C. EPA Recommendations To Further Improve the Rule

The TSD includes recommendations for the next time the local agency modifies the rule.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rule because it fulfills all relevant requirements. We will accept comments from the public on this proposal until September 3, 2019. If we take final action to approve the submitted rule, our final action will incorporate this rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the VCAPCD rule described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is 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.*);
- 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);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is 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
- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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.

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

Dated: July 23, 2019.

Michael Stoker,

Regional Administrator, Region IX.

[FR Doc. 2019–16576 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2019–0041; FRL–9996–78]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities for June 2019

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before September 3, 2019.

ADDRESSES: Submit your comments, identified by docket identification (ID) number 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 Confidential Business Information (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.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (RD) (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

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. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR [part 174 and/or part 180] for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

Amended Tolerance Exemptions for Inerts (Except PIPS)

PP IN–11271. (EPA–HQ–OPP–2019–0279). Spring Trading Company (203 Dogwood Trail Magnolia, TX 77354–5201) on behalf of BASF Corporation (100 Campus Drive, Florham Park NJ 07932), requests to amend an exemption from the requirement of a tolerance for residues of propanamide, 2-hydroxy-N, N-dimethyl- (CAS Reg. No. 35123–06–9) by increasing the limitation from 20% by weight to 50% by weight when used as a pesticide inert ingredient (solvent/co-solvent) in pesticide formulations applied in or on raw agricultural commodities and to growing crops under 40 CFR 180.910 and applied in/on animals under 40 CFR 180.930. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

Amended Tolerances for Non-Inerts

1. PP 9E8739. (EPA–HQ–OPP–2017–0694). The Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes upon establishment of the tolerance referenced above under ''New Tolerances'' to remove the existing tolerance in 40 CFR part 180.672 for residues of the insecticide cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[(methylamino)carbonyl]phenyl]-1H-pyrazole-5-carboxamide, including its metabolites and degradates in or on Strawberry at 1.0 ppm. Contact: RD.

2. PP 9E8743. (EPA–HQ–OPP–2019–0250). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, New Jersey 08540, proposes to amend 40 CFR part 180.613(a) for residues of the insecticide flonicamid, including its metabolites and degradates, to be determined by measuring only the sum of flonicamid, *N*-(cyanomethyl)-4-(trifluoromethyl)-3-pyridinecarboxamide, and its metabolites, TFNA (4-trifluoromethylnicotinic acid), TFNA-AM (4-trifluoromethylnicotinamide), and TFNG, *N*-(4-trifluoromethylnicotinoyl)glycine, calculated as the stoichiometric equivalent of flonicamid, in or on Leafy greens subgroup 4–16A, except spinach by increasing the existing tolerance from 4.0 ppm to 8.0 ppm. Upon establishment of the amended tolerance above, the petitioner requests removal of the existing tolerance for flonicamid on Leafy greens subgroup 4–16A, except spinach at 4.0 ppm. The analytical method used to quantitate above designated flonicamid residues in plants incorporates a liquid chromatograph (LC) equipped with a reverse phase column and a triple quadruple mass spectrometer (MS/MS). Contact: RD.

3. PP 9E8755. (EPA–HQ–OPP–2019–0128). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540, proposes upon establishment of tolerances referenced in this document under ''New Tolerances (for *PP 9E6755*)'' to remove the existing tolerances in 40 CFR part 180.685 for residues of the fungicide oxathiapiprolin, 1-[4-[4-[5-(2,6-difluorophenyl)-4,5-dihydro-3-isoxazolyl]-2-thiazolyl]-1-piperidinyl]-2-[5-methyl-3-(trifluoromethyl)-1H-pyrazol-1-yl]-ethanone, in or on the

following commodities: Pea, edible-podded at 1.0 ppm and Pea, succulent shelled at 0.05 ppm. Contact: RD.

New Tolerance Exemptions for Inerts (Except PIPS)

PP IN–11264. (EPA–HQ–OPP- 2019–0327). Spring Trading Company (203 Dogwood Trail Magnolia, TX 77354–5201) on behalf of Stoller Enterprises, Inc. (9090 Katy Freeway, Suite 400 Houston, TX 77024), requests to establish an exemption from the requirement of a tolerance for residues of formic acid (CAS Reg. No. 64–18–6) when used as a pesticide inert ingredient (pH adjuster) in pesticide formulations applied in or on raw agricultural commodities and to growing crops under 40 CFR 180.910 and applied in/on animals under 40 CFR 180.930. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

New Tolerance Exemptions for Non-Inerts (Except PIPS)

1. PP 8F8713. (EPA–HQ–OPP–2019–0368). Acqua Concepts, Inc. (d/b/a Ag Water Chemical), 2665 S. Chestnut, Fresno, CA 93725, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the gopher repellent methyl mercaptan in or on all food commodities that use irrigation lines treated with methyl mercaptan. The analytical method ''ASTM D 5504–12 using a gas chromatograph equipped with a sulfur chemiluminescence detector (SCD)'' is available to EPA for the detection and measurement of the pesticide residues. Contact: BPPD.

