

The expansion could require a tanker's owner or operator to review and modify the tanker's existing vessel response plan (VRP) accordingly, and to receive Coast Guard approval for the modified VRP by October 15, 2015.

**ADDRESSES:** The docket for this notice of intent is available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to <http://www.regulations.gov>, inserting USCG-2011-0576 in the "Keyword" box, and then clicking "Search."

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of intent, call or email LT Evelyn Samms, U.S. Coast Guard Office of Vessel Activities; telephone (202) 372-1225, email [Evelynn.B.Samms@uscg.mil](mailto:Evelynn.B.Samms@uscg.mil). If you have questions on viewing the material in the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** A tanker is required by U.S. law and Coast Guard regulations to have a vessel response plan (VRP) if its cargo consists of petroleum or non-petroleum oil, animal fat, and/or vegetable oil. A VRP describes how the tanker prevents, mitigates, or responds to spills of its cargo. See 33 CFR 155.1010, 33 CFR 155.1110, and 33 CFR 155.1210. In describing how the tanker would respond to a spill, the VRP must demonstrate the tanker's ability to deploy specific response resources within one of three different timeframes (Tiers 1 through 3). 33 CFR 155.1020. Those response resources typically include the services of nearby response vessels under a contract between the tanker's owner or operator and an oil spill response organization that owns the response vessel. In 14 higher volume port areas (HVPAs) defined in 33 CFR 155.1020, the risk of a cargo spill is considered higher than normal because of a higher volume of shipping activity in these HVPAs. To offset the increased risk, these HVPAs require faster response times for each Tier.

The Coast Guard Authorization Act of 2010 ("the Act"), Pub. L. 111-281, 124 Stat. 2905, was enacted on October 15, 2010, and provides the authority for issuing this notice of intent. Section 710 of the Act requires the Coast Guard to undertake action that will lead to the expansion of the HVPA in the Strait of Juan de Fuca and Puget Sound,

Washington. Expansion would be achieved by moving the seaward boundary of the HVPA, currently a 50-mile arc centered on the entrance to Port Angeles, Washington, westward to Cape Flattery, Washington. Moving the seaward boundary would add Pacific Ocean waters that are under U.S. jurisdiction and within a 50-mile arc measured from Cape Flattery to the Strait of Juan de Fuca and Puget Sound. We added an excerpt from navigation chart 18480, "Approaches to Strait of Juan de Fuca—Destruction Island to Amphitrite Point," showing the revised HVPA, to the docket.

A currently valid VRP attests to a tanker's ability to comply with HVPA response time requirements within the more sheltered waters of the current HVPA, but the same tanker may need to revise its VRP to account for spill response in the open ocean waters of the future expanded HVPA. There may also be some tankers that do not operate within the current boundaries of the HVPA, but that do operate in the open ocean offshore of those boundaries, and these tankers may need to revise their VRPs to show how they will comply with HVPA requirements once those ocean waters become part of the HVPA.

The Act further requires that, if a VRP needs to be revised in light of the boundary change, the Coast Guard must approve the revision not later than October 15, 2015. Our purpose in issuing this document is to announce our intent to comply with the Act. The HVPA has not yet been expanded; therefore, we cannot require tanker owners and operators to revise VRPs in preparation for expansion at this time. However, if you would be affected by the future expansion of the HVPA and would need a VRP covering the expanded area, we advise you to begin developing a VRP now so that you can submit it in time for Coast Guard review and approval before the mandatory October 15, 2015, deadline.

Dated: November 23, 2011.

