

attain this standard. In this context, EPA has also determined that there are not any additional obligations, including those relating to one-hour ozone contingency measures, for the Greater Connecticut area under the one-hour ozone standard.

### III. Final Action

EPA is determining that the Greater Connecticut one-hour ozone nonattainment area did not meet its applicable one-hour ozone attainment date of November 15, 2007, based on 2005–2007 quality-assured ozone monitoring data. Separate from and independent of this determination, EPA is also determining that the Greater Connecticut one-hour ozone nonattainment area is currently attaining the one-hour ozone standard, based on the most recent three years (2008–2010) of complete, quality-assured ozone monitoring data at all monitoring sites in the area. EPA's review of the data shows that the area began attaining the one-hour ozone standard in the 2006–2008 period, and has continued to attain this standard through the 2007–2009 and 2008–2010 monitoring periods. Quality assured and quality controlled, but not yet certified, ozone data available for 2011 indicate that the area continues to attain the one-hour NAAQS.

### IV. Statutory and Executive Order Reviews

These actions make determinations of attainment based on air quality, result in the suspension of certain Federal requirements, and would not impose additional requirements beyond those imposed by state law. For that reason, these actions:

- Are not “significant regulatory actions” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, these actions do not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing these actions 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This rule is effective on April 16, 2012.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 15, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 8, 2012.

### H. Curtis Spalding,

*Regional Administrator, EPA New England.*

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

### PART 52—[AMENDED]

- 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

### Subpart H—Connecticut

- 2. Section 52.377 is amended by adding paragraph (i) to read as follows:

#### § 52.377 Control strategy: Ozone.

\* \* \* \* \*

(i) Determination of Attainment for the One-Hour Ozone Standard. Effective April 16, 2012, EPA is determining that the Greater Connecticut one-hour ozone nonattainment area did not meet its applicable one-hour ozone attainment date of November 15, 2007, based on 2005–2007 complete, quality-assured ozone monitoring data. Separate from and independent of this determination, EPA is determining that the Greater Connecticut one-hour ozone nonattainment area met the one-hour ozone standard, based on 2008–2010 complete, quality-assured ozone monitoring data at all monitoring sites in the area. EPA's review of the ozone data shows that the area began attaining the one-hour ozone standard during the 2006–2008 monitoring period, and has continued attaining the one-hour standard through the 2007–2009 and 2008–2010 monitoring periods.

[FR Doc. 2012–6424 Filed 3–15–12; 8:45 am]

BILLING CODE 6560–50–P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–HQ–OAR–2011–0081; FRL–9648–9]

RIN 2060–AR42

#### Revisions to Final Response to Petition From New Jersey Regarding SO<sub>2</sub> Emissions From the Portland Generating Station

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** The EPA issued “Revisions to Final Response to Petition From New Jersey Regarding SO<sub>2</sub> Emissions From the Portland Generating Station” as a direct final rule on December 22, 2011. Because the EPA received an adverse comment to the parallel proposal issued under the same name on December 22, 2011, we are withdrawing the direct final rule amendments to “Revisions to Final Response to Petition From New Jersey Regarding SO<sub>2</sub> Emissions From the Portland Generating Station” published in the **Federal Register** on December 22, 2011.

**DATES:** As of March 16, 2012, the EPA withdraws the direct final rule amendments published on December 22, 2011. See 76 FR 79541.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2011-0081. 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, e.g., confidential business information 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 through <http://www.regulations.gov> or in hard copy at Air Docket, EPA/DC, EPA West, Room 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.

**FOR FURTHER INFORMATION CONTACT:** Mr. Todd Hawes (919) 541-5591, [hawes.todd@epa.gov](mailto:hawes.todd@epa.gov), or Ms. Gobeail McKinley (919) 541-5246, [mckinley.gobeail@epa.gov](mailto:mckinley.gobeail@epa.gov), Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code C539-04, Research Triangle Park, NC 27711.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background Information**

The EPA issued “Revisions to Final Response to Petition From New Jersey Regarding SO<sub>2</sub> Emissions From the Portland Generating Station” as a direct final rule on December 22, 2011. See 76 FR 79541. The direct final rule revised the preamble and rule text to the “Final Response to Petition From New Jersey Regarding SO<sub>2</sub> Emissions From the Portland Generating Station” (Portland)

published November 7, 2011, to clarify that Portland significantly contributes to nonattainment or interferes with maintenance of the 1-hour sulfur dioxide national ambient air quality standard in the State of New Jersey, and not in specific counties within the state. See 76 FR 69052. The revisions did not change the conclusions that the EPA made in the final rule and did not affect the emission limits, increments of progress, compliance schedules, or reporting provisions.

The EPA issued a parallel proposal under the same name on December 22, 2011, that proposed to make the same revisions outlined in the direct final and solicited comment on those revisions. See 76 FR 79574. We stated in the direct final rule amendments that if we received adverse comment to the parallel proposal by February 21, 2012, we would publish a timely notice of withdrawal of the direct final rule in the **Federal Register**. We received one adverse comment on the proposed amendments on February 21, 2012. We are consequently withdrawing the “Revisions to Final Response to Petition From New Jersey Regarding SO<sub>2</sub> Emissions From the Portland Generating Station” published as a direct final rule in the **Federal Register** on December 22, 2012 as of March 16, 2012. See 76 FR 79541. The EPA will address the adverse comment in a subsequent final action based on the parallel proposal also published on December 22, 2011. See 76 FR 79574. As stated in the parallel proposal, we will not institute a second comment period on this action.

##### **List of Subjects in 40 CFR Part 52**

Approval and promulgation of implementation plans, Environmental protection, Administrative practice and procedures, Air pollution control, Incorporation by reference, Intergovernmental relations, and Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: March 12, 2012.

Lisa P. Jackson,  
Administrator.

##### **PART 52—[AMENDED]**

Accordingly, the amendments to the rule published in the **Federal Register** on December 22, 2011 (76 FR 79541) on pages 79541–79544 are withdrawn as of March 16, 2012.

[FR Doc. 2012-6427 Filed 3-15-12; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 799**

[EPA-HQ-OPPT-2005-0033; FRL-9335-6]

RIN 2070-AD16

### **Revocation of TSCA Section 4 Testing Requirements for Certain High Production Volume Chemical Substances**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is revoking certain testing requirements for six chemical substances and all the testing requirements for four chemical substances. EPA is basing its decision to take this action on information received since publication of the first test rule for certain high production volume chemical substances (HPV1). HPV1 established testing requirements for those 10 chemical substances. On the effective date of this direct final rule, persons who export or intend to export the four chemical substances for which all the testing requirements are revoked are no longer subject to section 12(b) of the Toxic Substance Control Act (TSCA) export notification requirements triggered by HPV1.

**DATES:** This direct final rule is effective May 15, 2012 without further notice, unless EPA receives adverse comment in writing, or a request to present comment orally, on or before April 16, 2012. If EPA receives adverse comment, or a written request for an opportunity to present oral comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule, or relevant portions of this direct final rule, will not take effect. If you write EPA to request an opportunity to present oral comments on or before April 16, 2012, EPA will hold a public meeting on this direct final rule in Washington, DC. The announcement of the meeting will be published in the **Federal Register**.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2005-0033, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.
- **Hand Delivery:** OPPT Document Control Office (DCO), EPA East Bldg.,