

Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a "significant energy action" under Executive order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, 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 which 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 will be in effect until January 1, 2013, but is not expected to result in any significant adverse environmental impact as described in NEPA.

An environmental analysis checklist and a categorical exclusion determination will be provided and

made available at the docket as indicated in the **ADDRESSES** section.

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. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 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. A new temporary § 165.T08-0634 is added to read as follows:

§ 165.T08-0634 Safety Zone; Gulf Intracoastal Waterway, Mile Marker 35.2-35.5, West of Harvey Locks, bank to bank, Lafourche Parish, Larose, LA.

(a) *Location.* Gulf Intracoastal Waterway, Mile Marker 35.2 to Mile Marker 35.5, West of Harvey Locks, bank to bank, Lafourche Parish, Larose, LA.

(b) *Effective date.* This rule is effective August 3, 2012 through January 1, 2013 and enforceable with actual notice on July 1, 2012.

(c) *Periods of Enforcement.* This rule will be enforced July 1, 2012 thru January 1, 2013. The Captain of the Port Morgan City or a designated representative will inform the public through Broadcast Notice to Mariners of the enforcement period for the safety zone as well as any changes in the planned schedule.

(d) Regulations.

(1) In accordance with the general regulations in § 165.23 of this part, entry into this zone should be at slowest safe speed to minimize wake through the duration of this rule. During waterway closures entry into this zone is prohibited unless authorized by the Captain of the Port Morgan City.

(2) Mariners shall transit from Mile Marker 35.2 to Mile Marker 35.5 and pass at slowest safe speed to minimize wake.

(3) Mariners should contact the attendant tug on VHF-FM Channel 69 prior to arrival at the construction site for information regarding available horizontal clearance and passing instructions.

(4) All persons and vessels shall comply with the instructions of the Captain of the Port Morgan City and

designated on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(5) Advance notification of any anticipated waterway closures will be made through Broadcast Notice to Mariners and Local Notice to Mariners. During a closure, vessels requiring entry into or passage through the Safety Zone must request permission from the Captain of the Port Morgan City, or a designated representative and passage will be considered on a case-by-case basis. They may be contacted on VHF Channel 11, 13, or 16, or by telephone at (985) 380-5370.

Dated: June 29, 2012.

J.C. Burton,

Captain, U.S. Coast Guard, Captain of the Port Morgan City, Louisiana.

[FR Doc. 2012-19009 Filed 8-2-12; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 1, 9, 150, 164, 178, 179, 700, 712, 716, 720, 723, 725, 761, 763, 766, 795, 796, and 799

[EPA-HQ-OPPT-2010-0629; FRL-8846-7]

Technical Corrections to Organizational Names, Addresses, and OMB Control Numbers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document contains minor amendments to regulations under the Federal Insecticide, Fungicide (FIFRA), and Rodenticide Act, the Federal Food, Drug, and Cosmetic Act (FFDCA), and the Toxic Substances Control Act (TSCA). These amendments will make EPA's regulations more accurate and user friendly with regard to the name of the EPA office that administers these statutes and various Agency addresses.

DATES: This rule is effective August 3, 2012.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2010-0629, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone

number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

Jonah H. Richmond, Regulatory Coordination Staff (7101M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-0210; email address: richmond.jonah@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This action is directed to the public in general. Since this action may apply to anyone, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. Why are these amendments issued as a final rule?

Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 533(b)(3)(B)) provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this rule final without prior proposal and opportunity for comment. These changes update the organizational name of the EPA office responsible for administration of FIFRA, FFDCA section 408, and TSCA, and correct various Agency addresses. Notice and public comment on such changes is unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 533(b)(3)(B).

III. Statutory and Executive Order Reviews

This final rule implements technical corrections and does not otherwise impose or change any requirements. As such, this action does not require review by OMB under Executive Order 12866, entitled "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), or Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997). Nor does it impose any enforceable

duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action will not have substantial direct effects on State or Tribal governments, on the relationship between the Federal Government and States or Indian tribes, or on the distribution of power and responsibilities between the Federal Government and States or Indian tribes. As such, it will not have any "federalism implications" as described by Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999) or "tribal implications" as described by Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000). Nor does it involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note), environmental justice-related issues that would require consideration under Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 FR 7629, February 16, 1994), or otherwise involve anything that would have any adverse effect on the supply, distribution, or use of energy that would require consideration under Executive Order 13211, entitled "Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001).

