change any final action taken by the EPA on March 22, 2021.

DATES: Effective on April 21, 2021.

ADDRESSES: The EPA has established a docket of all documents for this action at https://www.regulations.gov under Docket ID No. EPA–R06–OAR–2015–0189. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through https://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: James E. Grady, EPA Region 6 Office, Regional Haze and SO₂ Section, 1201 Elm Street, Suite 500, Dallas, TX 75270, 214–665–6745; grady.james@epa.gov. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: On March 22, 2021 (86 FR 15104), EPA published a final rule action, “Air Plan Approval: Arkansas; Arkansas Regional Haze and Visibility Transport State Implementation Plan Revisions.” The final rule approved revisions to the State Implementation Plan (SIP) for the State of Arkansas concerning requirements of the Clean Air Act and the Regional Haze Rule for visibility protection in mandatory Class I Federal areas for the first implementation period and pertain specifically to the Domtar Ashdown Mill. The final rule also approved revisions concerning Arkansas’ interstate visibility transport obligations for the following national ambient air quality standards (NAAQS): The 2006 24-hour fine particulate matter (PM₂.₅) NAAQS; the 2012 annual PM₂.₅ NAAQS; the 2008 and 2015 eight-hour ozone (O₃) NAAQS; the 2010 one-hour nitrogen dioxide (NO₂) NAAQS; and the 2010 one-hour SO₂ NAAQS. For more information, please see the EPA’s rulemaking action at https://www.regulations.gov under Docket ID No. EPA–R06–OAR–2015–0189.

Need for Correction

As published, the regulatory text in the final rule contains an error that omits the amendatory instruction for adding two entries to the table entitled “EPA–Approved Non-Regulatory Provisions and Quasi-Regulatory Measures in the Arkansas SIP” in 40 CFR 52.170(e). The EPA finds that there is good cause to make this correction without providing for notice and comment because neither notice nor comment is necessary and would not be in the public interest due to the nature of the correction which is minor, technical and does not change the obligations already existing in the rule. While the “Identification of Plan” section of the regulatory text accurately includes the three new entries added to the “EPA-Approved Non-Regulatory Provisions and Quasi-Regulatory Measures in the Arkansas SIP” table, the amendatory instruction erroneously states that one entry rather than three are being added to the table. Therefore, the EPA finds that the corrections are merely correcting the amendatory instruction without changing any final action taken by the EPA on March 22, 2021.

Federal Register Correction

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:

Environmental Protection Agency

40 CFR Part 180


Metaflumizone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.
II. Summary of Petitioned-For Tolerance

In the Federal Register of August 30, 2019 (84 FR 45702) (FRL–9998–15), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 883707) by BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709. That document stated that BASF’s petition (summarized by BASF Corporation in docket ID EPA–HQ–OPP–2019–0385) requested that 40 CFR 180.465 be amended by establishing tolerances for residues of the insecticide metaflumizone (2-[2-[4-(cyanophenyl)-1-[3-(trifluoromethyl)phenyl]ethylidene]-N-[4-(trifluoromethoxy)phenyl] hydrazinocarboxamide; E and Z isomers), in or on apple at 1.0 parts per million (ppm), apple, wet pomace at 3.0 ppm, coffee at 0.15 ppm, fruit, small, vine climbing, except fuzzy kiwi fruit, subgroup 13–07F at 5.0 ppm, grape, raisin at 10 ppm, lemon/lime subgroup 10–10B at 3.0 ppm, lemon/lime subgroup 10–10B, oil at 42 ppm, melon subgroup 9A at 1.0 ppm, orange subgroup 10–10A at 3.0 ppm, orange subgroup 10–10A, oil at 42 ppm, cattle, fat at 0.05 ppm, goat, fat at 0.05 ppm, horse, fat at 0.05 ppm, sheep, fat at 0.05 ppm, and milk, fat at 0.1 ppm. Although the petition summary did not request a tolerance on apple, wet pomace, the petition itself requested a tolerance on apple, wet pomace, so EPA included that commodity in the document published in the Federal Register. There were no substantive comments received in response to the notice of filing for this pesticide petition.

