

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).

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 February 2, 2015. 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of

proposed rulemaking for this action published in the Proposed Rules section of today’s **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule and address the comment in the proposed rulemaking. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 17, 2014.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
Article 1. General Provisions				
Rule 1. Provisions Applicable Throughout Title 326				
1–1–3	References to the Code of Federal Regulations	8/31/2014	12/03/2014, [insert Federal Register citation].	*
*	*	*	*	*
Rule 2. Definitions				
1–2–6.5	Board	8/31/2014	12/03/2014, [insert Federal Register citation].	*
*	*	*	*	*

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[FR Doc. 2014–28291 Filed 12–2–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 97

[EPA–HQ–OAR–2009–0491; FRL–9919–91–OAR]

Availability of Data on Allocations of Cross-State Air Pollution Rule Allowances to Existing Electricity Generating Units

AGENCY: Environmental Protection Agency.

ACTION: Final rule; notice of data availability (NODA).

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.770 the table in paragraph (c) is amended by:

■ a. Revising the entry in Article 1, General Provisions for Rule 1, “Provisions Applicable Throughout Title 326” in 1–1–3 “References to the Code of Federal Regulations”; and

■ b. Adding a new entry in numerical order in Article 1, General Provisions for Rule 2, “Definitions”, “1–2–6.5” “Board”. The revised and added text reads as follows:

§ 52.770 Identification of plan.

* * * * *
(c) * * *

SUMMARY: Through this notice of data availability (NODA), the EPA is providing notice of allocations of emission allowances to certain units for compliance with the Cross-State Air Pollution Rule (CSAPR). Since its original promulgation, CSAPR has been amended in several subsequent rulemakings and its compliance deadlines have been tolled by three years pursuant to an order of the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit or Court). These allowance allocations, which supersede the allocations announced in a 2011 NODA, reflect the

changes to CSAPR made in those subsequent rulemakings as well as “re-vintaging” of previously recorded allowances so as to account for the impact of tolling of the rule’s deadlines. The allocations apply only to units that commenced commercial operation before 2010 and only to the extent that states do not provide alternative allowance allocations following procedures set out in the rule. A spreadsheet containing both the allowance allocations and the data upon which the allocations are based has been posted on the EPA’s Web site.

DATES: December 3, 2014.

FOR FURTHER INFORMATION CONTACT:

Questions concerning this notice should be addressed to Michael Cohen, at (202) 343–9497 or cohen.michael@epa.gov; or Robert Miller, at (202) 343–9077 or miller.robertl@epa.gov. The mailing address for each of these individuals is U.S. Environmental Protection Agency, Clean Air Markets Division, MC 6204M, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Data for Which Notice Is Being Provided

Through this NODA, the EPA is providing notice of the availability of unit-specific default allocations of CSAPR allowances for electricity generating units (EGUs) that commenced commercial operation before 2010. The data are contained in an Excel spreadsheet titled “Unit Level Allocations Under the CSAPR FIPs After Tolling” that has been posted on the EPA’s Web site at <http://www.epa.gov/crossstaterule/actions.html>. The spreadsheet contains default allocations of allowances under each of the four CSAPR trading programs for individual EGUs for each compliance year from 2015 through 2020. The spreadsheet also contains the data used to compute the allocations and describes how the computations are performed. The EPA is not requesting comment on the allocations, underlying data, or computation methodology.

The EPA notes that an allocation or lack of allocation of emission allowances to a given EGU does not constitute a determination that CSAPR does or does not apply to the EGU.¹ The EPA also notes that allocations are subject to potential correction under the rule.²

II. Description of the Allocations

CSAPR includes several emissions trading programs that require affected EGUs to hold emission allowances sufficient to cover their emissions of nitrogen oxides (NO_x) and/or sulfur dioxide (SO₂) in each compliance period. For each trading program and compliance period, the rule establishes overall state “budgets” representing the maximum number of emission allowances that may be allocated to the group of affected EGUs in each covered state. Beginning with CSAPR’s second compliance year, each covered state generally has the option to determine how the allowances in its state budget for each program should be allocated among the state’s EGUs.³ However, for CSAPR’s first compliance year, and by default for subsequent compliance years in situations where a state has not provided the EPA with the state’s own allocations pursuant to an approved SIP revision, the allocations are made by the EPA.

In the case of units commencing commercial operation on or after January 1, 2010, termed “new” units, the EPA’s default allocations for each compliance year are annually determined during the compliance year based on current and prior year emission data, using a methodology set out in the regulatory text.⁴ In the case of units that commenced commercial operations before January 1, 2010, termed “existing” units, the EPA determined default allocations for all compliance years during the initial rulemaking based on 2006–2010 heat input data and 2003–2010 emissions data, according to a methodology finalized in the rulemaking but not included in the regulatory text.⁵ The regulatory text calls for default allocations to the existing units to be provided in a NODA.⁶ In July 2011, the EPA issued a NODA reflecting the default allocations for existing units as determined in the original CSAPR rulemaking.⁷

In three rulemakings finalized after the original CSAPR rulemaking, the EPA created budgets for several states added to the rule’s ozone-season NO_x trading program, increased some previously established state budgets, and changed the shares of some state budgets set aside for new units.⁸ In one of those

rulemakings, the EPA also revised unit-specific allowance allocations in some states in order to account for emissions tonnage limitations established under certain consent decrees.⁹