In addition, since this action is not subject to notice-and-comment requirements under the APA or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

IV. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Parts 1, 9, 150, 164, 178, 179, 700, 712, 716, 720, 723, 725, 761, 763, 766, 795, 796, and 799

Environmental protection, Administrative practice and procedure.

Dated: July 20, 2012.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, 40 CFR chapter I is amended as follows:

PART 1—[AMENDED]

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

Authority: 5 U.S.C. 552.

■ 2. Revise § 1.43 to read as follows:

§ 1.43 Office of Chemical Safety and Pollution Prevention.

The Assistant Administrator, Office of Chemical Safety and Pollution Prevention (OCSPP), serves as the principal adviser to the Administrator in matters pertaining to assessment and regulation of pesticides and toxic substances and is responsible for managing the Agency's pesticides and toxic substances programs under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); the Toxic Substances Control Act (TSCA); the Pollution Prevention Act (PPA); and portions of several other statutes. The Assistant Administrator has responsibility for establishing Agency strategies for implementation and integration of the pesticides and the toxic substances programs under applicable Federal statutes; developing and operating Agency programs and policies for assessment and control of pesticides and toxic substances; developing recommendations for Agency priorities for research, monitoring, regulatory, and information-gathering activities relating to pesticides and toxic substances; developing scientific, technical, economic, and social databases for the conduct of hazard assessments and evaluations in support of toxic substances and pesticides activities; providing toxic substances and pesticides program guidance to EPA Regional Offices and monitoring, evaluating, and assessing pesticides and toxic substances program operations in EPA Headquarters and Regional Offices.

(a) *Office of Pesticide Programs.* The Office of Pesticide Programs (OPP), under the management of a Director and Deputy Director are responsible to the Assistant Administrator for leadership

of the overall pesticide activities of the Agency under the authority of FIFRA, FFDCA, and portions of several other statutes. Responsibilities include the development of strategic plans for the control of the national environmental pesticide situation. Such plans are implemented by OPP, other EPA components, other Federal agencies, or by State, local, and private sectors. OPP is also responsible for establishment of tolerance levels for pesticide residues which occur in or on food; registration and reregistration of pesticides; special review of pesticides suspected of posing unreasonable risks to human health or the environment; monitoring of pesticide residue levels in food, humans, and non-target fish and wildlife; preparation of pesticide registration guidelines; development of standards for the registration and reregistration of pesticide products; provision of program policy direction to technical and manpower training activities in the pesticides area; development of research needs and monitoring requirements for the pesticide program and related areas; review of impact statements dealing with pesticides; providing operational guidance to EPA Regional Offices; and carrying out of assigned international activities.

(b) *Office of Pollution Prevention and Toxics.* The Office of Pollution Prevention and Toxics (OPPT), under the management of a Director and Deputy Director is responsible to the Assistant Administrator for those activities of the Agency mandated by TSCA, PPA, and portions of several other statutes. The Director is responsible for developing and operating Agency programs and policies for new and existing chemicals. In each of these areas, the Director is responsible for information collection and coordination; data development; health, environmental, and economic assessment; and negotiated or regulatory control actions. The Director provides operational guidance to EPA Regional Offices, reviews and evaluates toxic substances activities at EPA Headquarters and Regional Offices; coordinates TSCA activities with other EPA offices and Federal and State agencies, and conducts the export notification required by TSCA and provides information to importers. The Director is responsible for developing policies and procedures for the coordination and integration of Agency and Federal activities concerning toxic substances. The Director is also responsible for coordinating communication with the industrial

community, environmental groups, and other interested parties on matters relating to the implementation of TSCA; providing technical support to international activities managed by the Office of International Activities; and managing the joint planning of toxic research and development under the auspices of the Pesticides/Toxic Substances Research Committee.