2. PP 9F8735. (EPA–HQ–OPP–2019–0324). Biocontrol Technologies, S.L., Avgda. Madrid, 215–217, entresòl A, 08014 Barcelona, Spain (c/o Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide and bactericide *Trichoderma asperellum,* strain T34 in or on all food commodities. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being proposed. Contact: BPPD.

3. PP 9F8760. (EPA–HQ–OPP–2019–0367). Valent BioSciences LLC, 870 Technology Way, Libertyville, IL 60048, requests to establish a temporary exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the biochemical plant regulator (fruit thinner) 1-Aminocyclopropane-1-carboxylic acid (ACC) in or on apples and stone fruits. The petitioner believes no analytical method is needed because of low toxicity and minimal residues. Contact: BPPD.

New Tolerances for Non-Inerts

1. *PP* 8F8708. (EPA–HQ–OPP–2019–0384). E. I. du Pont de Nemours and Company, 974 Centre Road, Wilmington, Delaware 19805, requests to establish a tolerance for residues of the insecticide indoxacarb in or on corn, pop, grain at 0.02 parts per million (ppm) and corn, pop, stover at 15 ppm. The plant residue enforcement method detects and quantitates indoxacarb in various matrices including sweet corn, lettuce, tomato, broccoli, apple, grape, cottonseed, tomato, peanut and soybean commodity samples by HPLC UV. The limit of quantitation in the method allows monitoring of crops with KN128/KN127 residues at or above the levels proposed in these tolerances. Contact: RD.

2. PP 9E8739. (EPA–HQ–OPP–2017–0694). The Interregional Research Project Number 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180.672 for residues of the insecticide cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[((methylamino)carbonyl]phenyl]-1H-pyrazole-5-carboxamide, including its metabolites and degradates in or on Strawberry at 1.5 ppm. The high-pressure liquid chromatography with ESI- MS/MS detection is used to measure and evaluate cyantraniliprole. Contact: RD.

3. PP 9E8752. (EPA–HQ–OPP–2019–0281). IR–4, Rutgers, the State University of New Jersey. 500 College Road East, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180.446 for residues of the insecticide, clofentezine, 3,6-bis(2-chlorophenyl)-1,2,4,5-tetrazine in or on hops, dried cones at 6 parts per million (ppm). The high-performance liquid chromatography (HPLC) is available to enforce the tolerance expression. The limit of quantitation (LOQ) and limit of detection (LOD) were determined to be 0.01 ppm and 0.003 ppm, respectively. Contact: RD.

4. PP 9E8755. (EPA–HQ–OPP–2019–0128). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180.685 for residues of the fungicide oxathiapiprolin, 1-[4-[4-[5-(2,6-difluorophenyl)-4,5-dihydro-3-isoxazolyl]-2-thiazolyl]-1-piperidinyl]-2-[5-methyl-3-(trifluoromethyl)-1H-pyrazol-1-yl]-ethanone, in or on the following commodities: Berry, low growing, subgroup 13–07G, except cranberry at 0.4 parts per million (ppm); Hop, dried cones at 5 ppm; and Tropical and subtropical, medium to large fruit, smooth, inedible peel, subgroup 24B at 0.1 ppm; individual crops of proposed crop subgroup 6–18B: Edible podded pea legume vegetable subgroup including: Chickpea, edible podded at 1 ppm; Dwarf pea, edible podded at 1 ppm; Edible podded pea at 1 ppm; Grass-pea, edible podded at 1 ppm; Green pea, edible podded at 1 ppm; Lentil, edible podded at 1 ppm; Pigeon pea, edible podded at 1 ppm; Snap pea, edible podded at 1 ppm; Snow pea, edible podded at 1 ppm; and Sugar snap pea, edible podded at 1 ppm; and individual crops of proposed crop subgroup 6–18D: Succulent shelled pea subgroup including: Chickpea, succulent shelled at 0.05 ppm; English pea, succulent shelled at 0.05 ppm; Garden pea, succulent shelled at 0.05 ppm; Green pea, succulent shelled at 0.05 ppm; Lentil, succulent shelled at 0.05 ppm; and Pigeon pea, succulent shelled at 0.05 ppm. Adequate analytical methodology, high-pressure liquid chromatography with MS/MS detection, is available to enforce the oxathiapiprolin tolerance expression. Contact: RD.

5. PP 9E8763. (EPA–HQ–OPP–2019–0388). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, New Jersey 08540, requests to establish tolerances in 40 CFR part 180.613(a) for residues of the herbicide saflufenacil, including its metabolites and degradates, determined by measuring only the sum of saflufenacil, 2-chloro-5-[3,6-dihydro-3-methyl-2,6-dioxo-4-(trifluoromethyl)-1(2*H*)-pyrimidinyl]-4-fluoro-*N*-[[methyl(1-methylethyl)amino]sulfonyl]benzamide, and its metabolites *N*-[2-chloro-5-(2,6-dioxo-4-(trifluoromethyl)-3,6-dihydro-1(2*H*)-pyrimidinyl)-4-fluorobenzoyl]-*N*′-isopropylsulfamide and *N*-[4-chloro-2-fluoro-5-({ (isopropylamino)sulfonyl amino}carbonyl)phenyl]urea, calculated as the stoichiometric equivalent of saflufenacil, in or on the following raw agricultural commodities: Caneberry subgroup 13–07A at 0.03 parts per million (ppm), Chia, seed at 1 ppm, Chia, straw at 15 ppm, Fig at 0.03 ppm, and Fig, dried at 0.05 ppm. Adequate enforcement analytical methodology (liquid chromatography/tandem mass spectrometry (LC/MS/MS) for plant and livestock commodities is available to

enforce the saflufenacil tolerance expression. Contact RD.

