

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 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).

## VII. 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 requirements.

Dated: May 3, 2012.

Steven Bradbury,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

### PART 180—[AMENDED]

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

**Authority:** 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.664 is added to subpart C to read as follows:

#### § 180.664 Penflufen; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide penflufen, including its metabolites and degradates, in or on the following commodities listed in the table. Compliance with the tolerance levels

specified in the table is to be determined by measuring only penflufen *N*-[2-(1,3-dimethylbutyl)phenyl]-5-fluoro-1,3-dimethyl-1*H*-pyrazole-4-carboxamide, in or on the following commodities.

Commodity	Parts per million
Alfalfa, forage .....	0.01
Alfalfa, hay .....	0.01
Cotton, gin by-products .....	0.01
Grain cereal, forage, fodder and straw, group 16 .....	0.01
Grain, cereal, group 15 .....	0.01
Oilseed, group 20 .....	0.01
Vegetable, foliage of legume, group 7 .....	0.01
Vegetable, legume, group 6 .....	0.01
Vegetable, tuberous and corm subgroup 1C .....	0.01

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 799

[EPA-HQ-OPPT-2005-0033; FRL-9350-2]

RIN 2070-AD16

### Withdrawal of Revocation of TSCA Section 4 Testing Requirements for One High Production Volume Chemical Substance

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

**ACTION:** Final rule.

**SUMMARY:** In the **Federal Register** issue of March 16, 2012, EPA published a direct final rule revoking certain testing requirements promulgated under the Toxic Substances Control Act (TSCA) for 10 chemical substances, including benzenesulfonic acid, [[4-[[4-(phenylamino)phenyl][4-(phenylimino)-2,5-cyclohexadien-1-ylidene]methyl]phenyl]amino]- (CAS No. 1324-76-1), also known as C.I. Pigment Blue 61. EPA received an adverse comment regarding C.I. Pigment Blue 61. This document withdraws the revocation of testing requirements for C.I. Pigment Blue 61 as described in the March 16, 2012 direct final rule. In withdrawing the revocation, this document also restores the original testing requirements as currently shown in the Code of Federal Regulations

(CFR). Elsewhere in today's **Federal Register**, EPA is publishing a proposed rule revoking the same testing requirements for C.I. Pigment Blue 61 that were published in the March 16, 2012 direct final rule.

**DATES:** This final rule is effective May 15, 2012.

**FOR FURTHER INFORMATION CONTACT:** *For technical information contact:* Catherine Roman, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-8157; email address: [roman.catherine@epa.gov](mailto:roman.catherine@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](mailto:TSCA-Hotline@epa.gov).

### SUPPLEMENTARY INFORMATION:

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

A list of potentially affected entities is provided in the **Federal Register** issue of March 16, 2012 (77 FR 15609) (FRL-9335-6). If you have questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

#### II. What rule is being withdrawn?

In the March 16, 2012 **Federal Register**, EPA issued a revocation of some or all of the TSCA section 4 testing requirements for 10 chemical substances by direct final rule. In accordance with the procedures described in the March 16, 2012 **Federal Register** document, EPA is withdrawing the revocation of certain testing requirements for C.I. Pigment Blue 61 and also restoring the original testing requirements found in the CFR, because the Agency received an adverse comment concerning this chemical substance. The final rule revoking testing requirements for the other 9 chemical substances described in the March 16, 2012 **Federal Register** document is otherwise unaffected by the withdrawal of the revocation for C.I. Pigment Blue 61. Elsewhere in today's **Federal Register**, EPA is proposing a rule to revoke certain test rule requirements for C.I. Pigment Blue 61.

The docket identification (ID) number for the test rule concerning this chemical substance was established at EPA-HQ-OPPT-2005-0033. That docket includes information considered by the Agency in developing those rules and the adverse comment.

**III. How do I access the docket?**

To access the docket, please go to <http://www.regulations.gov> and follow the online instructions using the docket ID number EPA-HQ-OPPT-2005-0033. Additional information about the Docket Facility is also provided under **ADDRESSES** in the March 16, 2012 **Federal Register** document. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

**List of Subjects in 40 CFR Part 799**

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

Dated: May 8, 2012.

**James J. Jones,**

*Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

Therefore, 40 CFR chapter I is amended as follows:

**PART 799—[AMENDED]**

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

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

■ 2. In § 799.5085, revise the entry “CAS No. 1324-76-1” in Table 2 of paragraph (j) to read as follows:

**§ 799.5085 Chemical testing requirements for first group of high production volume chemicals (HPV1).**

\* \* \* \* \*  
(j) \* \* \*

TABLE 2—CHEMICAL SUBSTANCES AND TESTING REQUIREMENTS

CAS No.	Chemical name	Class	Required tests (see table 3 of this section)
1324-76-1	Benzenesulfonic acid, [[4-[[4-(phenylamino)phenyl][4-(phenylimino)-2,5-cyclohexadien-1-ylidene]methyl]phenyl]amino]-	2	A, B, C1, D, E1, E2, F1.

\* \* \* \* \*  
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**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

[Docket ID FEMA-2012-0003; Internal Agency Docket No. FEMA-8229]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, DHS.  
**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES: Effective Dates:** The effective date of each community’s scheduled suspension is the third date (“Susp.”)

listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2953.  
**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities

will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA’s initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be