

business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:**

Cathleen Kennedy, (215) 814–2746, or by email at [kennedy.cathleen@epa.gov](mailto:kennedy.cathleen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

On October 7, 2011, VADEQ requested delegation of authority to implement and enforce Title 40 of the Code of Federal Regulations, Part 55 (Outer Continental Shelf Air Regulations). On February 2, 2012, EPA sent VADEQ a letter acknowledging that VADEQ will be delegated the authority to implement and enforce OCS regulations. A copy of EPA's letter to VADEQ follows:

“Mr. David K. Paylor

Director

Virginia Department of Environmental Quality

P.O. Box 1105

Richmond, Virginia 23218

Dear Mr. Paylor:

Thank you for your October 7, 2011 letter to the U.S. Environmental Protection Agency (EPA) requesting formal delegation of authority to implement and enforce the requirements of the Outer Continental Shelf (OCS) Regulations within 25 miles of Virginia's seaward boundary. In response, EPA intends to grant the Virginia Department of Environmental Quality (DEQ) formal delegation of authority to implement and enforce OCS Regulations, pursuant to section 328(a)(3) of the Clean Air Act. As established in the Code of Federal Regulations, Title 40, Part 55 (40 CFR Part 55), EPA will delegate implementation and enforcement authority to a State if the State has an adjacent OCS source, and EPA determines that the State's regulations are adequate. EPA has determined that delegation to DEQ shall be immediately effective upon EPA's receipt of a notice of intent (NOI) to construct an OCS source to be adjacent to the Commonwealth of Virginia (Virginia).

The delegation will include the authority for the following sections of 40 CFR Part 55, as exists on September 19, 2011:

- 55.1 Statutory authority and scope.
- 55.2 Definitions.
- 55.3 Applicability.
- 55.4 Requirements to submit a notice of intent.
- 55.6 Permit requirements.
- 55.7 Exemptions.

- 55.8 Monitoring, reporting, inspections, and compliance.
- 55.9 Enforcement.
- 55.10 Fees.
- 55.13 Federal requirements that apply to OCS sources.
- 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.
- 55.15 Specific designation of corresponding onshore areas.
- Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State.

EPA is not delegating the authority to implement and enforce 40 CFR Part 55.5 (Corresponding onshore area designation), 55.11 (Delegation), and 55.12 (Consistency updates), as authority for these sections is reserved for the Administrator. As stated in 40 CFR Part 55.11(b), EPA shall delegate implementation and enforcement authority if determined that the State's regulations are adequate, including a demonstration by the State that the State has:

- (1) adopted the appropriate portions of 40 CFR Part 55 into State law;
- (2) submitted a letter from the State Attorney General confirming that Virginia has adequate authority under the State law to implement and enforce the relevant portions of 40 CFR Part 55;
- (3) adequate resources to implement and enforce the requirements of 40 CFR Part 55; and
- (4) adequate administrative procedures to implement and enforce the requirements of this part, including public notice and comment procedures.

EPA has reviewed DEQ's delegation request and concludes that it meets the requirements for delegation. Therefore, delegation will be effective on the date EPA receives a NOI of constructing an OCS source adjacent to Virginia. On this date, DEQ will automatically be authorized to implement, enforce, and administer the sections of 40 CFR Part 55 listed above for the OCS sources in which Virginia will be the corresponding onshore area.

I appreciate DEQ's efforts to implement the OCS regulations and look forward to working with you to foster the growth of alternative energy projects in Virginia. If you have any questions, please do not hesitate to contact me or have your staff contact Ms. Laura Mohollen, Virginia Liaison, at 215–814–329.

Sincerely,  
Shawn M. Garvin  
Regional Administrator”

This notice acknowledges the delegation of authority to VADEQ to

implement and enforce OSC Air Regulations.

Dated: July 10, 2012.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2012–18385 Filed 7–26–12; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL–9705–3]

**Delegation of Authority To Implement and Enforce Outer Continental Shelf Air Regulations to the Delaware Department of Natural Resources and Environmental Control**

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

**ACTION:** Notice of delegation of authority.

**SUMMARY:** On July 21, 2010, EPA sent the Delaware Department of Natural Resources and Environmental Control (DNREC) a letter acknowledging DNREC has been delegated the authority to implement and enforce sections of the Outer Continental Shelf (OCS) Air Regulations. To inform regulated facilities and the public of DNREC's delegation of authority to implement and enforce OCS regulations, EPA is making available a copy of EPA's letter to DNREC through this notice.