**Paul F. Thomas,**

*Captain, U.S. Coast Guard, Acting Director of Prevention Policy.*

[FR Doc. 2011-31218 Filed 12-6-11; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 9 and 721

[EPA-HQ-OPPT-2011-0109; FRL-8892-2]

RIN 2070-AB27

### Revocation of the Significant New Use Rule on a Certain Chemical Substance

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

**ACTION:** Final rule.

**SUMMARY:** EPA is revoking a significant new use rule (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substance identified generically as substituted ethoxyethylamine phosphonate, which was covered by premanufacture notice (PMN) P-95-1950. EPA issued a SNUR designating certain activities as significant new uses based on the concern criteria. Subsequently, EPA received and reviewed new information and test data for the chemical substance. Based on the new information and test data, the Agency no longer finds that the activities not described in PMN P-95-1950 constitute significant new uses.

**DATES:** This final rule is effective February 6, 2012.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2011-0109. 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 OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are

processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-9232; email address: moss.kenneth@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Does this action apply to me?

You may be potentially affected by this action if you manufacture, import, process, or use the chemical substance contained in this revocation. Potentially affected entities may include, but are not limited to:

- Manufacturers, importers, or processors of the subject chemical substance (NAICS codes 325 and 324110), e.g., chemical manufacturing and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

##### II. Background

###### A. What action is the agency taking?

In the **Federal Register** of May 11, 2011 (76 FR 27294) (FRL-8871-3), the Agency proposed revocation of the SNUR at 40 CFR 721.6078 for the chemical substance identified generically as substituted ethoxyethylamine phosphonate (PMN P-95-1950). The comment period for the proposed rule closed on June 10, 2011; EPA received no comments on the action.

Based on the results of submitted aquatic toxicity testing for the chemical substance, EPA has determined that the substance has inherently low toxicity, mitigating concerns for toxicity to aquatic organisms. Therefore, EPA rescinds its determination that releases to water resulting in stream concentrations that exceed 30 parts per billion (ppb) may cause significant adverse environmental effects. Based on available information, the substance no longer meets the concern criteria at § 721.170(b)(4)(ii). Therefore, EPA is revoking the SNUR for this chemical substance pursuant to § 721.185(a)(4).

###### B. What is the agency's authority for taking this action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use. The mechanism for reporting under this requirement is established under § 721.5.

Upon conclusion of the review for PMN P-95-1950, based on the concern criteria in § 721.170(b)(4)(ii), EPA determined that there was a concern for potential environmental effects of the substance and promulgated a SNUR for this chemical substance.

Under § 721.185, EPA may at any time revoke a SNUR for a chemical substance which has been added to subpart E of 40 CFR part 721 if EPA makes one of the determinations set forth in § 721.185 (a)(1) through (a)(6). Revocation may occur on EPA's initiative or in response to a written request. EPA has determined that the criteria set forth in § 721.185(a)(4) have been satisfied for the chemical substance. Therefore, EPA is hereby revoking the SNUR provisions for this chemical substance. When this final revocation becomes effective, EPA will no longer require notice of intent to manufacture, import, or process this substance for any significant new uses. In addition, export notification under TSCA section 12(b) and 40 CFR part 707, subpart D triggered by the SNUR would no longer be required.

##### III. Statutory and Executive Order Reviews

This rule revokes or eliminates an existing regulatory requirement and

does not contain any new or amended requirements. As such, the Agency has determined that this SNUR revocation would not have any adverse impacts, economic or otherwise.

The Office of Management and Budget (OMB) has exempted these types of regulatory actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This rule does not contain any information collections subject to approval under the Paperwork Reduction Act (PRA), (44 U.S.C. 3501 *et seq.*). Since this rule eliminates a reporting requirement, the Agency certifies pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), that this SNUR revocation would not have a significant economic impact on a substantial number of small entities.

For the same reasons, this action does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). This rule has neither Federalism implications, because it would not have substantial direct effects on 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, entitled *Federalism* (64 FR 43255, August 10, 1999), nor tribal implications, because it would not have substantial direct effects 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, as specified in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000).

This action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined under Executive Order 12866, and it does not address environmental health or safety risks disproportionately affecting children. It is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use. Because this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-

113, section 12(d) (15 U.S.C. 272 note), does not apply to this action. This action does not involve special considerations of environmental justice related issues as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

#### IV. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and the Comptroller General of the United States. 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 rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects

##### 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

##### 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: November 29, 2011.

#### Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR parts 9 and 721 are amended as follows:

#### PART 9—[AMENDED]

1. 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.