(c) *Office of Science Coordination and Policy.* The Office of Science Coordination and Policy (OSCP) provides coordination, leadership, peer review, and synthesis of science and science policy within OCSP. OSCP provides guidance to assure sound scientific decisions are made regarding safe pesticide and chemical management through the leadership of the Scientific Advisory Panel (SAP). OSCP also coordinates emerging exposure and hazard assessment topics such as endocrine disruptors and biotechnology.

PART 9—[AMENDED]

■ 3. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671, 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 4. In § 9.1, the table is amended by revising the entries, “162.153” and “Part 166” under the undesignated center headings indicated.

These revisions read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

	40 CFR citation	OMB control No.
	* * * * *	* * * * *
State Registration of Pesticide Products		
162.153		2070–0182
	* * * * *	* * * * *
Exemption of Federal and State Agencies for Use of Pesticides Under Emergency Conditions		
Part 166		2070–0182

	40 CFR citation	OMB control No.
	* * * * *	* * * * *
	* * * * *	* * * * *

PART 150—[AMENDED]

■ 5. The authority citation for part 150 continues to read as follows:

Authority: Reorganization Plan No. 3 of 1970 (5 U.S.C. App.).

■ 6. Revise § 150.17 to read as follows:

§ 150.17 Addresses for the Office of Pesticide Programs.

The official addresses, unless otherwise noted, are as follows:

(a) *Applications, correspondence, and non-docket materials*—(1) *United States Postal Service mailing address.* Office of Pesticide Programs (7510P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

(2) *Hand/courier delivery address.* Office of Pesticide Programs, Environmental Protection Agency, 2777 S. Crystal Dr., Arlington, VA 22202–4501. This is not a mailing address. You must make arrangements with the person receiving your delivery.

(b) *Office of Pesticide Programs Regulatory Public Docket (OPP Docket)*—(1) *Electronic docket address.* Publicly available docket materials are available in the electronic docket at <http://www.regulations.gov>. Although listed in the docket index at www.regulations.gov, 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, will be publicly available only at the OPP Docket.

(2) *Physical location.* Environmental Protection Agency Docket Center (EPA/DC), Environmental Protection Agency, EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. This is not a mailing address. For instructions on visiting the docket, go to <http://www.epa.gov/dockets/contacts.htm>.

(3) *United States Postal Service mailing address.* Office of Pesticide Programs Regulatory Public Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

(4) *Hand/courier delivery.* For hand/courier delivery or to make special arrangements for deliveries of boxed

information, please follow the instructions at <http://www.epa.gov/dockets/contacts.htm>.

PART 164—[AMENDED]

■ 7. The authority citation for part 164 continues to read as follows:

Authority: 7 U.S.C. 136d.

■ 8. In § 164.2, revise in paragraph (l)(2) the last sentence and paragraph (s) to read as follows:

§ 164.2 Definitions.

* * * * *

(1) * * *

(2) * * * Such judicial officer shall not be employed by the Office of Chemical Safety and Pollution Prevention or have any connection with the preparation or presentation of evidence for a hearing.

* * * * *

(s) The term *Respondent* means the Assistant Administrator of the Office of Chemical Safety and Pollution Prevention.

* * * * *

PART 178—[AMENDED]

■ 9. The authority citation for part 178 continues to read as follows:

Authority: 21 U.S.C. 346a, 371(a); Reorg. Plan No. 3 of 1970.

■ 10. In § 178.3, revise the term “Assistant Administrator” to read as follows:

§ 178.3 Definitions.

* * * * *

Assistant Administrator means the Agency’s Assistant Administrator for Chemical Safety and Pollution Prevention, or any officer or employee of the Agency’s Office of Chemical Safety and Pollution Prevention to whom the Assistant Administrator delegates the authority to perform functions under this part.

* * * * *

PART 179—[AMENDED]

■ 11. The authority citation for part 179 continues to read as follows:

Authority: 21 U.S.C. 346a, 371(a); Reorg. Plan No. 3 of 1970.

■ 12. In § 179.3, remove the definition of “OPPTS,” revise the definition of “Assistant Administrator,” and add in alphabetical order the definition of “OCSPP” to read as follows:

§ 179.3 Definitions.

* * * * *

Assistant Administrator means the Agency’s Assistant Administrator for

Chemical Safety and Pollution Prevention, or any officer or employee of the Agency’s Office of Chemical Safety and Pollution Prevention to whom the Assistant Administrator has delegated the authority to perform functions under this part.

