2.75
Ethanol .....	64-17-5	1.69
Formic Acid .....	64-18-6	0.08
Acetic Acid .....	64-19-7	0.71
Methanol .....	67-56-1	0.71
Isopropyl Alcohol (2-Propanol) .....	67-63-0	0.71
Acetone (Propanone) .....	67-64-1	0.43
n-Propanol (n-Propyl Alcohol) .....	71-23-8	2.74
n-Butyl Alcohol (Butanol) .....	71-36-3	3.34
n-Pentanol (Amyl Alcohol) .....	71-41-0	3.35
Benzene .....	71-43-2	0.81
1,1,1-Trichloroethane .....	71-55-6	0.00
Propane .....	74-98-6	0.56
Vinyl Chloride .....	75-01-4	2.92
Acetaldehyde .....	75-07-0	6.84
Methylene Chloride (Dichloromethane) .....	75-09-2	0.07
Ethylene Oxide .....	75-21-8	0.05
Isobutane .....	75-28-5	1.35
HFC-152A (1,1-Difluoroethane) .....	75-37-6	0.00
Propylene Oxide .....	75-56-9	0.32
t-Butyl Alcohol .....	75-65-0	0.45
Methyl t-Butyl Ketone .....	75-97-8	0.78
Isophorone (3,5,5-Trimethyl-2-Cyclohexenone) .....	78-59-1	10.58
Isopentane .....	78-78-4	1.68
Isobutanol .....	78-83-1	2.24
2-Butanol (s-Butyl Alcohol) .....	78-92-2	1.60
Methyl Ethyl Ketone (2-Butanone) .....	78-93-3	1.49
Monoisopropanol Amine (1-Amino-2-Propanol) .....	78-96-6	13.42
Trichloroethylene .....	79-01-6	0.60
Propionic Acid .....	79-09-4	1.16
Acrylic Acid .....	79-10-7	11.66
Methyl Acetate .....	79-20-9	0.07
Nitroethane .....	79-24-3	12.79
Methacrylic Acid .....	79-41-4	18.78
α-Pinene (Pine Oil) .....	80-56-8	4.29
Methyl Methacrylate .....	80-62-6	15.84
Naphthalene .....	91-20-3	3.26
Xylene, ortho- .....	95-47-6	7.49
o-Cresol .....	95-48-7	2.34
1,2,4-Trimethylbenzene .....	95-63-6	7.18
3-Pentanone .....	96-22-0	1.45
Methyl Ethyl Ketoxime (Ethyl Methyl Ketone Oxime) .....	96-29-7	22.04
γ-Butyrolactone .....	96-48-0	1.15
Ethyl Lactate .....	97-64-3	2.71
Isobutyl Isobutyrate .....	97-85-8	0.61
Isobutyl Methacrylate .....	97-86-9	8.99
Butyl Methacrylate .....	97-88-1	9.09
Benzotrifluoride .....	98-08-8	0.26
PCBTf (p-Trifluoromethyl-Cl-Benzene) .....	98-56-6	0.11
Cumene (Isopropyl Benzene) .....	98-82-8	2.32
α-Methyl Styrene .....	98-83-9	1.72
Ethyl Benzene .....	100-41-4	2.79
Styrene .....	100-42-5	1.95
Benzaldehyde .....	100-52-7	0.00
Triethanolamine .....	102-71-6	2.76

