

(mm) *Redesignation*. Approval—On February 11, 2020, Wisconsin submitted a request to redesignate the Shoreline Sheboygan County area to attainment of the 2008 8-hour ozone standard. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in eight years as required by the Clean Air Act. The ozone maintenance plan also establishes 2025 and 2032 Motor Vehicle Emission Budgets (MVEBs) for

the area. The 2025 MVEBs for the Inland Sheboygan County area are 0.50 tons per hot summer day for VOC and 1.00 tons per hot summer day for NO_x. The 2032 MVEBs for the Inland Sheboygan County area are 0.36 tons per hot summer day for VOC and 0.77 tons per hot summer day for NO_x.

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

■ 5. In § 81.350, the table entitled “Wisconsin—2008 8-Hour Ozone NAAQS [Primary and Secondary]” is amended by revising the entry for “Shoreline Sheboygan County, WI” to read as follows:

§ 81.350 Wisconsin.
* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 4. The authority citation for part 81 continues to read as follows:

WISCONSIN—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * Shoreline Sheboygan County, WI ^{2 5} Sheboygan County (part): Inclusive and east of the following roadways going from the northern county boundary to the southern county boundary: Highway 43, Wilson Lima Road, Minderhaud Road, County Road KK/Town Line Road, N 10th Street, County Road A S/ Center Avenue, Gibbons Road, Hoftiezer Road, Highway 32, Palmer Road/Smies Road/Palmer Road, Amsterdam Road/ County Road RR, Termaat Road. * * * * *	7/10/2020	Attainment.	*	*

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

⁵ Attainment date is extended to July 20, 2019 for both Inland Sheboygan County, WI, and Shoreline Sheboygan County, WI, nonattainment areas.

* * * * *
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA-HQ-OAR-2018-0074; FRL-10006-88-OAR]

RIN 2060-AT86

National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) Residual Risk and Technology Review

Correction

63.14 [Corrected]

In rule document 2020-05900, appearing on pages 40740 through 40791 in the issue of Tuesday, July 7, 2020, make the following corrections.

■ 1. On page 40760, in the second column, amendatory instruction 2 d. for § 63.14 should read as follows:

“■ d. By redesignating paragraphs (h)(102) through (113) as paragraphs (h)(104) through (115), respectively;”.

§ 63.14 Incorporations by reference. [Corrected]

■ 2. On the same page, in the same column, the section heading for 63.14 should read as set forth above.

[FR Doc. C1-2020-05900 Filed 7-9-20; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2019-0098; FRL-10007-73]

Tetraethyl Orthosilicate; 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 tetraethyl orthosilicate when used as an inert ingredient (binder) in pesticides applied to growing crops and raw agricultural commodities after harvest and pesticides applied to animals. Exponent on behalf of LNouvel, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of tetraethyl orthosilicate when used in accordance with the terms of this exemption.

DATES: This regulation is effective July 10, 2020. Objections and requests for hearings must be received on or before September 8, 2020, 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-2019-0098, 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 note that due to the public health emergency, the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDFFRNotices@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 Publishing Office's e-CFR site at 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, 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-2019-0098 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 September 8, 2020. 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-2019-0098, 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. Petition for Exemption

In the **Federal Register** of May 13, 2019 (84 FR 20843) (FRL-9991-91), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN-11247) by Exponent on behalf of LNouvel, Inc. 4657 Courtyard Trail, Plano, TX 75024. The petition requested that 40 CFR 180.910 and 40 CFR 180.930 be amended by

establishing exemptions from the requirement of a tolerance for residues of tetraethyl orthosilicate (CAS Reg. No. 78-10-4) when used as an inert ingredient (binder) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest and applied to animals with a limitation of 5% by weight in pesticide formulations. That document referenced a summary of the petition prepared by Exponent on behalf of LNouvel Inc., the petitioner, which is available in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has decreased the limitation from 5% to 2% by weight in pesticide formulations due to risk concerns from aggregate exposure to tetraethyl orthosilicate at the requested 5% limitation. This limitation is based on the Agency's risk assessment which can be found at <http://www.regulations.gov> in document "Tetraethyl Orthosilicate; Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as an Inert Ingredient in Pesticide Formulations" in docket ID number EPA-HQ-OPP-2019-0098.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(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. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance 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” EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for tetraethyl orthosilicate including exposure resulting from the exemption established by this action. EPA’s assessment of exposures and risks associated with tetraethyl orthosilicate follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including

infants and children. Specific information on the studies received and the nature of the adverse effects caused by tetraethyl orthosilicate as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies unit can be found at <http://www.regulations.gov> in the document Tetraethyl Orthosilicate; Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as an Inert Ingredient in Pesticide Formulations at page 8 in docket ID number EPA-HQ-OPP-2019-0098.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide’s toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <http://www.epa.gov/pesticides/factsheets/riskassess.htm>.

Based on the effects in the combined repeated dose and reproductive and developmental screening study, the POD for chronic effects is the NOAEL of 10 mg/kg/day (based on kidney effects in male rats at a LOAEL of 50 mg/kg/day). The standard uncertainty factors are applied to account for interspecies (10X) and intraspecies (10X) variations. The FQPA safety factor for the protection of infants and children is reduced to 1X. This results in a level of concern (LOC) for the margin of exposure (MOE) of 100. The chronic

population adjusted dose (cPAD) is 0.1 mg/kg/day and this value is used for all exposure scenarios. A default value of 100% absorption was used for the dermal and inhalation exposure scenario absorption factor.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to tetraethyl orthosilicate, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from tetraethyl orthosilicate in food as follows:

In conducting the chronic dietary exposure assessment, EPA used food consumption information from the U.S. Department of Agriculture’s (USDA’s) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, no residue data were submitted for tetraethyl orthosilicate. In the absence of specific residue data, EPA has developed an approach which uses surrogate information to derive upper bound exposure estimates for the subject inert ingredient. Upper bound exposure estimates are based on the highest tolerance for a given commodity from a list of high use insecticides, herbicides, and fungicides. A complete description of the general approach taken to assess inert ingredient risks in the absence of residue data is contained in the memorandum entitled “Alkyl Amines Polyalkoxylates (Cluster 4): Acute and Chronic Aggregate (Food and Drinking Water) Dietary Exposure and Risk Assessments for the Inerts,” (D361707, S. Piper, 2/25/09) and can be found at <http://www.regulations.gov> in docket ID number EPA-HQ-OPP-2008-0738 and can be found at <http://www.regulations.gov> in the document Tetraethyl Orthosilicate; Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When Used as an Inert Ingredient in Pesticide Formulations at page 14 in docket ID number EPA-HQ-OPP-2019-0098

Accordingly, although sufficient information to quantify actual residue levels in food is not available, the compounding of these conservative assumptions will lead to a significant exaggeration of actual exposures. EPA does not believe that this approach underestimates exposure in the absence of residue data.

2. *Dietary exposure from drinking water.* For the purpose of the screening level dietary risk assessment to support

this request for an exemption from the requirement of a tolerance for tetraethyl orthosilicate, a conservative drinking water concentration value of 100 ppb based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

3. *From non-dietary exposure.* The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Tetraethyl orthosilicate may be used as an inert ingredient in products that are registered for specific uses that may result in residential exposure. A screening level residential exposure and risk assessment was completed for products containing tetraethyl orthosilicate as an inert ingredient. The Agency selected representative scenarios, based on end-use product application methods and labeled application rates. The Agency conducted an assessment to represent worst-case residential exposure by assessing tetraethyl orthosilicate in pesticide formulations (outdoor scenarios) and tetraethyl orthosilicate in disinfectant-type uses (indoor scenarios). The Agency assessed the disinfectant-type products containing tetraethyl orthosilicate using exposure scenarios used by OPP’s Antimicrobials Division to represent worst-case indoor residential handler exposure. Further details of the residential exposure and risk analysis can be found at <http://www.regulations.gov> in the memorandum entitled: “JITF Inert Ingredients. Residential and Occupational Exposure Assessment Algorithms and Assumptions Appendix for the Human Health Risk Assessments to Support Proposed Exemption from the Requirement of a Tolerance When Used as Inert Ingredients in Pesticide Formulations,” (D364751, 5/7/09, Lloyd/LaMay in docket ID number EPA-HQ-OPP-2008-0710).