* * * * *

OCSPP means the Agency’s Office of Chemical Safety and Pollution Prevention.

* * * * *

§§ 179.24, 179.42, 179.83, and 179.117 [Amended]

■ 13. In §§ 179.24(b)(1) through (3), 179.42(a), 179.83(a)(2) through (4) and (b) introductory text, and 179.117(a), remove the acronym “OPPTS” and add in its place the acronym “OCSPP” everywhere it appears.

PART 700—[AMENDED]

■ 14. The authority citation for part 700 continues to read as follows:

Authority: 15 U.S.C. 2625 and 2665, 44 U.S.C. 3504.

■ 15. Add new subpart A, consisting of § 700.17, to read as follows:

Subpart A—Addresses

§ 700.17 Addresses for the Office of Pollution Prevention and Toxics.

The official addresses, unless otherwise noted, are as follows:

(a) *Correspondence and non-docket materials*—(1) *United States Postal Service mailing address.* Office of Pollution Prevention and Toxics (7401M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

(2) *Hand/courier delivery address.* Office of Pollution Prevention and Toxics, Environmental Protection Agency, EPA East Bldg., 1201 Constitution Ave. NW., Washington, DC 20004. This is not a mailing address. You must make arrangements with the person receiving your delivery.

(b) *Office of Pollution Prevention and Toxics Docket (OPPT Docket)*—(1) *Electronic docket address.* Publicly available docket materials are available in the electronic docket at <http://www.regulations.gov>. Although listed in the docket index at [regulations.gov](http://www.regulations.gov), 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, will be publicly available only at the OPPT Docket.

(2) *Physical location.* Environmental Protection Agency Docket Center (EPA/DC), Environmental Protection Agency,

EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The telephone number for the OPPT Docket is (202) 566–0280. This is not a mailing address. For instructions on visiting the docket, go to <http://www.epa.gov/dockets/contacts.htm>.

(3) *United States Postal Service mailing address.* Document Control Office (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

(4) *Hand/courier delivery address.* Document Control Office, Office of Pollution Prevention and Toxics, Environmental Protection Agency, EPA East Bldg., Rm. 6428, 1201 Constitution Ave. NW., Washington, DC. Deliveries are only accepted between 8:30 a.m. and 4 p.m., and special arrangements should be made for deliveries of boxed information. The telephone number for the Document Control Office is (202) 564–8930.

PART 712—[AMENDED]

■ 16. The authority citation for part 712 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

§ 712.30 [Amended]

■ 17. In § 712.30(c)(1), remove the phrase “Prevention, Pesticides and Toxic Substances” and add in its place “Chemical Safety and Pollution Prevention.”

PART 716—[AMENDED]

■ 18. The authority citation for part 716 continues to read as follows:

Authority: 15 U.S.C. 2607(d).

§ 716.105 [Amended]

■ 19. In § 716.105(c), remove the phrase “Prevention, Pesticides and Toxic Substances” and add in its place “Chemical Safety and Pollution Prevention.”

PART 720—[AMENDED]

■ 20. The authority citation for part 720 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2613.

■ 21. In § 720.95, revise the last sentence of the section to read as follows:

§ 720.95 Public file.

* * * Publically available docket materials are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

PART 723—[AMENDED]

■ 22. The authority citation for part 723 continues to read as follows:

Authority: 15 U.S.C. 2604.

§ 723.50 [Amended]

■ 23. In § 723.50(h)(2)(i)(A), remove the phrase “the Office of Prevention, Pesticides, and Toxic Substances” and add in its place “Chemical Safety and Pollution Prevention.”

PART 725—[AMENDED]

■ 24. The authority citation for part 725 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, 2613, and 2625.

§ 725.67 [Amended]

■ 25. In § 725.67(b)(1), remove the phrase “Prevention, Pesticides and Toxic Substances” and add in its place “Chemical Safety and Pollution Prevention.”

■ 26. In § 725.95, revise the last sentence of the section to read as follows:

§ 725.95 Public file.