**DATES:** On July 21, 2010, EPA sent DNREC a letter acknowledging DNREC has been delegated the authority to implement and enforce OCS.

**ADDRESSES:** Copies of documents pertaining to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029. Copies of the State submittal are available at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware.

**FOR FURTHER INFORMATION CONTACT:** Cathleen Kennedy, (215) 814–2746, or by email at [kennedy.cathleen@epa.gov](mailto:kennedy.cathleen@epa.gov).

**SUPPLEMENTARY INFORMATION:** On July 8, 2010, DNREC requested delegation of authority to implement, administer, and enforce Title 40 of the Code of Federal Regulations, Part 55 (Outer Continental Shelf Air Regulations). On July 21, 2010, EPA sent DNREC a letter acknowledging that DNREC has been delegated the authority to implement and enforce OCS regulations. A copy of EPA's letter to DNREC follows:

“The Honorable Collin O’Mara  
Secretary  
Delaware Department of Natural  
Resources and Environmental Control  
89 Kings Highway  
Dover, Delaware 19901

Dear Secretary O’Mara:

In response to your delegation request, dated July 8, 2010, the U.S. Environmental Protection Agency, Region III (EPA) hereby grants to the Delaware Department of Natural Resources and Environmental Control (DNREC) formal delegation of the following sections of the Outer Continental Shelf (OCS) Regulation in the Code of Federal Regulations, Title 40, Part 55 (40 CFR part 55), as it exists on July 9, 2009:

- 55.1—Statutory authority and scope.
- 55.2—Definitions.
- 55.3—Applicability.
- 55.4—Requirements to submit a notice of intent.
- 55.6—Permit requirements.
- 55.7—Exemptions.
- 55.8—Monitoring, reporting, inspections, and compliance.
- 55.9—Enforcement.
- 55.10—Fees.
- 55.13—Federal requirements that apply to OCS sources.
- 55.14—Requirements that apply to OCS sources located within 25 miles of states’ seaward boundaries, by State.
- 55.15— Specific designation of corresponding onshore areas.
- Appendix A to 40 CFR part 55— Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State.

As stated in 40 CFR part 55.11(b), the Administrator will delegate implementation and enforcement authority to a State if the State has an adjacent OCS source and the Administrator determines that the State’s regulations are adequate, including a demonstration by the State that the State has:

- (1) Adopted the appropriate portions of part 55 into State law;
  - (2) Adequate authority under State law to implement and enforce the requirements of this part. A letter from the State Attorney General shall be required stating that the requesting agency has such authority;
  - (3) Adequate resources to implement and enforce the requirements of this part; and
  - (4) Adequate administrative procedures to implement and enforce the requirements of this part, including public notice and comment procedures.
- EPA reviewed DNREC’s July 8, 2010 request and concludes that it meets all

of the requirements of 40 CFR Part 55.11(b). Therefore, DNREC is authorized to implement, enforce, and administer the parts of 40 CFR part 55 listed above for OCS sources in which Delaware is the corresponding onshore area.

I appreciate DNREC’s efforts to implement the OCS regulations and look forward to working with you to foster the growth of alternative energy projects in Delaware. If you have any questions, please do not hesitate to contact me or have your staff contact Ms. Amie Howell, EPA’s Delaware Liaison, at (215) 814-5722.

Sincerely,  
Shawn M. Garvin  
Regional Administrator”

This notice acknowledges that DNREC has been delegated the authority to implement and enforce OSC Air Regulations.

Dated: July 10, 2012.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2012-18384 Filed 7-26-12; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPP-2012-0344; FRL-9355-1]**

### **Clothianidin; Emergency Petition To Suspend; Notice of Availability**

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

**ACTION:** Notice.

**SUMMARY:** PANNA and others submitted a request for the EPA to immediately suspend Clothianidin and take other actions affecting the registration. The EPA is announcing the decision to deny the suspension request and is inviting the public to comment on the decision and the remainder of the petition.

**DATES:** Comments must be received on or before September 25, 2012.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2012-0344; FRL-9355-1, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), Mail Code: 28221T, 1200

Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.htm>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Marianne Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 308-8043; fax number: (703) 308-0029; email address: [marianne.lewis@epa.gov](mailto:marianne.lewis@epa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. General Information**

#### *A. Does this action apply to me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including: Environmental groups, farmers, beekeepers, State regulatory partners, other interested Federal agencies; members of the public interested in the sale, distribution, or use of pesticides; and other pesticide registrants and pesticide users.

#### *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](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 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