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide’s residues and “other substances that have a common mechanism of toxicity.” EPA has not found tetraethyl orthosilicate to share a common mechanism of toxicity with

any other substances, and tetraethyl orthosilicate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that tetraethyl orthosilicate does not have a common mechanism of toxicity with other substances. For information regarding EPA’s efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA’s website at <http://www.epa.gov/pesticides/cumulative>.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The Agency has concluded that there is reliable data to determine the infants and children will be safe if the FQPA SF of 10X is reduced to 1X for the assessment of all exposure scenarios. The toxicity database for tetraethyl orthosilicate contains subchronic, developmental, reproduction and mutagenicity studies. There is no indication of immunotoxicity or neurotoxicity in the available studies; therefore, there is no need to require an immunotoxicity or neurotoxicity study. No fetal susceptibility is observed in developmental toxicity studies in the rat and rabbit or the 2-generation reproduction toxicity study. Neither maternal, offspring nor reproduction toxicity is observed in any of the studies.

3. *Conclusion.* Based on the adequacy of the toxicity database, the conservative nature of the exposure assessment and the lack of concern for prenatal and postnatal sensitivity, the Agency has concluded that there is reliable data to determine that infants and children will be safe if the FQPA SF of 10X is reduced to 1X for all exposure scenarios.

E. Aggregate Risks and Determination of Safety

Taking into consideration all available information on tetraethyl orthosilicate with an additional limit of 2% is pesticide formulations, EPA has determined that there is a reasonable certainty that no harm to any population subgroup will result from aggregate exposure to tetraethyl orthosilicate under reasonably foreseeable circumstances. Therefore, the establishment of an exemption from tolerance under 40 CFR 180.910 and 180.930 for residues of tetraethyl orthosilicate when used as an inert ingredient in pesticide formulations applied as a binder and not to exceed 2% of the formulation is safe under FFDCA section 408.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, tetraethyl orthosilicate is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to tetraethyl orthosilicate from food and water will utilize 28.2% of the cPAD for children 1 to 2 years old, the population group receiving the greatest exposure. Based on the explanation in this unit, regarding residential use patterns, chronic residential exposure to residues of tetraethyl orthosilicate is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Tetraethyl orthosilicate is currently used as an inert ingredient in pesticide products that are registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to tetraethyl orthosilicate.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 145 for both adult males and females and 125 for children. Because EPA’s level of concern for tetraethyl orthosilicate is a MOE of 100 or below, these MOEs are not of concern.

4. Intermediate-term risk.

Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Tetraethyl orthosilicate is currently used as an inert ingredient in pesticide products that are registered for uses that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to tetraethyl orthosilicate.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that the combined intermediate-term food, water, and residential exposures result in aggregate MOEs of 595 for adult males and females and 163 for children. Because EPA's level of concern for tetraethyl orthosilicate is a MOE of 100 or below, these MOEs are not of concern.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of structural alerts in the Derek expert-based knowledge analysis regarding carcinogenicity, tetraethyl orthosilicate is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to tetraethyl orthosilicate residues.

V. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (capillary gas chromatography using electron capture detection) is available to enforce the tolerance exemption expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; email address: residuemethods@epa.gov.

B. Revisions to Petitioned-for Tolerances

The petition requested exemptions with a limitation of 50,000 ppm of tetraethyl orthosilicate in pesticide formulations. This is equivalent to 5% of the formulation. At that level, EPA's assessment indicated risks of concern from aggregate exposures to tetraethyl orthosilicate. EPA proposed a 2% limitation to the petitioner, to which the petitioner agreed. At that level, EPA's assessment indicates that risks are below the Agency's level of concern.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 and 180.930 for tetraethyl orthosilicate (CAS Reg. No. 78-10-4) when used as an inert ingredient (binder) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest and applied to animals with a limitation of 2% by weight in the pesticide formulation.

VII. Statutory and Executive Order Reviews

This action establishes exemptions from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. 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 (PRA) (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 in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (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, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency 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, the Agency 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 (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VIII. 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: June 2, 2020.