* * * Publically available docket materials are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

PART 761—[AMENDED]

■ 27. The authority citation for part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611, 2614, and 2616.

§ 761.30 [Amended]

■ 28. In § 761.30(i)(1)(iii)(A)(1), remove the phrase “Office of Prevention, Pesticides, and Toxic Substances” and add in its place “Office of Pollution Prevention and Toxics.”

PART 763—[AMENDED]

■ 29. The authority citation for part 763 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607(c), 2643, and 2646.

■ 30. In § 763.90, revise the third sentence in paragraph (i)(5) to read as follows:

§ 763.90 Response actions.

* * * * *

(i) * * *

(5) * * * The method is available at the addresses in § 700.17(b)(1) and (2) of this chapter. * * *

* * * * *

PART 766—[AMENDED]

■ 31. The authority citation for part 766 continues to read as follows:

Authority: 15 U.S.C. 2603 and 2607.

■ 32. In § 766.12, revise the last sentence of the section to read as follows:

§ 766.12 Testing guidelines.

* * * Publicly available docket materials are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

PART 795—[AMENDED]

■ 33. The authority citation for part 795 continues to read as follows:

Authority: 15 U.S.C. 2603.

■ 34. In § 795.232, revise the eleventh sentence of paragraph (c)(2)(i) to read as follows:

§ 795.232 Inhalation and dermal pharmacokinetics of commercial hexane.

* * * * *

(c) * * *

(2) * * *

(i) * * * Copies are available at the addresses in § 700.17(b)(1) and (2) of this chapter. * * *

* * * * *

PART 796—[AMENDED]

■ 35. The authority citation for part 796 continues to read as follows:

Authority: 15 U.S.C. 2603.

§§ 796.1950 and 796.3500 [Amended]

■ 36. In §§ 796.1950(b)(2)(i) and 796.3500(b)(1)(ii), remove the phrase “Non-Confidential Information Center (NCIC) (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room B-607 NEM, 401 M St. SW., Washington, DC 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays” and add in its place “Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Room E-543B, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.”

PART 799—[AMENDED]

■ 37. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

§§ 799.2155 and 799.4360 [Amended]

■ 38. In §§ 799.2155(a)(1) and 799.4360(d)(7)(i)(B), remove the phrase “Non-Confidential Information Center (NCIC) (7407), Office of Pollution

Prevention and Toxics, U.S. Environmental Protection Agency, Room B-607 NEM, 401 M St. SW., Washington, DC 20460, between the hours of 12 p.m. and 4 p.m. weekdays excluding legal holidays” and add in its place “Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543B, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.”

■ 39. In § 799.6755, revise the last sentence of paragraph (f) introductory text to read as follows:

§ 799.6755 TSCA partition coefficient (n-octanol/water), shake flask method.

* * * * *

(f) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

* * * * *

■ 40. In § 799.6756, revise the last sentence of paragraph (e) introductory text to read as follows:

§ 799.6756 TSCA partition coefficient (n-octanol/water), generator column method.

* * * * *

(e) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

* * * * *

■ 41. In § 799.6784, revise the last sentence of paragraph (f) introductory text to read as follows:

§ 799.6784 TSCA water solubility: Column elution method; shake flask method.

* * * * *

(f) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

* * * * *

■ 42. In § 799.6786:

■ i. Remove the acronym “OPPTS” and add in its place the acronym “OCSPP” in paragraph (b)(3)(ii).

■ ii. Revise the last sentence of paragraph (e) introductory text to read as follows:

§ 799.6786 TSCA water solubility: Generator column method.

* * * * *

(e) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

* * * * *

■ 43. In § 799.9110, revise the last sentence of paragraph (f) introductory text to read as follows:

§ 799.9110 TSCA acute oral toxicity.

* * * * *

(f) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 44. In § 799.9120, revise the last sentence of paragraph (f) introductory text to read as follows:

§ 799.9120 TSCA acute dermal toxicity.

(f) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 45. In § 799.9130, revise the last sentence of paragraph (g) introductory text to read as follows:

§ 799.9130 TSCA acute inhalation toxicity.

(g) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 46. In § 799.9305, revise the last sentence of paragraph (h) introductory text to read as follows:

§ 799.9305 TSCA Repeated dose 28-day oral toxicity study in rodents.

