

not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Infrastructure SIP, Interstate transport, Nitrogen oxides, Ozone, Volatile organic compounds.

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

Dated: July 30, 2019.  
**Deborah Jordan,**  
*Acting Regional Administrator, EPA Region IX.*

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for Part 52 continues to read as follows:

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

**Subpart M—Hawaii**

■ 2. In § 52.620, amend the table in paragraph (e) by adding an entry for

“Hawaii State Implementation Plan Revision to Address CAA Section 110(a)(2)(D)(i)(I) for the 2008 Ozone National Ambient Air Quality Standard, excluding Attachment 3” after the entry for “Hawaii State Implementation Plan Revision, National Ambient Air Quality Standards for 2008 Ozone and 2010 Nitrogen Dioxide, Clean Air Act Section 110(a)(1) & (2), excluding attachment 3, and appendices A, B, and C.”

The revisions and additions read as follows:

**§ 52.620 Identification of plan.**

\* \* \* \* \*  
 (e) \* \* \*

**EPA APPROVED HAWAII NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES**

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
<b>State of Hawaii Air Pollution Control Implementation Plans for Nitrogen Dioxide, Ozone, PM<sub>2.5</sub>, and Lead</b>				
Hawaii State Implementation Plan Revision to Address CAA Section 110(a)(2)(D)(i)(I) for the 2008 Ozone National Ambient Air Quality Standard, excluding Attachment 3.	Statewide .....	8/6/2015	[Insert <b>Federal Register</b> page number where the document begins, 8/14/19.	Approved SIP revision excludes Attachment 3 (“Summary of Public Participation Proceedings”).
*	*	*	*	*

[FR Doc. 2019-17125 Filed 8-13-19; 8:45 am]  
**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2016-0641; FRL-9996-35]

**Clonostachys rosea Strain CR-7; Exemption From the Requirement of a Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an exemption from the requirement of a tolerance for residues of *Clonostachys rosea* strain CR-7 in or on all food commodities when used in accordance with label directions and good agricultural practices. Bee Vectoring Technology, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a

tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Clonostachys rosea* strain CR-7 in or on all food commodities under FFDCA.

**DATES:** This regulation is effective August 14, 2019. Objections and requests for hearings must be received on or before October 15, 2019 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:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2016-0641, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP

Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@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 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. How can I get electronic access to other related information?*

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at [http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

*C. How can I file an objection or hearing request?*

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2016-0641 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before October 15, 2019. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2016-0641, 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 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>.

## II. Background

In the **Federal Register** of February 7, 2017 (82 FR 9555) (FRL-9956-86), EPA issued a notice pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance exemption petition (PP 6F8508) by Bee Vectoring Technology, Inc., 4160 Sladeview Crescent #7, Mississauga, Ontario L5L 0A1, Canada (c/o Technology Sciences Group, Inc., 1150 18th St. NW, Suite 1000, Washington, DC 20036). The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the fungicide *Clonostachys rosea* strain CR-7 in or on all food commodities. That notice referenced a summary of the petition prepared by the petitioner Bee Vectoring Technology, Inc. and available in the docket via <http://www.regulations.gov>. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit III.C.

## III. Final Rule

### A. EPA's Safety Determination

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement of a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or tolerance exemption and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ." Additionally, FFDCA section 408(b)(2)(D) requires that EPA

consider "available information concerning the cumulative effects of [a particular pesticide's] . . . residues and other substances that have a common mechanism of toxicity."

EPA evaluated the available toxicity and exposure data on *Clonostachys rosea* strain CR-7 and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which EPA relied and its risk assessment based on those data can be found within the document entitled "Federal Food, Drug, and Cosmetic Act (FFDCA) Safety Determination for *Clonostachys rosea* strain CR-7" (Safety Determination). This document, as well as other relevant information, is available in the docket for this action as described under

### ADDRESSES.

The available data demonstrated that, with regard to humans, *Clonostachys rosea* strain CR-7 is not toxic via the pulmonary, oral, or dermal routes of exposure and is not pathogenic or infective via the pulmonary route of exposure. Although there may be some exposure to residues when *Clonostachys rosea* strain CR-7 is used on food commodities in accordance with label directions and good agricultural practices, dietary exposure to such residues presents no concern for adverse effects. EPA also determined that a Food Quality Protection Act safety factor (FQPA SF) was not necessary as part of the qualitative assessment conducted for *Clonostachys rosea* strain CR-7. These findings are discussed in more detail in the Safety Determination.

Based upon its evaluation in the Safety Determination, EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of *Clonostachys rosea* strain CR-7. Therefore, an exemption from the requirement of a tolerance is established for residues of *Clonostachys rosea* strain CR-7 in or on all food commodities when used in accordance with label directions and good agricultural practices.

### B. Analytical Enforcement Methodology

An analytical method is not required because EPA is establishing an exemption from the requirement of a tolerance without any numerical limitation.

### C. Response to Comments

Two comments were received in response to the notice of filing. EPA reviewed the comments and to the extent that they are relevant to the

tolerance exemption in this action, they asked EPA to ensure the public health against adverse effects of pesticides. EPA has evaluated the available information on *Clonostachys rosea* strain CR-7, including toxicological and potential exposure information, and concluded, in accordance with the statutory requirements of FFDCA, that the exemption would be safe. The commenters provided no basis for a different conclusion.

#### IV. Statutory and Executive Order Reviews

This action establishes a tolerance exemption under FFDCA section 408(d) in response to a petition submitted to EPA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001), or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled “Reducing Regulations and Controlling Regulatory Costs” (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled “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 31, 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 § 180.1368 CFR cite to subpart D to read as follows:

#### § 180.1368 *Clonostachys rosea* strain CR-7; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of *Clonostachys rosea* strain CR-7 in or on all food commodities when used in

accordance with label directions and good agricultural practices.

[FR Doc. 2019-17309 Filed 8-13-19; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 18-214, GN Docket No. 12-268; FCC 19-21]

### LPTV, TV Translator, and FM Broadcast Station Reimbursement

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of compliance date.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, information collection requirements adopted in FCC 19-21. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing the compliance date.

#### DATES:

**Effective date:** This rule is effective August 14, 2019.

**Compliance Date:** Compliance with 47 CFR 73.3701(c), published at 84 FR 11233 on March 26, 2019, shall commence as of August 14, 2019.

#### FOR FURTHER INFORMATION CONTACT:

Cathy Williams by email at [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov) and telephone at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:** This document announces that OMB approved the new information collection requirements contained in 47 CFR 73.3701, as adopted in the LPTV, TV Translator, and FM Reimbursement Report and Order, FCC 19-21, published at 84 FR 11233 (March 26, 2019). OMB approved OMB Control Number 3060-1178 on July 30, 2019. The Commission publishes this notice as an announcement of the effective date of the information collection requirements contained in 47 CFR 73.3701.

#### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on July 30, 2019 for the new information collection requirements contained in 47 CFR 73.3701, as amended, in the LPTV, TV