TABLE 2A TO SUBPART E OF PART 59—REACTIVITY FACTORS—Continued

Compound	CAS No.	Reactivity factor (g O <sub>3</sub> /g VOC)
2-Ethyl-Hexyl Acetate	103-09-3	0.79
2-Ethyl-Hexyl Acrylate	103-11-7	2.42
2-Ethyl-1-Hexanol (Ethyl Hexyl Alcohol)	104-76-7	2.20
Ethyl Propionate	105-37-3	0.79
s-Butyl Acetate	105-46-4	1.43
n-Propyl Propionate	106-36-5	0.93
Xylene, para-	106-42-3	4.25
p-Dichlorobenzene	106-46-7	0.20
Dimethyl Succinate	106-65-0	0.23
1,2-Epoxybutane (Ethyl Oxirane)	106-88-7	1.02
n-Propyl Bromide	106-94-5	0.35
Butane	106-97-8	1.33
1,3-Butadiene	106-99-0	13.58
Ethylene Glycol	107-21-1	3.36
2-Methyl-2,4-Pentanediol	107-41-5	1.04
Hexamethyldisiloxane	107-46-0	0.00
Isohexane Isomers	107-83-5	1.80
Methyl n-Propyl Ketone (2-Pentanone)	107-87-9	3.07
Propylene Glycol Monomethyl Ether (1-Methoxy-2-Propanol)	107-98-2	2.62
n,n-Dimethylethanolamine	108-01-0	4.76
1-Nitropropane	108-03-2	16.16
Vinyl Acetate	108-05-4	3.26
Methyl Isobutyl Ketone	108-10-1	4.31
Isopropyl Acetate	108-21-4	1.12
Propylene Carbonate (4-Methyl-1,3-Dioxolan-2one)	108-32-7	0.25
Xylene, meta-	108-38-3	10.61
Propylene Glycol Monomethyl Ether Acetate (1-Methoxy-2-Propyl Acetate)	108-65-6	1.71
1,3,5-Trimethyl Benzene	108-67-8	11.22
Di-Isobutyl Ketone (2,6-Dimethyl-4-Heptanone)	108-83-8	2.94
Methylcyclohexane	108-87-2	1.99
Toluene	108-88-3	3.97
Monochlorobenzene	108-90-7	0.36
Cyclohexanol	108-93-0	2.25
Cyclohexanone	108-94-1	1.61
n-Butyl Butyrate	109-21-7	1.12
Propyl Acetate	109-60-4	0.87
Pentane	109-66-0	1.54
Ethylene Glycol Monomethyl Ether (2-Methoxyethanol)	109-86-4	2.98
Tetrahydrofuran	109-99-9	4.95
Methyl Isoamyl Ketone (5-Methyl-2-Hexanone)	110-12-3	2.10
Isobutyl Acetate	110-19-0	0.67
Methyl Amyl Ketone	110-43-0	2.80
Hexane	110-54-3	1.45
n-Propyl Formate	110-74-7	0.93
2-Ethoxyethanol	110-80-5	3.78
Cyclohexane	110-82-7	1.46
Morpholine	110-91-8	15.43
Dipropylene Glycol	110-98-5	2.48
Ethylene Glycol Monoethyl Ether Acetate (2-Ethoxyethyl Acetate)	111-15-9	1.90
Diethylenetriamine	111-40-0	13.03
Diethanolamine	111-42-2	4.05
Diethylene Glycol	111-46-6	3.55
n-Octane	111-65-9	1.11
2-Butoxy-1-Ethanol (Ethylene Glycol Monobutyl Ether)	111-76-2	2.90
Diethylene Glycol Methyl Ether (2-(2-Methoxyethoxy) Ethanol)	111-77-3	2.90
n-Nonane	111-84-2	0.95
2-(2-Ethoxyethoxy) Ethanol	111-90-0	3.19
Ethylene Glycol Monobutyl Ether Acetate (2-Butoxyethyl Acetate)	112-07-2	1.67
2-(2-Ethoxyethoxy) Ethyl Acetate	112-15-2	1.50
2-(2-Butoxyethoxy)-Ethanol	112-34-5	2.70
Dimethyl Ether	115-10-6	0.93
Triethylamine	121-44-8	16.60
2-Phenoxyethanol; Ethylene Glycol Phenyl Ether	122-99-6	3.61
Diacetone Alcohol	123-42-2	0.68
2,4-Pentanedione	123-54-6	1.02
Butanal	123-72-8	6.74
Butyl Acetate, n	123-86-4	0.89
2-(2-Butoxyethoxy) Ethyl Acetate	124-17-4	1.38
2-Amino-2-Methyl-1-Propanol	124-68-5	15.08
Perchloroethylene	127-18-4	0.04