(h) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 47. In § 799.9310, revise the last sentence of paragraph (h) introductory text to read as follows:

§ 799.9310 TSCA 90-day oral toxicity in rodents.

(h) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 48. In § 799.9325, revise the last sentence of paragraph (h) introductory text to read as follows:

§ 799.9325 TSCA 90-day dermal toxicity.

(h) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 49. In § 799.9346, revise the last sentence of paragraph (h) introductory text to read as follows:

§ 799.9346 TSCA 90-day inhalation toxicity.

(h) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 50. In § 799.9355, revise the last sentence of paragraph (h) introductory text to read as follows:

§ 799.9355 TSCA reproduction/developmental toxicity screening test.

(h) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 51. In § 799.9365, revise the last sentence of paragraph (h) introductory text to read as follows:

§ 799.9365 TSCA combined repeated dose toxicity study with the reproduction/developmental toxicity screening test.

(h) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 52. In § 799.9370, revise the last sentence of paragraph (h) introductory text to read as follows:

§ 799.9370 TSCA prenatal developmental toxicity.

(h) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 53. In § 799.9380, revise the last sentence of paragraph (g) introductory text to read as follows:

§ 799.9380 TSCA reproduction and fertility effects.

(g) * * * These references are available at the addresses in § 700.17(b)(1) and (2).

■ 54. In § 799.9410, revise the last sentence of paragraph (h) introductory text to read as follows:

§ 799.9410 TSCA chronic toxicity.

(h) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 55. In § 799.9420, revise the last sentence of paragraph (g) introductory text to read as follows:

§ 799.9420 TSCA carcinogenicity.

(g) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 56. In § 799.9430, revise the last sentence of paragraph (h) introductory text to read as follows:

§ 799.9430 TSCA combined chronic toxicity/carcinogenicity.

(h) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 57. In § 799.9537, revise the last sentence of paragraph (i) introductory text to read as follows:

§ 799.9537 TSCA in vitro mammalian chromosome aberration test.

(i) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 58. In § 799.9620, revise the last sentence of paragraph (g) introductory text to read as follows:

§ 799.9620 TSCA neurotoxicity screening battery.

(g) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 59. In § 799.9630, revise the last sentence of paragraph (f) introductory text to read as follows:

§ 799.9630 TSCA developmental neurotoxicity.

(f) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

■ 60. In § 799.9780, revise the last sentence of paragraph (j) introductory text to read as follows:

§ 799.9780 TSCA immunotoxicity.

(j) * * * These references are available at the addresses in § 700.17(b)(1) and (2) of this chapter.

§§ 799.9135, 799.9510, 799.9530, 799.9538, and 799.9539 [Amended]

■ 61. In §§ 799.9135(h) introductory text, 799.9510(g) introductory text, 799.9530(g) introductory text, 799.9538(g) introductory text, and 799.9539(g) introductory text, remove the phrase “for inspection at the TSCA Nonconfidential Information Center, Rm. NE–B607, Environmental Protection Agency, 401 M St. SW., Washington, DC, 12 noon to 4 p.m., Monday through Friday, except legal holidays.” and add in its place “at the

addresses in § 700.17(b)(1) and (2) of this chapter.”

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA-HQ-OAR-2012-0233; FRL-9700-7]

Extension of Deadline for Promulgating Designations for the 2010 Primary Sulfur Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of deadline for promulgating designations.

SUMMARY: The EPA is announcing that it is using its authority under the Clean Air Act (CAA) to extend by up to 1 year the deadline for promulgating initial area designations for the primary sulfur dioxide (SO₂) national ambient air quality standard (NAAQS) that was promulgated in June 2010. With this extension, the EPA is now required to complete initial designations for this NAAQS by June 3, 2013.

DATES: The new deadline for the EPA to promulgate designations for the 2010 primary SO₂ NAAQS is June 3, 2013.

FOR FURTHER INFORMATION CONTACT: For questions regarding this action, contact Rhonda Wright, Air Quality Policy Division, Office of Air Quality Planning and Standards, Mail Code C539-04, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: 919-541-1087; fax number: 919-541-0824; email address: wright.rhonda@epa.gov.