As originally promulgated, compliance with CSAPR’s trading programs was scheduled to begin on January 1, 2012. However, on December 30, 2011, the D.C. Circuit stayed the rule. On October 23, 2014, the Court granted the EPA’s motion to lift the stay and toll the rule’s compliance deadlines by three years, allowing the first compliance period to begin on January 1, 2015.¹⁰

The allowance allocations described in this NODA reflect all the budget, set-aside, and unit-specific allocation changes finalized in the rulemakings conducted after the original CSAPR rulemaking. The allocations also account for the impact of the tolling of the rule’s compliance deadlines by re-vintaging previously recorded 2012 and 2013 allowances as 2015 and 2016 allowances, respectively.

III. Recordation of the Allocations

CSAPR specifies deadlines for the EPA to record allowance allocations for each compliance year.¹¹ In cases where those deadlines, as tolled by the Court’s order, have not yet passed, and where states have not submitted alternative allowance allocations pursuant to approved SIP revisions, the EPA will record the allocations described in this NODA by the applicable recordation deadlines.

To meet recordation deadlines that occurred before CSAPR was stayed, the EPA has already recorded most allowances allocated for CSAPR’s first compliance year (originally 2012 and now 2015), and some allowances allocated for CSAPR’s second

2011) (the “Supplemental Rule”); 77 FR 10324 (February 21, 2012) (the “First Revisions Rule”); 77 FR 34830 (June 12, 2012) (the “Second Revisions Rule”).

⁹ The consent decree tonnage limitations had already been considered for purposes of setting the CSAPR state budgets but had not previously been accounted for in setting unit-specific allowance allocations in states with EGUs affected by those limitations. See 77 FR at 10329–30.

¹⁰ Order, Document #1518738, *EME Homer City Generation, L.P. v. EPA*, No. 11–1302 (D.C. Cir. issued Oct. 23, 2014).

¹¹ See 40 CFR 97.421, 97.521, 97.621, and 97.721. With respect to recordation of allowance allocations for the additional state budgets established in the Supplemental Rule, CSAPR as amended includes separate, specific recordation deadlines. See 76 FR 80760 (December 27, 2011); 40 CFR 97.521(a) and (b). However, with respect to recordation of allocation changes resulting from the two Revisions Rules, see 77 FR 10324 (February 21, 2012); 77 FR 34830 (June 12, 2012), or re-vintaging of previously recorded allowances to account for tolling of the rule’s compliance deadlines, CSAPR as amended does not include specific recordation deadlines.

¹ See 40 CFR 97.411(a)(1), 97.511(a)(1), 97.611(a)(1), and 97.711(a)(1).

² See 40 CFR 97.411(c), 97.511(c), 97.611(c), and 97.711(c).

³ See 40 CFR 52.38 and 52.39.

⁴ See 40 CFR 97.412, 97.512, 97.612, and 97.712.

⁵ See 76 FR 48208, 48288–90 (August 8, 2011).

⁶ See 40 CFR 97.411(a)(1), 97.511(a)(1), 97.611(a)(1), and 97.711(a)(1).

⁷ 76 FR 42055 (July 18, 2011).

⁸ See 76 FR 48208 (August 8, 2011) (the original CSAPR final rule); 76 FR 80760 (December 27,

compliance year (originally 2013 and now 2016). In these cases, the EPA will re-vintage the previously recorded 2012 and 2013 allowances into 2015 and 2016 allowances, respectively, consistent with the Court's order tolling CSAPR's compliance deadlines. The EPA will then record adjustments as needed to bring the re-vintaged, previously recorded allocations up to the 2015 and 2016 allocations described in this NODA. Allowance tracking system accounts will be briefly frozen while the re-vinting and adjustments are carried out.

List of Subjects

40 CFR Part 97

Environmental protection, Administrative practice and procedure, Air pollution control, Electric power plants, Nitrogen oxides, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: November 21, 2014.

Reid P. Harvey,

Director, Clean Air Markets Division.

[FR Doc. 2014-28281 Filed 12-2-14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2014-0682; FRL-9918-41]

Oxirane, Phenyl, Polymer With Oxirane, Monoethyl Ether; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of oxirane, phenyl, polymer with oxirane, monoethyl ether; when used as an inert ingredient in a pesticide chemical formulation. Envionik Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of oxirane, phenyl, polymer with oxirane, monoethyl ether on food or feed commodities.

DATES: This regulation is effective December 3, 2014. Objections and requests for hearings must be received on or before February 2, 2015, 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: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2014-0682, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. 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 OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (RD) (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDPRNotices@epa.gov.

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. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at http://www.ecfr.gov/cgi-bin/text-id?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

C. 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-2014-0682 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before February 2, 2015. 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 (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2014-0682, by one of the following methods.

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

II. Background and Statutory Findings

In the **Federal Register** of October 15, 2014 (79 FR 61844) (FRL-9917-24), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN-10751) filed by Envionik Corporation, P.O. Box 1299, Hopewell, VA 23860. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of oxirane, phenyl, polymer with oxirane, monoethyl ether; 83653-00-3. That document included a summary of the petition prepared by the petitioner and solicited comments on the