TABLE 2A TO SUBPART E OF PART 59—REACTIVITY FACTORS—Continued

Compound	CAS No.	Reactivity factor (g O <sub>3</sub> /g VOC)
Ethanolamine	141-43-5	5.97
Ethyl acetate	141-78-6	0.64
Heptane	142-82-5	1.28
n-Hexyl Acetate (Hexyl Acetate)	142-92-7	0.87
2-Ethyl Hexanoic Acid	149-57-5	4.41
1,2,3-Trimethyl Benzene	526-73-8	11.26
t-Butyl Acetate	540-88-5	0.20
Methyl Isobutyrate	547-63-7	0.70
Methyl Lactate	547-64-8	2.75
Methyl Propionate	554-12-1	0.71
1,2 Butanediol	584-03-2	2.21
n-Butyl Propionate	590-01-2	0.89
Methyl n-Butyl Ketone (2-Hexanone)	591-78-6	3.55
Dimethyl carbonate	616-38-6	0.06
Ethyl Isopropyl Ether	625-54-7	3.86
Dimethyl Adipate	627-93-0	1.95
Methyl n-Butyl Ether	628-28-4	3.66
Amyl Acetate (Pentyl Ethanoate, Pentyl Acetate)	628-63-7	0.96
Ethyl n-Butyl Ether	628-81-9	3.86
Ethyl t-Butyl Ether	637-92-3	2.11
1,3-Dioxolane	646-06-0	5.47
Ethyl-3-Ethoxypropionate	763-69-9	3.61
Methyl Pyrrolidone (n-Methyl-2-Pyrrolidone)	872-50-4	2.56
Dimethyl Gluterate	1119-40-0	0.51
Ethylene Glycol 2-Ethylhexyl Ether [2-(2-Ethylhexyloxy) Ethanol]	1559-35-9	1.71
Propylene Glycol Monopropyl Ether (1-Propoxy-2-Propanol)	1569-01-3	2.86
Propylene Glycol Monoethyl Ether (1-Ethoxy-2-Propanol)	1569-02-4	3.25
2-Methoxy-1-Propanol	1589-47-5	3.01
Methyl t-Butyl Ether	1634-04-4	0.78
Ethylcyclohexane	1678-91-7	1.75
Isoamyl Isobutyrate	2050-01-3	0.89
2-Propoxyethanol (Ethylene Glycol Monopropyl Ether)	2807-30-9	3.52
n-Butoxy-2-Propanol	5131-66-8	2.70
d-Limonene (Dipentene or Orange Terpene)	5989-27-5	3.99
Dipropylene Glycol Methyl Ether Isomer (2-[2Methoxypropoxy]-1-Propanol)	13588-28-8	3.02
Texanol (1,3 Pentanediol, 2,2,4-Trimethyl, 1-Isobutyrate)	25265-77-4	0.89
Isodecyl Alcohol (8-Methyl-1-Nonanol)	25339-17-7	1.23
Tripropylene Glycol Monomethyl Ether	25498-49-1	1.90
Glycol Ether DPNB (1-(2-Butoxy-1-Methylethoxy) 2-Propanol)	29911-28-2	1.96
Propylene Glycol t-Butyl Ether (1-tert-Butoxy-2-Propanol)	57018-52-7	1.71
2-Methoxy-1-Propyl Acetate	70657-70-4	1.12
Oxo-Heptyl Acetate	90438-79-2	0.97
2-tert-Butoxy-1-Propanol	94023-15-1	1.81
Oxo-Octyl Acetate	108419-32-5	0.96
C8 Disubstituted Benzenes	na	7.48
C9 Styrenes	na	1.72

■ 5. Table 2B to Subpart E of Part 59 is revised to read as follows:

