

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" §§ 721.10402, 721.10403, 721.10404, 721.10405, 721.10406, and 721.10407.

#### 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).

§§ 721.10402, 721.10403, 721.10404, 721.10405, 721.10406, and 721.10407  
[Removed]

■ 4. Remove §§ 721.10402, 721.10403, 721.10404, 721.10405, 721.10406, and 721.10407.

[FR Doc. 2012-15221 Filed 6-21-12; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Parts 9 and 721

[EPA-HQ-OPPT-2012-0182; FRL-9353-2]

RIN 2070-AB27

#### Significant New Use Rule on Certain Chemical Substances; Withdrawal of Significant New Use Rule

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

**ACTION:** Final rule.

**SUMMARY:** EPA is withdrawing a significant new use rule (SNUR) promulgated under the Toxic Substances Control Act (TSCA) for chemical substances identified generically as complex strontium aluminum, rare earth doped, which were the subject of premanufacture notices (PMNs) P-12-22, P-12-23, P-12-24, P-12-25, and P-12-26. EPA published this SNUR using direct final rulemaking procedures. EPA received a notice of intent to submit adverse comments on the rule. Therefore, the Agency is withdrawing this SNUR, as required under the expedited SNUR rulemaking process. Elsewhere in today's *Federal Register*, EPA is publishing (under separate notice and comment procedures) a proposed SNUR for these chemical substances.

**DATES:** This final rule is effective June 25, 2012.

#### 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?

A list of potentially affected entities is provided in the *Federal Register* of April 25, 2012 (77 FR 24613) (FRL-9345-4). 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 *Federal Register* of April 25, 2012 (77 FR 24613), EPA issued several direct final SNURs, including a SNUR for the chemical substances that are the subject of this withdrawal. These direct final rules were issued pursuant to the procedures in 40 CFR part 721, subpart D. In accordance with § 721.160(c)(3)(ii), EPA is withdrawing the rule issued for chemical substances identified generically as complex strontium aluminum, rare earth doped, which were the subject of PMNs P-12-22, P-12-23, P-12-24, P-12-25, and P-12-26, because the Agency received a notice of intent to submit adverse comments. Elsewhere in today's *Federal Register*, EPA is proposing a SNUR for these chemical substances via notice and comment rulemaking.

For further information regarding EPA's expedited process for issuing SNURs, interested parties are directed to 40 CFR part 721, subpart D, and the *Federal Register* of July 27, 1989 (54 FR 31314). The record for the direct final SNUR for these chemical substances that is being withdrawn was established at EPA-HQ-OPPT-2012-0182. That record includes information considered by the Agency in developing this rule and the notice of intent to submit adverse comments.

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

To access the electronic docket, please go to <http://www.regulations.gov> and follow the online instructions to access docket ID number EPA-HQ-OPPT-2012-0182. Additional information about the Docket Facility is provided under **ADDRESSES** in the *Federal Register* of April 25, 2012 (77 FR 24613). If you have questions,

consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

#### IV. Statutory and Executive Order Reviews

This final 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 withdrawal will not have any adverse impacts, economic or otherwise. The statutory and executive order review requirements applicable to the direct final rule were discussed in the *Federal Register* of April 25, 2012 (77 FR 24613). Those review requirements do not apply to this action because it is a withdrawal and does not contain any new or amended requirements.

#### 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 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: June 14, 2012.

**Maria J. Doa,**

Director, Chemical Control Division, 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.

**§ 9.1 [Amended]**

■ 2. The table in § 9.1 is amended by removing under the undesignated center heading “Significant New Uses of Chemical Substances” § 721.10423.

**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).

**§ 721.10423 [Removed]**

■ 4. Remove § 721.10423.

[FR Doc. 2012–15227 Filed 6–21–12; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 51**

[EPA–HQ–OAR–2010–0605; FRL–9679–2]

RIN 2060–AQ38

**Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of trans-1,3,3,3-tetrafluoropropene**

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

**ACTION:** Final rule.

**SUMMARY:** This action revises the EPA’s definition of volatile organic compounds (VOCs) under the Clean Air Act (CAA). This revision adds *trans*-1,3,3,3-tetrafluoropropene (also known

as HFO-1234ze) to the list of compounds excluded from the definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone formation. As a result, if you are subject to certain federal regulations limiting emissions of VOCs, your emissions of HFO-1234ze may not be regulated for some purposes. This action may also affect whether HFO-1234ze is considered a VOC for state regulatory purposes, depending on whether the state relies on the EPA’s definition of VOC.

**DATES:** The final rule is effective on July 23, 2012.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2010–0605. All documents in the docket are listed on the [www.regulations.gov](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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Docket ID No. EPA–HQ–OAR–2010–0605, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue Northwest, 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 Docket ID No. EPA–HQ–OAR–2010–0605 is (202) 566–1742.

**FOR FURTHER INFORMATION CONTACT:** David Sanders, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code C539–01, Research Triangle Park, NC 27711; telephone: (919) 541–3356; fax number: 919–541–0824; email address: [sanders.dave@epa.gov](mailto:sanders.dave@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

Entities potentially affected by this final rule include, but are not necessarily limited to, states (typically state air pollution control agencies) that control VOCs, and industries involved in the manufacture or use of refrigerants, aerosol propellants and blowing agents for insulating foams. Table 1 is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that the EPA is now aware of that could potentially be affected by this action. Other types of entities not listed in the table could also be affected. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section. This action has no substantial direct effects on industry because it does not impose any new mandates on these entities, but, to the contrary, removes HFO-1234ze from the regulatory definition of VOC.

**TABLE 1—POTENTIALLY AFFECTED REGULATED CATEGORIES AND ENTITIES**

Industry group	SIC <sup>a</sup>	NAICS <sup>b</sup>
Refrigerants .....	2869, 3585	238220, 336111, 336391
Aerosol propellants .....	2869	325998
Blowing agents .....	2869, 3086	326140, 326150

<sup>a</sup> Standard Industrial Classification.

<sup>b</sup> North American Industry Classification System.

The use of this compound remains subject to other restrictions under the CAA. Specifically, the use of this compound as an aerosol propellant, blowing agent, or refrigerant or any other use in which it would substitute for chlorofluorocarbons, hydrochlorofluorocarbons, or their substitutes, is subject to regulation under the Significant New Alternatives Policy (SNAP) program (CAA § 612; 40 CFR 82 subpart G). The SNAP program has issued final listings for HFO-1234ze as an acceptable foam and refrigerant

substitute and as an aerosol propellant (74 FR 50129, September 30, 2009; 75 FR 34017, June 16, 2010).

*B. How is this preamble organized?*

The information presented in this preamble is organized as follows:

- I. General Information
  - A. Does this action apply to me?
  - B. How is this preamble organized?
- II. Background
  - A. The EPA’s VOC Exemption Policy
  - B. Petition to List HFO-1234ze as Exempt
- III. Proposed Action and Response to Comments

- IV. Final Action
- V. Statutory and Executive Order Reviews
  - A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
  - B. Paperwork Reduction Act
  - C. Regulatory Flexibility Act
  - D. Unfunded Mandates Reform Act
  - E. Executive Order 13132: Federalism
  - F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
  - G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks