

“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance exemption in this action, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, EPA has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, EPA has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require EPA’s consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 272 note).

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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 action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 24, 2019.

Richard Keigwin,
Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.1369 to subpart D to read as follows:

§ 180.1369 *Autographa californica* multiple nucleopolyhedrovirus strain FV#11; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of *Autographa californica* multiple nucleopolyhedrovirus strain FV#11 in or on all food commodities when used in accordance with label directions and good agricultural practices.

[FR Doc. 2019–16707 Filed 8–6–19; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2019–0003; Internal Agency Docket No. FEMA–8591]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA’s Community Status Book (CSB). The CSB is available at [https://](https://www.fema.gov/national-flood-insurance-program-community-status-book)

www.fema.gov/national-flood-insurance-program-community-status-book.

DATES: *Effective Dates:* The effective date of each community’s scheduled suspension is the third date (“Susp.”) listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 212–3966.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not

participating in the NFIP and identified for more than a year on FEMA’s initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in

this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have

federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
Georgia:				
Burke County, Unincorporated Areas ...	130022	January 13, 1976, Emerg; September 15, 1989, Reg; August 15, 2019, Susp.	Aug. 15, 2019 ...	Aug. 15, 2019.
DeKalb County, Unincorporated Areas	130065	June 5, 1970, Emerg; May 15, 1980, Reg; August 15, 2019, Susp.	.....do	Do.
Doraville, City of, DeKalb County	130069	November 27, 1973, Emerg; September 1, 1977, Reg; August 15, 2019, Susp.	.....do	Do.
Region V				
Michigan:				
Adrian, Charter Township of, Lenawee County.	260732	October 20, 1982, Emerg; November 16, 1990, Reg; August 15, 2019, Susp.	.....do	Do.
Adrian, City of, Lenawee County	260115	April 1, 1975, Emerg; July 19, 1982, Reg; August 15, 2019, Susp.	.....do	Do.
Blissfield, Village of, Lenawee County ..	260339	December 10, 1976, Emerg; July 19, 1982, Reg; August 15, 2019, Susp.	.....do	Do.
Deerfield, Township of, Lenawee County.	260717	December 21, 1978, Emerg; May 25, 1984, Reg; August 15, 2019, Susp.	.....do	Do.
Deerfield, Village of, Lenawee County ..	260438	September 20, 1976, Emerg; April 1, 1981, Reg; August 15, 2019, Susp.	.....do	Do.
Hudson, City of, Lenawee County	260116	June 20, 1975, Emerg; November 4, 1981, Reg; August 15, 2019, Susp.	.....do	Do.
Palmyra, Township of, Lenawee County	260737	June 10, 1983, Emerg; May 25, 1984, Reg; August 15, 2019, Susp.	.....do	Do.
Minnesota:				
Fillmore County, Unincorporated Areas	270124	April 16, 1974, Emerg; September 18, 1987, Reg; August 15, 2019, Susp.	.....do	Do.
Preston, City of, Fillmore County	270129	January 10, 1975, Emerg; August 1, 1979, Reg; August 15, 2019, Susp.	.....do	Do.
Whalan, City of, Fillmore County	270133	August 23, 1974, Emerg; March 2, 1981, Reg; August 15, 2019, Susp.	.....do	Do.
Ohio:				
Bay Village, City of, Cuyahoga County	390093	June 14, 1974, Emerg; December 1, 1977, Reg; August 15, 2019, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Bratenahl, Village of, Cuyahoga County	390734	June 9, 1975, Emerg; June 15, 1981, Reg; August 15, 2019, Susp.	.....do	Do.
Cleveland, City of, Cuyahoga County ...	390104	July 20, 1973, Emerg; August 1, 1978, Reg; August 15, 2019, Susp.	.....do	Do.
Euclid, City of, Cuyahoga County	390107	July 3, 1975, Emerg; August 17, 1981, Reg; August 15, 2019, Susp.	.....do	Do.
Lakewood, City of, Cuyahoga County ...	390112	March 30, 1973, Emerg; February 1, 1978, Reg; August 15, 2019, Susp.	.....do	Do.
Rocky River, City of, Cuyahoga County	395372	January 29, 1971, Emerg; September 17, 1971, Reg; August 15, 2019, Susp.	.....do	Do.
Region VI				
Texas:				
Clear Lake Shores, City of, Galveston County.	485461	July 31, 1970, Emerg; October 23, 1970, Reg; August 15, 2019, Susp.	.....do	Do.
Dickinson, City of, Galveston County	481569	April 8, 1971, Emerg; April 9, 1971, Reg; August 15, 2019, Susp.	.....do	Do.
Friendswood, City of, Galveston and Harris Counties.	485468	June 5, 1970, Emerg; March 3, 1972, Reg; August 15, 2019, Susp.	.....do	Do.
Hitchcock, City of, Galveston County	485479	June 19, 1970, Emerg; November 13, 1970, Reg; August 15, 2019, Susp.	.....do	Do.
La Marque, City of, Galveston County ..	485486	May 29, 1970, Emerg; October 16, 1970, Reg; August 15, 2019, Susp.	.....do	Do.
League City, City of, Galveston and Harris Counties.	485488	June 5, 1970, Emerg; November 20, 1970, Reg; August 15, 2019, Susp.	.....do	Do.
Santa Fe, City of, Galveston County	481562	April 8, 1971, Emerg; April 9, 1971, Reg; August 15, 2019, Susp.	.....do	Do.
Texas City, City of, Galveston County ..	485514	June 5, 1970, Emerg; November 20, 1970, Reg; August 15, 2019, Susp.	.....do	Do.
Region VIII				
Colorado:				
Aspen, City of, Pitkin County	080143	July 2, 1974, Emerg; December 4, 1985, Reg; August 15, 2019, Susp.	.....do	Do.
Boone, Town of, Pueblo County	080148	April 28, 1983, Emerg; July 15, 1985, Reg; August 15, 2019, Susp.	.....do	Do.
Lafayette, City of, Boulder County	080026	August 7, 1975, Emerg; March 18, 1980, Reg; August 15, 2019, Susp.	.....do	Do.
Louisville, City of, Boulder County	085076	March 3, 1972, Emerg; May 4, 1973, Reg; August 15, 2019, Susp.	.....do	Do.
Pueblo, City of, Pueblo County	085077	June 18, 1971, Emerg; August 24, 1973, Reg; August 15, 2019, Susp.	.....do	Do.
Pueblo County, Unincorporated Areas ..	080147	June 21, 1974, Emerg; September 29, 1989, Reg; August 15, 2019, Susp.	.....do	Do.
Rye, Town of, Pueblo County	080150	May 12, 2010, Emerg; N/A, Reg; August 15, 2019, Susp.	.....do	Do.
Superior, Town of, Boulder County	080203	July 15, 1975, Emerg; September 28, 1979, Reg; August 15, 2019, Susp.	.....do	Do.
Montana:				
Fairview, Town of, Richland County	300064	February 3, 1977, Emerg; May 15, 1986, Reg; August 15, 2019, Susp.	.....do	Do.
Sidney, City of, Richland County	300065	December 17, 1974, Emerg; December 4, 1985, Reg; August 15, 2019, Susp.	.....do	Do.

* -do- = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: July 31, 2019.

Eric Letvin,

Deputy Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration—FEMA Resilience, Department of Homeland Security, Federal Emergency Management Agency.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 61 and 69

[WC Docket Nos. 16-143, 05-25; GN Docket No. 13-5; RM 10593; FCC 19-66]

Business Data Services in an Internet Protocol Environment

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission eliminates ex ante pricing regulation for lower speed time division multiplexing (TDM) transport services offered by price cap regulated carriers nationwide, finding there is widespread competition in the marketplace, and abundant support in the record for removing the Commission's pricing regulations.

DATES: This final rule is effective September 6, 2019.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David Zesiger, Wireline Competition Bureau, Pricing Policy Division at (202) 418-1540 or via email at David.Zesiger@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order on Remand, released on July 12, 2019. A full-text copy of this document may be obtained at the following internet address: <https://www.fcc.gov/document/removing-unnecessary-regulation-transport-services-and-facilities-0>.

I. Background

A. BDS TDM Transport Services

1. The term business data services refers to the "dedicated point-to-point transmission of data at guaranteed speeds and service levels." BDS offerings are fundamentally important to modern communities and economies. Over the last several decades, the Commission has repeatedly recognized the increasing competition for BDS services in areas of the country served by price cap LECs. Competition has grown even more markedly in recent

years as cable operators increasingly compete for all aspects of BDS, including TDM transport. In response, the Commission has worked consistently to streamline regulation of such services to reflect this evolution.

2. In so doing, the Commission has characterized TDM transport services, which "involve carrying traffic from one point of traffic concentration to another," as "low hanging fruit" for competitors because they can more easily justify competitive investment and deployment. In 1999, recognizing that burdensome pricing regulation is unnecessary and counter-productive where competitive pressure exists, the Commission granted pricing flexibility to price cap carriers for their BDS offerings, including their TDM transport services. The Commission provided two levels of pricing flexibility to price cap LECs offering BDS, including TDM-based transport services, keyed to the presence of competitive providers collocated at a price cap LEC's wire centers. The Commission suspended further grants of pricing flexibility in 2012, pending the resolution of the BDS proceedings.

3. In 2017, after more than ten years of study and a massive data collection (the *2015 Collection*), the Commission adopted an order comprehensively addressing the pricing regulation of BDS in price cap LEC areas. In the *BDS Order*, the Commission found, among other things, that competition for BDS TDM transport services was sufficiently pervasive to justify elimination of "all ex ante pricing regulation of price cap incumbent LEC provision of TDM transport and other transport (*i.e.*, non-end user channel termination)" services. In support of this conclusion, the Commission looked to the record evidence showing that "competitive providers have deployed competing transport networks in more than 95% of census blocks with [BDS] demand," which included "about 99% of business establishments." It also found that "in all price cap territories, 92.1 percent of buildings served were within a half mile of competitive fiber transport facilities" and that, "for all census blocks with business data services demand, 89.6 percent have at least one served building within a half mile of competitive LEC fiber." This half mile is significant because, as the Commission concluded, most BDS providers are willing and able to profitably invest in and deploy facilities within a half mile of existing competitive facilities. In addition, the Commission found that buildings with BDS demand that were served only by an incumbent LEC were

on average only 364 feet from the closest competitive LEC fiber facility.

4. After the Eighth Circuit Court's partial remand of the *BDS Order*, finding that the Commission had not provided sufficient notice on the issue of eliminating ex ante pricing regulation for TDM transport, the Commission released the *Second Further Notice*, proposing to eliminate ex ante pricing regulation of price cap LECs' BDS TDM transport and other transport (*i.e.*, non-end user channel termination) services. The Commission received eight comments, six reply comments, and several filings memorializing various ex parte communications. Also, in the interest of ensuring a more complete analysis of competitive conditions affecting TDM transport services, the Commission conducted additional analysis of TDM transport services using data from the *2015 Collection*. That analysis is focused on measuring the proximity of incumbent LEC wire centers to competitive fiber and shows that the vast majority of locations with BDS demand in price cap areas are served by wire centers that are no more than a half mile from competitive fiber. The Wireline Competition Bureau (Bureau) made that additional analysis available for public review and sought and received an additional seven comments and six reply comments about those data tables (the *April Data Tables*). As a result of these two additional rounds of comments, we now have an even more robust record.

B. Forbearance Under Section 10 of the Act

5. Section 10 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the Act) requires the Commission to forbear from applying any requirement of the Act or of our regulations to a telecommunications carrier or telecommunications service if and only if the Commission determines that: (1) Enforcement of the requirement "is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;" (2) enforcement of that requirement "is not necessary for the protection of consumers;" and (3) "forbearance from applying that requirement is consistent with the public interest." Forbearance is warranted only if all three criteria are satisfied.