Based upon review of the data supporting the referenced petition, and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA has revised the tolerance levels and commodity definitions for several of the proposed commodities, established additional necessary tolerances, and deleted a number of established tolerances superseded by the newly established import tolerances. The reasons for these changes are explained in full detail in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) 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. . . .”

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), 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 metaflumizone including exposure resulting from the tolerances established by this action. A summary of EPA’s assessment of exposures and risks associated with metaflumizone follows.

In an effort to streamline its publications in the Federal Register, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings and republishing the same sections is unnecessary; EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a number of tolerance rulemakings for metaflumizone, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to metaflumizone and established tolerances for residues of that chemical. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

Toxicological Profile. For a discussion of the Toxicological Profile of metaflumizone, see Unit III.A. of the

Toxicological Points of Departure/Levels of Concern. For a summary of the Toxicological Points of Departure/Levels of Concern used for the safety assessment, see Unit III.B. of the October 30, 2015 rulemaking.

Exposure Assessment. Much of the exposure assessment remains unchanged from the previous rulemaking, although some updates have occurred to accommodate exposures from the petitioned-for tolerances. The updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, see Unit III.C. of the October 30, 2015 rulemaking.

EPA’s exposure assessments have been updated to include the additional exposure from imported apple, coffee, melon subgroup 9A, orange subgroup 10–10A, lemon/lime subgroup 10–10B, small vine climbing fruit subgroup 13–07F (except fuzzy kiwifruit), milk fat, and ruminant fat for the combined residues of metaflumizone (E–Z isomer ratio of >9:1). The acute and chronic dietary analyses for metaflumizone for this action assumed tolerance-level residues, 100% crop treated, and 2018 default processing factors when necessary, except for citrus juice, which used empirical processing factor for citrus juice. The modeled estimates of drinking water concentrations and the Agency’s assessment of residential, or non-occupational exposure remain the same as in the October 30, 2015 rulemaking, as the residues on imported commodities do not impact the drinking water exposures or residential exposures. The Agency’s position regarding cumulative risk also remains the same.

Safety Factor for Infants and Children. EPA continues to retain the Food Quality Protection Act (FQPA) safety factor of 10× for inhalation exposure scenarios, while continuing to conclude that there is reliable data showing that the safety of infants and children would be adequately protected if the FQPA SF were reduced from 10× to 3× for all oral exposure scenarios and reduced to 1× for dermal exposures. The reasons for that decision are articulated in Unit III.D. of the October 30, 2015 rulemaking.

Aggregate Risks and Determination of Safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

The acute and chronic dietary estimates for metaflumizone were found not to be of concern for the U.S. general population and all population subgroups and are below the Agency’s level of concern (LOC) (<100% of the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD), respectively). An acute endpoint of concern was not identified in the toxicological database for the general U.S. population including infants and children. Acute dietary risks for metaflumizone are below the Agency’s LOC: 5.3% of the aPAD at the 95th percentile for females 13–49 years of age, the population group with the highest exposure; and chronic risks are below the Agency’s LOC: 65% of the cPAD for children 1–2 years old, the most highly exposed population subgroup. Metaflumizone is classified as “Not Likely to be Carcinogenic to Humans.” Therefore, EPA does not expect exposure to metaflumizone to pose a cancer risk.

Since metaflumizone is registered for uses that could result in short-term residential exposure, EPA evaluated the potential for short-term risk by aggregating chronic exposure through food and water with short-term residential exposures to metaflumizone. Since the LOC for the various routes of exposure differ, the aggregate risk estimates were calculated using the Aggregate Risk Index (ARI) approach (LOC for ARI <1). The short-term aggregate assessment combined food + drinking water exposure with the highest potential residential post-application exposure (high-contact activity on turf). The aggregate ARIs are greater than 1; therefore, EPA concludes there is no short-term risk of concern. Although only short-term residential exposure is anticipated, the short-term assessment is protective of intermediate-term exposure since the short- and intermediate-term PODs/LOCs are identical.


IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the October 30, 2015 rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). Codex is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. Although EPA may establish a tolerance that is different from a Codex MRL, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

While Codex has not yet established MRLs on the commodities mentioned in this document, it has proposed MRLs in/on most of the relevant commodities. EPA notes that the U.S. and Codex residue definitions differ in that the U.S. tolerance expression includes metaflumizone (E- and Z-isomers) and M320F04 while Codex includes only metaflumizone (E- and Z-isomers). EPA is harmonizing its U.S. tolerances with most of the proposed Codex MRLs for apple, coffee, grape, melon subgroup 9A, orange subgroup 10–10A, orange oil, raisin, milk fat, and fat (cattle, goat, horse, and sheep). EPA is not
harmonizing the U.S. tolerance on lemon/lime subgroup 10–10B with the Codex MRL since the Codex MRL is less than that calculated by EPA using the submitted residue data and the OECD tolerance calculation procedure.

C. Revisions to Petitioned-For Tolerances

Based upon review of data and supporting materials for this petition, EPA is establishing tolerances for the following commodities requested using the Agency’s preferred commodity terminology: Instead of establishing a tolerance for coffee, as requested, the Agency is establishing a tolerance for coffee, green bean. In addition, based upon supporting data and harmonization with proposed Codex MRLs, the Agency is establishing a tolerance level lower than requested for Apple at 0.9 ppm, and tolerance levels higher than requested for grape, raisin at 13 ppm; lemon/lime subgroup 10–10B, oil at 100 ppm; and orange subgroup 10–10A at 100 ppm. Further, since importation of ruminant commodities is also a probability and based on the livestock dietary burdens, EPA is also establishing tolerances for milk fat and ruminant fat tolerances in or on cattle, fat at 0.15 ppm; goat, fat at 0.15 ppm; horse, fat at 0.15 ppm; sheep, fat at 0.15 ppm; and milk, fat at 0.6 ppm.

V. Conclusion

Therefore, tolerances are established for residues of the insecticide metflumizone [2-2-[4-(cyano phenyl)-1-[3-(trifluoromethyl)phenyl]ethylidene]-N-[4-(trifluoromethoxy)phenyl] hydrazinecarboxamide; E and Z isomers], in or on apple at 0.9 parts per million (ppm); apple, wet pomace at 3 ppm; coffee, green bean at 0.15 ppm; grape, raisin at 13 ppm; grapefruit subgroup 10–10C at 0.04 ppm; lemon/lime subgroup 10–10B at 3 ppm; lemon/lime subgroup 10–10B, oil at 100 ppm; melon subgroup 9A at 1 ppm; orange subgroup 10–10A at 3 ppm; orange subgroup 10–10A, oil at 100 ppm; cattle, fat at 0.15 ppm; goat, fat at 0.15 ppm; horse, fat at 0.15 ppm; milk, fat at 0.6 ppm; and sheep, fat at 0.15 ppm. In addition, the existing tolerance for “fruit, pome, group 11–10,” is amended to clarify that that entry now excludes apple, due to the establishment of a separate apple tolerance in this rulemaking and the existing tolerance for grape is amended to raise the tolerance level from 0.04 ppm to 5 ppm. Finally, EPA is removing the tolerance for “fruit, citrus, group 10–10” because it is superseded by the newly established tolerances for each of the fruit, citrus, group 10–10 subgroups.

VI. Statutory and Executive Order Reviews

This action establishes tolerances 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) or Executive Order 13771, entitled “Reducing Regulations and Controlling Regulatory Costs” (82 FR 9339, February 3, 2017). This action does not contain any new 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(a). 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).

VII. 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: April 8, 2021.

Marietta Echeverria,
Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended 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(g), 346a and 371.

