EPA-APPROVED REGULATIONS IN THE TEXAS SIP—Continued

<table>
<thead>
<tr>
<th>State citation</th>
<th>Title/subject</th>
<th>State approval/submittal date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
</table>
| Chapter 116 (Reg 6)—Control of Air Pollution by Permits for New Construction or Modification
Subchapter A—Definitions |


Except for the definitions listed immediately below, the SIP retains the Section 116.12 Nonattainment Review Definitions, adopted 8/20/2003 and approved 3/20/2009 (74 FR 11851); the following revisions adopted 2/9/2011 are approved: the revised title and the introductory paragraph at 116.12, and the definitions for Federally Regulated NSR pollutant, Major stationary source, and Major modification.

**EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP**

<table>
<thead>
<tr>
<th>Name of SIP provision</th>
<th>Applicable geographic or non-attainment area</th>
<th>State submittal date/effective date</th>
<th>EPA approval date</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure and Interstate Transport for the 1997 Ozone and the 1997 and 2006 PM2.5 NAAQS.</td>
<td>Statewide ........................... 12/12/2007, 3/11/2008, 4/4/2008, 11/23/2009</td>
<td>12/28/2012, [Insert FR page number where document begins].</td>
<td>Approval for CAA elements 110(a)(2)(A), (B), (E), (F), (G), (H), (K), (L), and (M). Approval for CAA elements 110(a)(2)(C), (D)(ii) and (J), except for the portions that address Greenhouse Gas (GHG) emissions. Approval for revisions to prohibit interference with PSD in any other state (CAA element 110(a)(2)(D)(i)(II)), except for the portion that addresses GHG emissions.</td>
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**SUMMARY:** This regulation extends time-limited tolerances for the pesticides listed in Unit II. of the SUPPLEMENTARY INFORMATION. These actions are in response to EPA’s granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of these pesticides. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA.

**DATES:** This regulation is effective December 28, 2011. Objections and requests for hearings must be received on or before February 27, 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 has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2011–0972; FRL–9329–9. Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) 40 CFR Part 180

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.
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 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: See the table in this unit for the name of a specific contact person. The following information applies to all contact persons: Emergency Response Team, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

<table>
<thead>
<tr>
<th>Pesticide/CFR citation</th>
<th>Contact person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diflubenzuron, 40 CFR 180.377; Metconazole, 40 CFR 180.617; Pyraclostrobin, 40 CFR 180.582.</td>
<td>Libby Pemberton—<a href="mailto:pemberton.libby@epa.gov">pemberton.libby@epa.gov</a>—(703) 764–0212.</td>
</tr>
<tr>
<td>Linuron, 40 CFR 180.184; Spiromesifen, 40 CFR 180.607</td>
<td>Andrea Conrath—<a href="mailto:conrath.andrea@epa.gov">conrath.andrea@epa.gov</a>—(703) 308–9356.</td>
</tr>
</tbody>
</table>

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 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. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under FOR FURTHER INFORMATION CONTACT.

B. How can I get electronic access to other related information?


C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions.

provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2011–0972 in the subject line on the first page of your submission. All requests must be in writing, and must be received by the Hearing Clerk on or before February 27, 2012. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b). In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 can be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA–HQ–OPP–2011–0972 by one of the following methods:

- Delivery: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility’s normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Background and Statutory Findings

EPA published final rules in the Federal Register for each chemical listed. The initial issuance of these final rules announced that EPA, on its own initiative, under section 408 of FFDCA, 21 U.S.C. 346a, was establishing time-limited tolerances.

EPA established the tolerances because FFDCA section 408(l)(6) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or time for public comment.

EPA received requests to extend the use of these chemicals for this year’s growing season. After having reviewed these submissions, EPA concurs that emergency conditions exist. EPA assessed the potential risks presented by residues for each chemical. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18.

The data and other relevant material have been evaluated and discussed in the final rule originally published to support these uses. Based on that data and information considered, the Agency reaffirms that extension of these time-limited tolerances will continue to meet the requirements of FFDCA section 408(l)(6). Therefore, the time-limited tolerances are extended until the date listed. EPA will publish a document in the Federal Register to remove the revoked tolerances from the Code of Federal Regulations (CFR). Although these tolerances will expire and are revoked on the date listed, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on the commodity after that date will not be unlawful, provided the residue is present as a result of an application or use of a pesticide at a time and in a manner that was lawful under FIFRA, the tolerance was in place at the time of
the application, and the residue does not exceed the level that was authorized by the tolerance. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Tolerances for the use of the following pesticide chemicals on specific commodities are being extended: 

Diflubenzuron. EPA has authorized under FIFRA section 18 the use of the insecticide, diflubenzuron for control of Mormon crickets (Anabrus simplex) and grasshoppers (Family Acrididae, various spp.) on alfalfa grown for hay. This regulation extends time-limited tolerances for residues of the insecticide, diflubenzuron and its metabolites p-chlorophenylurea and p-chloroaniline in or on alfalfa, forage and alfalfa hay at 6.0 parts per million (ppm), for an additional 3-year period. These tolerances will expire and be revoked on December 31, 2014. Time-limited tolerances were originally published in the Federal Register of November 28, 2008 (73 FR 72352) (FRL-8388-9).

