

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).

X. 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: September 22, 2020.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

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

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

■ 2. Amend § 180.1019 by revising paragraph (a) to read as follows:

§ 180.1019 Sulfuric acid; exemption from the requirement of a tolerance.

(a) Residues of sulfuric acid are exempted from the requirement of a tolerance when used in accordance with good agricultural practice when used as a herbicide in the production of garlic and onions, and as a vine desiccant in the production of potatoes and hops.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R05–RCRA–2018–0376; FRL–10015–30–Region 5]

Indiana: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final authorization.

SUMMARY: The Environmental Protection Agency (EPA) is granting Indiana final authorization for changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on May 6, 2020, and provided for public comment. No comments were received on the proposed revisions. No further opportunity for comment will be provided.

DATES: This final authorization is effective October 22, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–RCRA–2018–0376. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Jean Gromnicki, Indiana Regulatory Specialist, U.S. EPA Region 5, LL–17], 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6162, email Gromnicki.jean@epa.gov.

SUPPLEMENTARY INFORMATION:

A. What changes to Indiana’s hazardous waste program is EPA authorizing with this action?

On, January 23, 2020, Indiana submitted a complete program revision application seeking authorization of changes to its hazardous waste program in accordance with 40 CFR 271.21. EPA now makes a final decision that Indiana’s hazardous waste program revisions that are being authorized are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all of the requirements necessary to qualify for

final authorization. For a list of State rules being authorized with this final authorization, please see the proposed rule published in the May 6, 2020, **Federal Register** at 85 FR 26911.

B. What is codification and is EPA codifying the Indiana’s hazardous waste program as authorized in this action?

Codification is the process of placing citations and references to the State’s statutes and regulations that comprise the State’s authorized hazardous waste program into the Code of Federal Regulations. EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. EPA is not codifying the authorization of Indiana’s revisions at this time. However, EPA reserves the ability to amend 40 CFR part 272, subpart P, for the authorization of Indiana’s program changes at a later date.

C. Statutory and Executive Order Reviews

This final authorization revises Indiana’s authorized hazardous waste management program pursuant to Section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. For further information on how this authorization complies with applicable Executive orders and statutory provisions, please see the proposed rule published in the May 6, 2020, **Federal Register** at 85 FR 26911. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This final action will be effective October 22, 2020.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties,

Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: October 2, 2020.

Kurt Thiede,

Regional Administrator, Region 5.

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DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 420

[RR85672000, 20XR0680A2, RX.31480001.0040000]

RIN 1006-AA57

Off-Road Vehicle Use

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Reclamation (Reclamation) is amending its regulations to add a definition for electric bikes (E-bikes) and exclude E-bikes from the regulatory definition of an off-road vehicle where E-bikes are being used on roads and trails where mechanized, non-motorized use is allowed, where E-bikes are not propelled exclusively by a motorized source, and appropriate Reclamation Regional Directors expressly determine through a formal decision that E-bikes should be treated the same as non-motorized bicycles. This change facilitates increased E-bike use where other types of bicycles are allowed in a manner consistent with existing use of Reclamation land, and increases recreational opportunities for all Americans, especially those with physical limitations.

DATES: This rulemaking is effective November 23, 2020.

ADDRESSES: This final rule is available on the internet at <http://www.regulations.gov> and <http://www.usbr.gov/recreation/index.html>. Comments we received, as well as supporting documentation we used in preparing this final rule, are available for public inspection at <http://www.regulations.gov> in Docket ID: BOR-2020-0001.

FOR FURTHER INFORMATION CONTACT: Ryan Alcorn, Asset Management Division, Bureau of Reclamation, (303) 445-2711; ralcorn@usbr.gov.

SUPPLEMENTARY INFORMATION:

Background

On August 29, 2019, the Secretary of the Interior signed Secretarial Order 3376, *Increasing Recreation Opportunities Through the Use of Electric Bikes*, that directed Reclamation and other Department of the Interior (DOI) bureaus (Bureau of Land Management, National Park Service, and the U.S. Fish and Wildlife Service) to increase recreation opportunities and expand access on public lands. The Secretarial Order addressed regulatory uncertainty on how bureaus within DOI manage recreational opportunities for E-bikes on trails and paths where traditional bikes are allowed.

Uncertainty about the regulatory status of E-bikes had led some of DOI's land management bureaus to impose restrictive access policies treating E-bikes as motor vehicles, often inconsistent with State and local regulations for adjacent areas. The possibility that in some cases E-bikes can be propelled solely through power provided by the electric motor, a function often used in short duration as an assist, has contributed to confusion about E-bike classification. Further, Federal regulation has not been consistent across DOI and has created ambiguity among recreation area rules regarding trail and road access to E-bikes resulting in limited access to Federally owned lands by E-bike riders.

To provide consistency in Federal policy among DOI's bureaus, the Secretarial Order set forth the policy of DOI that E-bikes should be allowed where other, non-motorized types of bicycles are allowed, and not allowed where other, non-motorized types of bicycles are prohibited.

Summary of Final Rule

Reclamation was directed by the Secretarial Order to revise 43 CFR part 420 to add a definition of E-bikes and to generally treat E-bikes similarly to traditional, non-motorized bicycles. Continuing, it is further specified that E-bikes should be defined as having two or three wheels and fully operable pedals. The electric motor for an E-bike may not exceed 750 watts (one horsepower) and E-bikes must fall into one of three classes:

(a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;

(b) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel

the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; and

(c) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

The rule therefore amends title 43 of the Code of Federal Regulations (CFR) by revising part 420 as follows:

(a) Section 420.5(a) is amended to include E-bikes that satisfy certain criteria in the specified exclusions to the definition of off-road vehicles.

(b) Section 420.5(h) is added to define electric bicycles to include the three classes of electric bicycles.

Reclamation expects these changes to the rule could facilitate increased E-bike ridership on Reclamation lands in the future. However, the rule would not be self-executing. The rule, in and of itself, does not change existing allowances for E-bike usage on Reclamation-administered public lands. It would neither allow E-bikes on roads and trails that are currently closed to off-road vehicles but open to mechanized, non-motorized bicycle use, nor affect the use of E-bikes and other motorized vehicles on roads and trails where off-road vehicle use is currently allowed.

Furthermore, 43 CFR 420.5(a)(7) would allow Reclamation's Regional Directors to expressly determine, as part of a land-use planning or implementation-level decision, that E-bikes should be treated the same as non-motorized bicycles. While Reclamation intends for this rule to increase accessibility to public lands, E-bikes would not be given special access beyond what traditional, non-motorized bicycles are allowed. To address site-specific issues, Reclamation would consider the environmental impacts from the use of E-bikes through subsequent analysis in accordance with applicable legal requirements, including the National Environmental Policy Act of 1969 (NEPA).

Summary of and Response to Public Comments

Reclamation published a proposed rule in the **Federal Register** on April 13, 2020 (85 FR 20463) soliciting public comments for a 60-day period. The public comment period ended on June 12, 2020. During the public comment period, Reclamation received 705 comment submissions from members of the public including senior citizens, avid cyclists, hikers, equestrians and equestrian associations, industrial cycling organizations and manufacturers, as well as state and local