2. In §180.657:

a. Designate paragraph (a) introductory text as paragraph (a)(1) and revise newly designated paragraph (a)(1) introductory text;

b. In the table in newly designated paragraph (a)(1):

i. Add a heading for the table;

ii. Add entries for “Apple,” “Apple, wet pomace,” and “Coffee, green bean” in alphabetical order;

iii. Remove the entries for “Fruit, citrus, group 10–10,” “Fruit, pome, group 11–10,” and “Fruit, stone, group 12–12”;

iv. Add the entry “Fruit, pome, group 11–10, except apple” in alphabetical order;

v. Add entries for “Grape, raisin,” “Grapefruit subgroup 10–10C,” “Lemon/lime subgroup 10–10B,”...
“Lemon/lime subgroup 10–10B, oil,” “Melon subgroup 9A,” “Orange subgroup 10–10A,” and “Orange subgroup 10–10A, oil” in alphabetical order; and

iii. Revised footnote 1 and

iv. Add paragraph (a)(2).

The additions and revisions read as follows:

§ 180.657 Metamifluzone; tolerances for residues.

(a) General. (1) Tolerances are established for residues of the insecticide metamifluzone, including its metabolites and degradates, in or on the commodities listed in table 1 to this paragraph (a)(1). Compliance with the tolerance levels specified in this paragraph (a)(1) is to be determined by measuring only metamifluzone (E and Z isomers; 2-[2-(4-cyanophenyl)-1-[3-(trifluoromethyl)phenyl]ethylidene]-N-[4-(trifluoromethoxy)phenyl]hydrazinecarboxamide) in or on the following animal commodities:

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Parts per million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle, fat</td>
<td>0.15</td>
</tr>
<tr>
<td>Goat, fat</td>
<td>0.15</td>
</tr>
<tr>
<td>Horse, fat</td>
<td>0.15</td>
</tr>
<tr>
<td>Milk, fat</td>
<td>0.6</td>
</tr>
<tr>
<td>Sheep, fat</td>
<td>0.15</td>
</tr>
</tbody>
</table>


TABLE 2 TO PARAGRAPH (a)(2)

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Parts per million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle, fat</td>
<td>0.15</td>
</tr>
<tr>
<td>Goat, fat</td>
<td>0.15</td>
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<tr>
<td>Horse, fat</td>
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</tr>
<tr>
<td>Milk, fat</td>
<td>0.6</td>
</tr>
<tr>
<td>Sheep, fat</td>
<td>0.15</td>
</tr>
</tbody>
</table>


SUPPLEMENTARY INFORMATION: This is a summary of the Auction 109 Procedures Public Notice, released on April 1, 2021. The complete text of the Auction 109 Procedures Public Notice, including attachments and any related document, are available on the Commission’s website at www.fcc.gov/auction/109 or by using the search function for AU Docket No. 21–39, DA 21–361, on the Commission’s Electronic Comment Filing System (ECFS) web page at www.fcc.gov/ecfs. Alternative formats are available to persons with disabilities by sending an email to FCC504@fcc.gov or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

I. General Information

1. Introduction. By the Auction 109 Procedures Public Notice, the Office of Economics and Analytics (OEA), in conjunction with the Media Bureau (MB), establishes the procedures and minimum opening bid amounts for the upcoming auction of certain AM and FM broadcast construction permits.


3. Construction Permits Offered in Auction 109. Auction 109 will offer four AM construction permits and 136 FM construction permits. The construction permits to be auctioned are listed in Attachment A to the Auction 109 Procedures Public Notice.

4. AM Construction Permits. Auction 109 will offer four construction permits in the AM broadcast service. Attachment A to the Auction 109 Procedures Public Notice lists the community of license, channel, class, and coordinates for each AM permit being offered.

5. The construction permits to be auctioned are for four previously licensed AM stations: KPTK(AM), East St. Louis, IL, former Facility ID No. 72815; WQQW(AM), Highland, IL, former Facility ID No. 90598; KQZQ(AM), St. Louis, MO, former Facility ID No. 72391; and KQQZ(AM), Fairview Heights, IL, former Facility ID No. 5281. The license renewals of each of these former AM stations were dismissed with prejudice in a hearing before the Commission’s Administrative Law Judge and the call signs deleted.

6. To facilitate the auction of the four AM permits, the four AM facilities will...