F. Executive Order 13175, Coordination With Indian Tribal Governments

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This proposed rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this rule.

EPA specifically solicits additional comment on this proposed rule from tribal officials.

G. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045, because it proposes to approve a State rule implementing a Federal standard.

H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today’s action does not require the public to perform activities conducive to the use of VCS.

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

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 lacks the discretionary authority to address environmental justice in this rulemaking.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 et seq. Dated: November 18, 2011.

Jared Blumenfeld, Regional Administrator, Region IX.

[FR Doc. 2011–31252 Filed 12–5–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300


National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Notice of Intent for Deletion of the State Marine of Port Arthur Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 is issuing a Notice of Intent to Delete the State Marine of Port Arthur (SMPA) Superfund Site located in Port Arthur, Texas, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Texas, through the Texas Commission on Environmental Quality, have determined that all appropriate response actions at these identified parcels under CERCLA, other than operations, maintenance, and Five-Year Reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by January 5, 2012.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–1998–0007, by one of the following methods:

• Email: Rafael Casanova, casanova.rafael@epa.gov.
• Fax: (214) 665–6660.
• Mail: Rafael A. Casanova; U.S. Environmental Protection Agency, Region 6; Superfund Division (6SF–RA); 1445 Ross Avenue, Suite 1200; Dallas, Texas 75202–2733.

Hand delivery: U.S. Environmental Protection Agency, Region 6; 1445 Ross Avenue, Suite 700; Dallas, Texas 75202–2733; Contact: Rafael A. Casanova (214) 665–7437. Such deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–SFUND–1998–0007. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at http://www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through http://www.regulations.gov or email. The http://www.regulations.gov Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through http://www.regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your
name and other contact information in
the body of your comment and with any
disk or CD–ROM you submit. If EPA
cannot read your comment due to
technical difficulties and cannot contact
you for clarification, EPA may not be
able to consider your comment.
Electronic files should avoid the use of
special characters, any form of
encryption, and be free of any defects or
viruses.

Docket: All documents in the docket
are listed in the http://
www.regulations.gov index. Although
listed in the index, some information is
not publicly available, e.g., 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 http://
www.regulations.gov or in hard copy at:
1. U.S. Environmental Protection
Agency, Region 6; 1445 Ross Avenue,
Suite 700; Dallas, Texas 75202–2733;
Hours of operation: Monday thru
Friday, 9 a.m. to 12 p.m. and 1 p.m. to
4 p.m. Contact: Rafael A. Casanova (214)
665–7437.
2. Port Arthur Public Library; 4615
9th Avenue; Port Arthur, Texas 77642–
5799; Hours of operation: Monday thru
Thursday, 9 a.m. to 9 p.m.; Friday, 9
a.m. to 6 p.m.; Saturday, 9 a.m. to 5
p.m.; and Sunday, 2 p.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT:
Rafael A. Casanova, Remedial Project
Manager; U.S. Environmental Protection
Agency, Region 6; Superfund Division
(6SF–RA); 1445 Ross Avenue, Suite
1200; Dallas, Texas 75202–2733;
telephone number: (214) 665–7437;
email: casanova.rafael@epa.gov.

SUPPLEMENTARY INFORMATION: In the
“Rules and Regulations” Section of
today’s Federal Register, we are
publishing a direct final Notice of
Deletion for SMPA Superfund Site
without prior Notice of Intent for
Deletion because EPA views this as a
noncontroversial revision and
anticipates no adverse comments. We
have explained our reason for this
deletion in the preamble to the direct
final Notice of Deletion, and those
reasons are incorporated herein. If we
receive no adverse comment(s) on this
deletion action, we will not take further
action on this Notice of Intent for
Deletion. If we receive adverse
comment(s), we will withdraw the
direct final Notice of Deletion and it
will not take effect. We will, as
appropriate, address all public
comments in a subsequent final Notice
of Deletion based on this Notice of
Intent for Deletion. We will not institute
a second comment period on this Notice
of Intent for Deletion. Any parties
interested in commenting must do so at
this time.

For additional information, see the
direct final Notice of Deletion which is
located in the Rules section of this
Federal Register.

List of Subjects in 40 CFR Part 300

Environmental protection, Air
pollution control, Chemicals, Hazardous
waste, Hazardous substances,
Intergovernmental relations, Penalties,
Reporting and recordkeeping
requirements, Superfund, Water
pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C.
9601–9657; E.O. 12777, 56 FR 54757, 3 CFR,
1991 Comp., p. 351; E.O. 12580, 52 FR 2923;

Dated: November 14, 2011.
Al Armendariz,
Regional Administrator, Region 6.

[FR Doc. 2011–31258 Filed 12–5–11; 8:45 am]
BILLING CODE 6560–50–P