Linuron. EPA has authorized under FIFRA section 18 the use of linuron on lentils for control of mayweed chamomile and prickly lettuce in Washington and Idaho. This regulation extends a time-limited tolerance for combined residues of the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea) and its metabolites convertible to 3,4-dichroaniline, in or on lentil at 0.1 ppm for an additional 3-year period. This tolerance will expire and be revoked on December 31, 2014. A time-limited tolerance was originally published in the Federal Register of September 5, 2008 (73 FR 51722) (FRL-8379-6).

Metconazole. EPA has authorized under FIFRA section 18 the use of the fungicide, metconazole for control of Orange Rust (Puccinia kuehnii) on sugarcane in Florida. This regulation extends time-limited tolerances for combined residues of the fungicide pyraclostrobin; carbanic acid, [2-[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy][methyl][phenyl]methoxy-, methyl ester and its desmethoxy metabolite; (methyl-N-[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy][methyl]phenylcarbamate, in or on sugarcane, cane at 0.02 ppm and sugarcane, molasses at 0.4 ppm for an additional 3-year period. These tolerances will expire and be revoked on December 31, 2014. Time-limited tolerances were originally published in the Federal Register of March 18, 2009 (74 FR 11494) (FRL-8402-8).

Spiromesifen. EPA has authorized under FIFRA section 18 the use of spiromesifen on soybeans for control of spider mites in Delaware. This regulation extends the time-limited tolerances for combined residues of the miticide spiromesifen [2-oxo-3-(2,4,6-trimethylphenyl)-1-oxaspiro[4.4]non-3-en-2-one, calculated as the stoichiometric equivalent of spiromesifen, in or on soybean forage at 30 ppm, soybean hay at 86 ppm, and soybean seed at 0.02 ppm for an additional 3-year period. These tolerances will expire and be revoked on December 31, 2014. Time-limited tolerances originally published in the Federal Register of April 8, 2009 (74 FR 15880) (FRL–8406-6).

III. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established MRL’s for diflubenzuron on alfalfa; linuron on lentil; metconazole or pyraclostrobin on sugarcane; nor spiromesifen on soybean hay, forage, or seed.

IV. Statutory and Executive Order Reviews

This final rule establishes time-limited tolerances under section 408(d) of FFDCA in response to petitions submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993).

Because this final rule has been exempted from review under Executive Order 12866, this final rule 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) or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., nor does it require any special considerations under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(b)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final

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rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

This action does not 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 of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

V. 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 to 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 this final rule in the Federal Register. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping.

Dated: December 13, 2011.

Lois Rossi,
Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

§ 180.184 [Amended]

1. The authority citation for part 180 continues to read as follows:


§ 180.377 [Amended]

3. In § 180.377, in the table to paragraph (b), amend the entries for “Alfalfa, forage” and “Alfalfa, hay” by revising the expiration dates “12/31/11” to read “12/31/2014.”

§ 180.582 [Amended]

4. In § 180.582, in the table to paragraph (b), amend the entries for “Sugarcane, cane” and “Sugarcane, molasses” by revising the expiration dates “12/31/11” to read “12/31/2014.”

§ 180.607 [Amended]

5. In § 180.607, in the table to paragraph (b), amend the entries for “Soybean, forage”, “Soybean, hay”, and “Soybean, seed” by revising the expiration dates “12/31/11” to read “12/31/2014.”

§ 180.617 [Amended]

6. In § 180.617, in the table to paragraph (b), amend the entries for “Sugarcane, cane” and “Sugarcane, molasses” by revising the expiration dates “12/31/11” to read “12/31/2014.”

B. Final Rule

On July 20, 2011, PHMSA published a final rule under Docket Number PHMSA–2009–0151 in the Federal Register. This final rule modifies the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) based on PHMSA initiatives and petitions for rulemaking submitted in accordance with 49 CFR 106.95. The amendments proposed in the NPRM were intended to provide relief to industry by eliminating, revising, clarifying, or relaxing regulatory requirements.

The comment period for the NPRM closed on November 29, 2010. Eleven commenters provided comments in response to the NPRM. PHMSA received comments from the following companies, and organizations:

- United Parcel Service (UPS)
- Worthington Cylinder Corporation (Worthington)
- Veolia Environmental Services
- Institute of Makers of Explosives (IME)
- PPG Industries, Inc.
- Barlen and Associates, Inc.
- Arrowhead Industrial Services USA, Inc.
- New England Fuel Institute
- Stericycle, Inc.
- Truck Trailer Manufacturers Association (TTMA)
- American Trucking Associations (ATA)

For further information contact:


SUPPLEMENTARY INFORMATION:

I. Background

A. Notice of Proposed Rulemaking

On September 29, 2010, PHMSA published a Notice of Proposed Rulemaking (NPRM) under this docket HM–218F (74 FR 16135). The NPRM proposed amendments to the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) based on PHMSA initiatives and petitions for rulemaking submitted in accordance with 49 CFR 106.95. The amendments proposed in the NPRM were intended to provide relief to industry by eliminating, revising, clarifying, or relaxing regulatory requirements.

II. Legal Basis

A. Final Rule

On July 20, 2011, PHMSA published a final rule under Docket Number PHMSA–2009–0151 in the Federal Register. This final rule modifies the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) based on PHMSA initiatives and petitions for rulemaking submitted in accordance with 49 CFR 106.95. The amendments proposed in the NPRM were intended to provide relief to industry by eliminating, revising, clarifying, or relaxing regulatory requirements.

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- Arrowhead Industrial Services USA, Inc.
- New England Fuel Institute
- Stericycle, Inc.
- Truck Trailer Manufacturers Association (TTMA)
- American Trucking Associations (ATA)