Michael Goodis,

Director, Registration Division, 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. In § 180.910 amend Table 1 by adding alphabetically under "Inert ingredients" the term "Tetraethyl orthosilicate (CAS Reg. No. 78-10-4)" to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

Inert ingredients	Limits	Uses
* * * * *		
Tetraethyl orthosilicate (CAS Reg. No. 78-10-4).	Not to exceed 2% by weight of pesticide formulations.	Binder.
* * * * *		

■ 3. In § 180.930, amend the table by adding alphabetically under “Inert Ingredients” the term “Tetraethyl orthosilicate (CAS Reg. No. 78-10-4)” to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

Inert ingredients	Limits	Uses
* * * * *		
Tetraethyl orthosilicate (CAS Reg. No. 78-10-4).	Not to exceed 2% by weight of pesticide formulations.	Binder.
* * * * *		

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BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WP Docket No. 15-32, RM-11572; FCC 20-62; FRS 16797]

Creation of Interstitial 12.5 KiloHertz Channels in the 800 MHz Band Between 809-817/854-862 MHz

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission grants in part and denies in part a petition for reconsideration seeking modification and clarification of certain technical rules adopted in a 2018 Report and Order for coordinating interstitial channels in the 809-817/854-862 MHz band (800 MHz Mid-Band). In particular, the document allows some applicants for interstitial applications to streamline their applications, clarifies standards for calculating interference contours that define the distances that must be

maintained between interstitial and incumbent stations and refines certain technical elements of the interstitial channel rules.

DATES: Effective August 10, 2020.

FOR FURTHER INFORMATION CONTACT:

Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418-0838.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Order on Reconsideration, FCC 20-62, adopted on May 11, 2020 and released on May 12, 2020. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). The complete text of the order also is available on the Commission’s website at <http://www.fcc.gov>.

Synopsis

1. On October 22, 2018 (83 FR 61072 (Nov. 27, 2018)), the Commission released a Report and Order which created 318 new “interstitial” channels in the 800 MHz Mid-Band to alleviate increased demand for spectrum capacity from public safety and other Private Land Mobile Radio (PLMR) users. Following adoption of the Report and Order, the Land Mobile Communications Council (LMCC) filed a petition for reconsideration on December 27, 2018 seeking modification and clarification of some of the technical rules for coordinating interstitial channel applications.

2. In its petition, LMCC asks the Commission to clarify or reconsider four aspects of the contour overlap analysis required by the PLMR Report and Order. First, LMCC asks the Commission to clarify in its rules that applicants need not perform contour overlap analysis if the spacing between stations meets or exceeds co-channel distance separation criteria specified in the rules. Second, LMCC asks the Commission to permit interstitial applicants to use the proposed station’s coverage contour rather than its interference contour to predict the area in which the station is likely to cause interference. Although the Commission rejected this proposal in the Report and Order, LMCC asks the Commission to revisit that determination. Third, LMCC urges the Commission to reconsider its decision

in the Report and Order not to allow interstitial applicants to calculate contour values based on a matrix chart that LMCC proposes to maintain and update on its website. Finally, LMCC asks the Commission to modify a footnote in a short-spacing separation table added to the Commission’s rules by the Report and Order.

3. In its Order on Reconsideration, the Commission modifies its rules to specify that applications for interstitial channels do not need to conduct a contour analysis if the distances in the Commission’s co-channel spacing rules are met or exceeded. It also updates its rules to include a revised matrix that uses contour values based on interference and not coverage to predict interference. The Commission once again rejects LMCC’s request to allow applicants to use a matrix posted on the LMCC website rather than one codified in the Commission’s rules. Further, the Commission clarifies that applicants for interstitial channels should assume that incumbent stations are operating at the maximum permitted effective radiated power associated with the station’s licensed antenna height when calculating the potential of the new station to cause interference to the incumbent. Finally, the Commission corrects a few clerical errors and omissions in its rules.

Procedural Matters

A. Final Regulatory Flexibility Analysis

4. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.” A Final Regulatory Flexibility Certification on the economic impact of the rule changes adopted in the order is set forth in Appendix A of the Order on Reconsideration.

B. Paperwork Reduction Act of 1995 Analysis

5. The Order on Reconsideration contains no new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. The Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of the Order on Reconsideration to the Chief Counsel for Advocacy of the Small Business Administration.