■ 2. The table in § 9.1 is amended by removing under the undesignated center heading "Significant New Uses of Chemical Substances" § 721.6078.

#### PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

#### § 721.6078 [Removed]

■ 4. Remove § 721.6078.

[FR Doc. 2011–31393 Filed 12–6–11; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA–R05–OAR–2008–0395; FRL–9499–6]

### Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of Lake and Porter Counties to Attainment of the Fine Particulate Matter Standard

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

**ACTION:** Final rule.

**SUMMARY:** EPA is taking several related actions affecting Lake and Porter Counties and the State of Indiana for the 1997 annual fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS or standard). EPA is approving a request from the State of Indiana for the redesignation of Lake and Porter Counties to attainment of the 1997 annual PM<sub>2.5</sub> standard. EPA is approving, as a revision to the Indiana State Implementation Plan (SIP), the State's plan for maintaining the 1997 annual PM<sub>2.5</sub> standard in the Chicago-Gary-Lake County, Illinois-Indiana (IL-IN) PM<sub>2.5</sub> nonattainment area (Greater Chicago nonattainment area) through 2025. EPA is also approving Indiana's 2025 Nitrogen Oxides (NO<sub>x</sub>) and PM<sub>2.5</sub> Motor Vehicle Emission Budgets (MVEBs). Finally, EPA is approving Indiana's 2005 NO<sub>x</sub>, primary PM<sub>2.5</sub>, and sulfur dioxide (SO<sub>2</sub>) emissions inventories for Lake and Porter Counties.

**DATES:** This final rule is effective February 6, 2012.

**ADDRESSES:** EPA has established a docket for this action: Docket ID No. EPA–R05–OAR–2008–0395. All documents in the docket are listed on the <http://www.regulations.gov> web site. Although listed in the index, some information is not publicly available, i.e., 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 either electronically at [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov) or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Edward Doty, Environmental Scientist, at (312) 886–6057, before visiting the Region 5 office.

#### FOR FURTHER INFORMATION CONTACT:

Edward Doty, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6057, [doty.edward@epa.gov](mailto:doty.edward@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

#### Table of Contents

- I. What is the background for this rule?
- II. What comments did we receive on the proposed rule?
- III. What actions is EPA taking?
- IV. Statutory and Executive Order Reviews

#### I. What is the background for this rule?

On July 18, 1997 (62 FR 38652), EPA promulgated an annual PM<sub>2.5</sub> standard at a level of 15 micrograms per cubic meter (µg/m<sup>3</sup>) of ambient air, based on the three-year average of the annual mean PM<sub>2.5</sub> concentration at any monitor (1997 annual PM<sub>2.5</sub> standard). On October 17, 2006 (71 FR 61144), EPA retained the annual PM<sub>2.5</sub> standard at 15 µg/m<sup>3</sup> (2006 annual PM<sub>2.5</sub> standard). However, in response to legal challenges of the 2006 annual PM<sub>2.5</sub> standard, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) remanded the 2006 annual PM<sub>2.5</sub> standard to EPA for further consideration. EPA has retained and continues to enforce the 1997 annual PM<sub>2.5</sub> standard.

On January 5, 2005 (70 FR 944), EPA published air quality area designations for the 1997 annual PM<sub>2.5</sub> standard based on air quality data for calendar 2001–2003. In that rulemaking, EPA designated the Greater Chicago area, which includes Lake and Porter Counties in Indiana, as nonattainment for the 1997 annual PM<sub>2.5</sub> standard.

On April 3, 2008, the Indiana Department of Environmental Management (IDEM) submitted a request for EPA approval of a redesignation of Lake and Porter Counties to attainment of the 1997 annual PM<sub>2.5</sub> standard. This