6. PP 9F8747. (EPA–HQ–OPP–2019–0230). Valent U.S.A. LLC, P.O. Box 8025, Walnut Creek, CA 94596–8025, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, ethaboxam ((*RS*)-*N*-(α-cyano-2-thenyl)-4-ethyl-2-(ethylamino)-1,3-thiazole-5-carboxamide) in or on beet, sugar, root at 0.01 parts per million (ppm). The analytical method uses high-performance liquid chromatography (HPLC) with tandem mass spectrometry (LC/MS–MS), with turbo-ion spray ionization in positive ion mode for ethaboxam and metabolites EEO, and negative ion mode for EEHO. A linear forced-origin calibration curve was used to quantify ethaboxam in the sample extracts. Contact: RD.

Authority: 21 U.S.C. 346a.

Dated: July 10, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–16389 Filed 8–1–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

42 CFR Part 1001

RIN 0991–AB16

Withdrawal of Proposed Rule "Medicare and State Health Care Programs: Fraud and Abuse; Safe Harbor Under the Anti-Kickback Statute for Waiver of Beneficiary Coinsurance and Deductible Amounts"

AGENCY: Office of Inspector General (OIG), Department of Health and Human Services (HHS).

ACTION: Withdrawal of Proposed Rule.

SUMMARY: This document informs the public that OIG has determined not to pursue a proposed rule published in the **Federal Register** and, as a result, is withdrawing it. OIG is taking this action to avoid any confusion that could be caused by having this proposal in the public domain.

DATES: The Proposed Rule described under **SUPPLEMENTARY INFORMATION** is withdrawn as of August 1, 2019.

ADDRESSES: Office of Counsel to the Inspector General, Cohen Building, 330 Independence Ave. SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Aaron Zajic, Supervisory Project Manager, Office of Counsel to the Inspector General, Cohen Building, 330 Independence Ave. SW, Washington, DC 20201, 202–619–0335.

SUPPLEMENTARY INFORMATION:

I. Background

A. OIG's Review of Proposed Rules

Executive Order 13777, entitled ''Enforcing the Regulatory Reform Agenda'' (82 FR 12285), instructs agencies to review regulations which should be repealed, replaced, or modified. As a result of a review undertaken after the issuance of Executive Order 13777, OIG identified a Proposed Rule (described below), which we do not intend to finalize. Accordingly, OIG is withdrawing the Proposed Rule from the **Federal Register**.

B. OIG's Withdrawal of the Proposed Rule

The Proposed Rule that OIG is withdrawing was published in 2002. OIG neither applied nor enforced the position stated therein, nor does it now intend to do so. If OIG were to finalize this proposal, we would require updated comments from the public, as reimbursement methods and other aspects of the healthcare industry have changed in the interim. As a result, OIG is withdrawing the following Proposed Rule to eliminate any confusion that could result from its presence in the public domain:

The Proposed Rule, Medicare and State Health Care Programs: Fraud and Abuse; Safe Harbor Under the Anti-Kickback Statute for Waiver of Beneficiary Coinsurance and Deductible Amounts (67 FR 60202, September 25, 2002), would have expanded an existing safe harbor at 42 CFR 1001.952(k) to include waivers of cost sharing amounts for Part A and B services for holders of Medicare SELECT policies (a type of Medicare supplement (Medigap) plan).

II. Regulatory Impact

We expect minimal regulatory impact and reaction because of the passage of time since the Proposed Rule was published and because, to our knowledge, the public is not currently relying on, and may be unaware of, it.

Joanne M. Chiedi,

Acting Inspector General.

Dated: July 25, 2019.

Alex M. Azar II,

Secretary.

[FR Doc. 2019–16346 Filed 8–1–19; 8:45 am]

BILLING CODE 4152–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

42 CFR Part 1003

RIN 0991–AA45

Withdrawal of Proposed Rule "Health Care Programs: Fraud and Abuse; Civil Money Penalties for Hospital Physician Incentive Plans"

AGENCY: Office of Inspector General (OIG), Department of Health and Human Services (HHS).

ACTION: Withdrawal of Proposed Rule.

SUMMARY: This document informs the public that OIG has determined not to pursue a proposed rule published in the **Federal Register** and, as a result, is withdrawing it. OIG is taking this action to avoid any confusion that could be caused by having this proposal in the public domain.

DATES: The Proposed Rule listed under **SUPPLEMENTARY INFORMATION** is withdrawn as of August 1, 2019.

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SUPPLEMENTARY INFORMATION:

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