TABLE 2B TO SUBPART E OF PART 59—REACTIVITY FACTORS FOR ALIPHATIC HYDROCARBON SOLVENT MIXTURES

Bin	Average boiling point* (degrees F)	Criteria	Reactivity factor (g O <sub>3</sub> /g VOC)
1	80-205	Alkanes (<2% Aromatics)	2.08
2	80-205	N- & Iso-Alkanes (≥90% and <2% Aromatics)	1.59
3	80-205	Cyclo-Alkanes (≥90% and <2% Aromatics)	2.52
4	80-205	Alkanes (2 to <8% Aromatics)	2.24
5	80-205	Alkanes (8 to 22% Aromatics)	2.56
6	>205-340	Alkanes (<2% Aromatics)	1.41
7	>205-340	N- & Iso-Alkanes (≥90% and <2% Aromatics)	1.17
8	>205-340	Cyclo-Alkanes (≥90% and <2% Aromatics)	1.65
9	>205-340	Alkanes (2 to <8% Aromatics)	1.62
10	>205-340	Alkanes (8 to 22% Aromatics)	2.03
11	>340-460	Alkanes (<2% Aromatics)	0.91



TABLE 2B TO SUBPART E OF PART 59—REACTIVITY FACTORS FOR ALIPHATIC HYDROCARBON SOLVENT MIXTURES—Continued

Bin	Average boiling point* (degrees F)	Criteria	Reactivity factor (g O <sub>3</sub> /g VOC)
12	>340–460	N- & Iso-Alkanes (≥90% and <2% Aromatics)	0.81
13	>340–460	Cyclo-Alkanes (≥90% and <2% Aromatics)	1.01
14	>340–460	Alkanes (2 to <8% Aromatics)	1.21
15	>340–460	Alkanes (8 to 22% Aromatics)	1.82
16	>460–580	Alkanes (<2% Aromatics)	0.57
17	>460–580	N- & Iso-Alkanes (≥90% and <2% Aromatics)	0.51
18	>460–580	Cyclo-Alkanes (≥90% and <2% Aromatics)	0.63
19	>460–580	Alkanes (2 to <8% Aromatics)	0.88
20	>460–580	Alkanes (8 to 22% Aromatics)	1.49

\* Average Boiling Point = (Initial Boiling Point + Dry Point)/2(b) Aromatic Hydrocarbon Solvents

■ 6. Table 2C to Subpart E of Part 59 is revised to read as follows:

TABLE 2C TO SUBPART E OF PART 59—REACTIVITY FACTORS FOR AROMATIC HYDROCARBON SOLVENT MIXTURES

Bin	Boiling range (degrees F)	Criteria	Reactivity factor (g O <sub>3</sub> /g VOC)
21	280–290	Aromatic Content (≥98%)	7.37
22	320–350	Aromatic Content (≥98%)	7.51
23	355–420	Aromatic Content (≥98%)	8.07
24	450–535	Aromatic Content (≥98%)	5.00

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA–HQ–OPP–2007–0158; FRL–9341–5]

#### Aspergillus flavus AF36; Amendment to an Exemption From the Requirement of a Tolerance

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

**ACTION:** Final rule.

**SUMMARY:** This regulation amends the existing temporary tolerance exemption for *Aspergillus flavus* AF36 by establishing a permanent exemption from the requirement of a tolerance for residues of the microbial pesticide, *Aspergillus flavus* AF36, in or on pistachio when applied as an antifungal agent and used in accordance with good agricultural practices. On behalf of the Arizona Cotton Research and Protection Council, Interregional Research Project Number 4 submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting that EPA amend an existing temporary tolerance exemption for *Aspergillus flavus* AF36. This regulation eliminates

the need to establish a maximum permissible level for residues of *Aspergillus flavus* AF36 under the FFDCA.

**DATES:** This regulation is effective March 9, 2012. Objections and requests for hearings must be received on or before May 8, 2012, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** EPA established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2007–0158. 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., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket

Facility is open 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:** Jeannine Kausch, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–8920; email address: [jeannine@epa.gov](mailto:jeannine@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