SUPPLEMENTARY INFORMATION: This preamble is organized as follows:

I. General Information

A. Does this action apply to me?

B. Where can I get a copy of this document and other related information?

II. Background

A. Area Designation Requirements

B. Summary of Designations Guidance Provided in the Proposed and Final SO₂ NAAQS Preambles and in the March 2011 and September 2011 Memoranda

III. Extension of Deadline for Promulgating Designations for the 2010 NAAQS

I. General Information

A. Does this action apply to me?

Entities potentially affected by this action include state, local, and tribal governments that would participate in the initial area designation process for the 2010 SO₂ standard.

B. Where can I get a copy of this document and other related information?

The EPA has established a docket for designations for the 2010 SO₂ NAAQS under Docket ID No. EPA-HQ-OAR-2012-0233. All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the EPA Docket Center EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW, Washington, DC The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742.

An electronic copy of this document is also available at www.epa.gov/so2designations.

II. Background

A. Area Designation Requirements

On June 2, 2010, the EPA Administrator signed a notice of final rulemaking that revised the primary SO₂ NAAQS (75 FR 35520, published on June 22, 2010) after review of the existing two primary SO₂ standard promulgated on April 30, 1971 (36 FR 8187).¹ The EPA established the revised primary SO₂ NAAQS at 75 parts per billion (ppb) which is attained when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations does not exceed 75 ppb. The EPA determined in that rulemaking that this is the level necessary to provide protection of public health with an adequate margin of safety, especially for children, the elderly and those with asthma. These groups are particularly susceptible to the health effects associated with breathing SO₂.

¹ Although the notice was signed on June 2, 2010, it was not publicly distributed until the next day, June 3, 2010. The EPA generally regards “promulgation” for public notice purposes to mean signature of a final rule combined with its public dissemination. For purposes of CAA section 107(d)(1), therefore, which imposes deadlines tied to the promulgation of the NAAQS for states to submit designations recommendations and for the EPA to promulgate designations, the EPA interprets the promulgation date of the 2010 primary SO₂ NAAQS to be June 3, 2010.

After the EPA establishes or revises a NAAQS pursuant to CAA section 109, the CAA directs the EPA and the states to begin taking steps to ensure that those NAAQS are met. The first step is to identify areas of the country that do or do not meet the new or revised NAAQS. This step is known as the initial area designations. Section 107(d)(1) of the CAA provides that, “By such date as the Administrator may reasonably require, but not later than 1 year after promulgation of a new or revised NAAQS for any pollutant under section 109, the Governor of each state shall * * * submit to the Administrator a list of all areas (or portions thereof) in the state” that designated those areas as nonattainment, attainment, or unclassifiable. The CAA defines an area as nonattainment if it is violating the NAAQS or if it is contributing to a violation in a nearby area. See CAA section 107(d)(1)(A)(i).

The CAA further provides, “Upon promulgation or revision of a NAAQS, the Administrator shall promulgate the designations of all areas (or portions thereof) * * * as expeditiously as practicable, but in no case later than 2 years from the date of promulgation of the new or revised NAAQS. Such period may be extended for up to 1 year in the event the Administrator has insufficient information to promulgate the designations.” See CAA section 107(d)(1)(B)(i).

After the states submit their recommendations, but no later than 120 days prior to promulgating designations, the EPA is required to notify a state of any intended modifications to the state’s recommended designation. The state then has an opportunity to demonstrate why any proposed modification is inappropriate. Whether or not a state provides a recommendation, the EPA must promulgate the designation that the agency deems appropriate within two years of promulgation of the NAAQS (or within 3 years if the EPA extends the deadline).

For the June 2010 SO₂ NAAQS, the deadline for states to submit designation recommendations to the EPA for their areas was June 3, 2011. The EPA has been evaluating these recommendations and conducting additional analyses to determine whether it is necessary to modify any of the state recommendations. The EPA was originally intending to complete the initial designations for the 2010 SO₂ NAAQS on a 2-year schedule, by June 3, 2012. We explained this intent in the preambles to the notices of proposed and final rulemakings for the revised SO₂ NAAQS, and in subsequently issued guidance documents suggesting