

US EPA ARCHIVE DOCUMENT

“Corn, pop”; “Corn, pop, stover”; “Goat meat byproducts”; “Hog, meat byproducts”; “Horse meat byproducts”; and “Sheep meat byproducts” to the table in paragraph (a).

■ iii. Remove the entries for “Corn, field, forage”; “Corn, field, grain”; “Corn, field, refined oil”; “Corn, field, stover”; “Corn, pop”; and “Corn, pop, stover” from the table in paragraph (d).

The added entries read as follows:

**§ 180.629 Flutriafol; tolerances for residues.**

(a) \* \* \*

Commodity	Parts per million
* * * *	*
Cattle, meat byproducts .....	0.07
Corn, field, forage .....	0.75
Corn, field, grain .....	0.01
Corn, field, refined oil .....	0.02
Corn, field, stover .....	1.5
Corn, pop .....	0.01
Corn, pop, stover .....	1.5
* * * *	*
Goat, meat byproducts .....	0.07
* * * *	*
Hog, meat byproducts .....	0.02
Horse, meat byproducts .....	0.07
* * * *	*
Sheep, meat byproducts ....	0.07
* * * *	*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

[EPA-R08-RCRA-2010-0933; FRL-9712-3]

**South Dakota: Final Authorization of State Hazardous Waste Management Program Revisions**

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

**ACTION:** Final rule.

**SUMMARY:** The EPA is granting final authorization of the changes to the hazardous waste program revisions submitted by South Dakota. The Agency published a Proposed Rule on December 27, 2010, and provided for public comment. No comments were received on the Resource Conservation and Recovery Act (RCRA) program issues. There was one comment from the South Dakota State Deputy Attorney General regarding Indian country language. No

further opportunity for comment will be provided.

**DATES:** This final rule is effective on August 8, 2012.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R08-RCRA-2010-0933. All documents in the docket are listed on the Federal eRulemaking Portal: <http://www.regulations.gov>. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at: EPA Region 8, from 8 a.m. to 3 p.m., 1595 Wynkoop Street, Denver, Colorado 80202, contact: Moye Lin, phone number (303) 312-6667, email address: [lin.moye@epa.gov](mailto:lin.moye@epa.gov), or SDDENR, from 9 a.m. to 5 p.m., Joe Foss Building, 523 E. Capitol, Pierre, South Dakota 57501, contact: Carrie Jacobson, phone number (605) 773-3153.

**FOR FURTHER INFORMATION CONTACT:** Moye Lin, 303-312-6667, [lin.moye@epa.gov](mailto:lin.moye@epa.gov) or Carrie Jacobson, phone number (605) 773-3153, [Carrie.Jacobson@state.sd.us](mailto:Carrie.Jacobson@state.sd.us).

**SUPPLEMENTARY INFORMATION:**

**I. Authorization of Revisions to South Dakota’s Hazardous Waste Program**

On April 1, 2010, South Dakota submitted a final complete program revision application seeking authorization of their changes in accordance with 40 CFR 271.21. We now make a Final decision that South Dakota’s hazardous waste program revisions satisfy all of the requirements necessary to qualify for Final authorization. For a list of rules that become effective with this Final Rule please see the Proposed Rule published in the December 27, 2010 **Federal Register** at 75 FR 81187.

*Response to Comments:* The EPA proposed to authorize South Dakota’s State Hazardous waste management Program revisions published in the December 27, 2010 **Federal Register** at 75 FR 81187. The EPA received only one comment from the state of South Dakota objecting to the EPA’s definition of Indian country, where the state is not authorized to administer its program. Specifically, the state disagreed that all “trust land” in South Dakota is Indian country. With this Final Rule the EPA is clarifying that Indian country lands within the exterior boundary of the Yankton Reservation are excluded from the state’s authorized program. Further explanation of this interpretation of Indian country can be found at 67 FR 45684 through 45686 (July 10, 2002).

**II. Statutory and Executive Order Reviews**

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes preexisting requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does 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). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. 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.

Under RCRA 3006(b), EPA grants a State’s application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the

National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 this document 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 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 action will be effective August 8, 2012.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Hazardous waste, Indian lands, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 2, 2012.

**James B. Martin,**

*Regional Administrator, Region 8.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 110208116-2233-02]

RIN 0648-BA75

#### Atlantic Highly Migratory Species; Electronic Dealer Reporting Requirements

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule will require that Federal Atlantic swordfish, shark, and tuna dealers report receipt of Atlantic sharks, swordfish, and bigeye, albacore, skipjack, and yellowfin (BAYS) tunas to NMFS through an electronic reporting system on a weekly basis. At this time, Atlantic Highly Migratory Species (HMS) dealers will not be required to report bluefin tuna through this electronic reporting system, as a separate reporting system is currently in place for this species. This final rule changes the current definition of who is considered an Atlantic HMS dealer and will require Atlantic HMS dealers to submit dealer reports to NMFS in a timely manner in order to be able to purchase commercially-harvested Atlantic sharks, swordfish, and BAYS tunas. Any delinquent reports will need to be submitted by the dealer and received by NMFS before a dealer can purchase commercially-harvested Atlantic sharks, swordfish, and BAYS tunas from a fishing vessel. These measures are necessary to ensure timely and accurate reporting, which is critical for quota monitoring and management of these species.

**DATES:** Effective January 1, 2013.

**ADDRESSES:** Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910. Copies of the supporting documents, including a Regulatory Impact Review (RIR), Final Regulatory Flexibility Analysis (FRFA), and small entity compliance guide, are available online at the HMS Management Division Web site at <http://www.nmfs.noaa.gov/sfa/hms/>. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to Delisse Ortiz with the Atlantic Highly Migratory Species Management Division and by email to

[OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax to 202-395-7285.

#### FOR FURTHER INFORMATION CONTACT:

Delisse Ortiz or Karyl Brewster-Geisz at 301-427-8541, or Jackie Wilson at 240-338-3936.

#### SUPPLEMENTARY INFORMATION:

Atlantic HMS are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. 1801 *et seq.*, and the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq.* Under the MSA, NMFS must ensure consistency with the National Standards and manage fisheries to maintain optimum yield, rebuild overfished fisheries, and prevent overfishing. Under the ATCA, the Secretary of Commerce is required to promulgate regulations, as may be necessary and appropriate, to implement the recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue regulations under MSA and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA). The implementing regulations for Atlantic HMS are at 50 CFR part 635.

#### Background

On June 28, 2011 (76 FR 37750), NMFS published a proposed rule in the **Federal Register** to require that Federal Atlantic swordfish, shark, and tunas dealers report receipts of Atlantic sharks, swordfish, and BAYS tunas to NMFS through an electronic reporting system. The proposed rule also included flexible reporting regimes, which would allow NMFS to collect more frequent dealer reports when key Atlantic shark fisheries are open or as quotas become filled in the Atlantic swordfish and BAYS tunas fisheries, and addressed two additional topics: the definition of an Atlantic HMS dealer and the timely submission of Atlantic HMS dealer reports. The proposed rule contained additional details regarding the impacts of the alternatives considered and a brief summary of the recent management history. Those details are not repeated here.

This final rule implements the requirement of electronic HMS dealer reporting, and is necessary to ensure timely and accurate reporting, which is critical for quota monitoring and management of these species. As described below, based in part on public comment, in this final rule, NMFS is changing several aspects of the proposed rule.

In the proposed rule, NMFS considered and analyzed four