

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has concluded that it is not practicable to determine whether there would be disproportionately high and adverse human health or environmental effects on minority and/or low income populations from this rule. EPA believes, however, that this action affects the level of environmental protection equally for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. Any ozone depletion that results from this rule will impact all affected populations equally, because ozone depletion is a global environmental problem with environmental and human effects that are, in general, equally distributed across geographical regions.

*K. Congressional Review Act*

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. Therefore, 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). This rule will be effective June 24, 2009.

**VI. Effective Date of This Final Rule**

Section 553(d) of the Administrative Procedures Act (APA) generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. This final rule is issued under section 307(d) of the CAA, which does not include a 30-day effective-date period requirement, and which precludes the application of section 553(d). CAA section 307(d)(1) ("The provisions of section 553 through 557 \* \* \* of Title 5 shall not, except as expressly provided in this subsection, apply to actions to which this subsection applies.") EPA is making this final rule effective June 24, 2009, and believes that this is consistent with the policies underlying APA

section 553(d). Specifically, APA section 553(d) provides an exception for any action that grants or recognizes an exemption or relieves a restriction. Because this action grants an exemption to the phaseout of production and consumption of CFCs, EPA is making this action effective immediately to ensure continued availability of CFCs for medical devices.

**List of Subjects in 40 CFR Part 82**

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Imports, Methyl Chloroform, Ozone, Reporting and recordkeeping requirements.

Dated: June 18, 2009.

**Lisa P. Jackson**,  
Administrator.

■ 40 CFR part 82 is amended as follows:

**PART 82—PROTECTION OF STRATOSPHERIC OZONE**

■ 1. The authority citation for part 82 continues to read as follows:

**Authority:** 42 U.S.C. 7414, 7601, 7671–7671q.

**Subpart A—Production and Consumption Controls**

■ 2. Section 82.8 is amended by revising table I in paragraph (a) to read as follows:

**§ 82.8 Grant of essential use allowances and critical use allowances.**  
(a) \* \* \*

TABLE I—ESSENTIAL USE ALLOWANCES FOR CALENDAR YEAR 2009

| Company   | Chemical                          | 2009 quantity (metric tons) |
|---|-----------------------------------|-----------------------------|
| (i) Metered Dose Inhalers (for oral inhalation) for Treatment of Asthma and Chronic Obstructive Pulmonary Disease |                                   |                             |
| Armstrong .....   | CFC–11 or CFC–12 or CFC–114 ..... | 63.0                        |

\* \* \* \* \*  
[FR Doc. E9–14862 Filed 6–23–09; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 161**

**[EPA–HQ–OPP–2004–0387; FRL–8418–5] Data Requirements for Antimicrobial Pesticides; Technical Amendment**

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** EPA is issuing this technical amendment to clarify that the data requirements for pesticide registration in 40 CFR part 161 are applicable only to antimicrobial pesticides.

**DATES:** This technical amendment is effective June 24, 2009.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2004–0387. All documents in the docket are listed in the docket index available in <http://www.regulations.gov>. Although listed in the index, some

information is not publicly available, e.g., Confidential Business Information (CBI) 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 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:** Kathryn Boyle, Field and External Affairs Division, (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460-0001; telephone number: (703) 305-6304; e-mail address: [boyle.kathryn@epa.gov](mailto:boyle.kathryn@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under the **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Access Electronic Copies of this Document and Other Related Information?*

In addition to accessing electronically available documents at <http://www.regulations.gov>, you may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr>.

**II. What Does this Technical Amendment Do?**

In the **Federal Register** of October 24, 2007 (72 FR 60251) (FRL-8116-2), EPA issued a Final Rule which, among other things, redesignated 40 CFR part 158 as 40 CFR part 161. The regulations in redesignated part 161 were intended to apply to, and are applicable only to antimicrobial pesticides as was shown in the redesignation table. This technical amendment is issued to clarify the applicability of part 161, clear up any confusion among the users of the regulations in 40 CFR parts 158 and 161, and to correct the part heading for part 161 to show applicability to antimicrobial pesticides. The data requirements for conventional, biochemical, and microbial pesticides are set forth in 40 CFR part 158.

**III. Why is this Technical Amendment Issued as a Final Rule?**

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause

for making today’s technical amendment final without prior proposal and opportunity for comment, because EPA is not making any substantive changes to the regulations and is merely clarifying the applicability of existing regulations to avoid confusion. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

**IV. Do Any of the Statutory and Executive Order Reviews Apply to this Action?**

The appropriate statutory and Executive Order reviews were included in the October 24, 2007 Final Rule.

**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 161**

Environmental protection, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 12, 2009.

**Debra Edwards,**

*Director, Office of Pesticide Programs.*

■ Therefore, 40 CFR part 161 is amended as follows:

**PART 161—[AMENDED]**

■ 1. The authority citation for part 161 continues to read as follows:

**Authority:** 7 U.S.C. 136—136y.

■ 2. Revise the heading for part 161 to read as follows:

**PART 161—DATA REQUIREMENTS FOR REGISTRATION OF ANTIMICROBIAL PESTICIDES**

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**BILLING CODE 6560-50-S**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2008-0386; FRL-8421-2]

**Triallate; Pesticide Tolerances**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of triallate and its metabolite TCPSA in or on bermudagrass, hay under 40 CFR 180.314(a). Gowan Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** This regulation is effective June 24, 2009. Objections and requests for hearings must be received on or before August 24, 2009, 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-2008-0386. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) 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 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:** Vickie Walters, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5704; e-mail address: [walters.vickie@epa.gov](mailto:walters.vickie@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