

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180****[EPA-HQ-OPP-2023-0624; FRL-11517-02-OCSPP]****Kasugamycin; Extension of Time-Limited Tolerance for Emergency Exemption****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** This regulation extends time-limited tolerances for residues of kasugamycin in or on almond and almond, hulls as identified in this document. This action is in response to EPA's granting of an emergency exemption under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of this pesticide. In addition, the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA. Further, EPA issued a final rule in the **Federal Register** of November 3, 2023, that extended time-limited tolerances for multiple chemicals on various commodities in response to EPA's granting of emergency exemptions. EPA inadvertently omitted the detailed instructions for the revision of the tolerances for kasugamycin. Therefore, EPA is issuing this final rule to rectify this omission.

**DATES:** This regulation is effective December 18, 2023. Objections and requests for hearings must be received on or before February 16, 2024 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-2023-0624, is available at <https://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 and the OPP Docket is (202) 566-1744. Please review the visitor instructions and additional

information about the docket available at <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (202) 566-1030; email address: [RDNRNotices@epa.gov](mailto:RDNRNotices@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 Office of the Federal Register's e-CFR site at <https://www.ecfr.gov/current/title-40>.

*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-2023-0624 in the subject line on the first page of your submission. All requests must be in writing and must be received by the Hearing Clerk on or before February 16, 2024. 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-2023-0624, by one of the following methods:

- **Federal eRulemaking Portal:** <https://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 <https://www.epa.gov/dockets/where-send-comments-epa-dockets>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

**II. Background and Statutory Findings**

EPA issued a final rule, published in the **Federal Register** of October 8, 2020, (85 FR 63450) (FRL-10013-94), on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6), 21 U.S.C. 346a(e) and 346a(1)(6), establishing time-limited tolerances for residues of kasugamycin, (3-O-[2-amino-4-[(carboxyimino-methyl)amino]-2,3,4,6-tetradeoxy- $\alpha$ -D-arabino-hexopyranosyl]-D-chiro-inositol), in or on almond at 0.04 parts per million (ppm); and almond, hulls at 0.4 ppm. These time-limited tolerances expire on December 31, 2023.

EPA received a request to extend the use of kasugamycin for this year's growing season. After having reviewed this submission, EPA concurs that an emergency condition continues to exist. EPA assessed the potential risks presented by residues of kasugamycin in or on the pertinent commodity. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2) and decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIRA section 18. Further, EPA issued a final rule in the **Federal Register** of November 3, 2023 (88 FR 75503) (FRL-11517-01-OCSPP) that extended time-limited tolerances for multiple chemicals on various commodities in response to EPA's granting of emergency exemptions. EPA inadvertently omitted the detailed instructions for the revision of 40 CFR

180.614 Kasugamycin; tolerances for residues. Therefore, EPA is issuing this final rule to correct this omission.

The data and other relevant material have been evaluated and were discussed in the final rule that originally established the time-limited tolerances. Based on those data and information considered, the Agency reaffirms that extension of the time-limited tolerances will continue to meet the requirements of FFDCA section 408(l)(6). Therefore, the time-limited tolerances are extended until December 31, 2026. Although these tolerances will expire and are revoked on December 31, 2026, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on the commodities after that date will not be unlawful, provided the residues are present as a result of an application or use of a pesticide at a time and manner that was lawful under FIFRA, the tolerance was in place at the time of the application, and the residues do not exceed the level that was authorized by the tolerance. EPA will take action to revoke the tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations (CFR). Time-limited tolerances for the use of the following pesticide chemical on a specific commodity are being extended:

**Kasugamycin.** Pursuant to a request by the California Department of Pesticide Regulation, EPA authorized under FIFRA section 18 the use of kasugamycin on almonds for control of bacterial blast in California. This regulation extends time-limited tolerances for residues of the pesticide kasugamycin and its metabolites and degradates in or on almond at 0.04 (ppm); and almond hulls at 0.4 ppm for an additional 3-year period. The tolerances will expire and are revoked on December 31, 2026.

### III. 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). The Codex Alimentarius 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. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for kasugamycin in or on the commodity listed in this document.

### IV. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d). 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). 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 in accordance with FFDCA section 408(l)(6), such as the tolerances 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, 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).

### 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: December 11, 2023.

**Charles Smith,**

*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 § 180.614 in paragraph (b) by designating and revising the table to read as follows:

#### § 180.614 Kasugamycin; tolerances for residues.

\* \* \* \* \*

(b) \* \* \*

TABLE 2 TO PARAGRAPH (b)

Commodity	Parts per million	Expiration/revocation date
Almond .....	0.04	12/31/26
Almond, hulls .....	0.4	12/31/26

\* \* \* \* \*

[FR Doc. 2023-27654 Filed 12-15-23; 8:45 am]

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## GENERAL SERVICES ADMINISTRATION

### 41 CFR Parts 301-10 and 301-70

[Notice-MA-2023-07; Docket No. 2023-0002; Sequence No. 30]

#### Federal Travel Regulation (FTR); Sustainable Transportation for Official Temporary Duty (TDY) Travel

**AGENCY:** Office of Government-wide Policy (OGP), General Services Administration (GSA).

**ACTION:** Announcement of FTR bulletin.

**SUMMARY:** FTR Bulletin 24-02 clarifies existing regulations for determining the method of transportation that is most advantageous to the Government and encourages Federal travelers to make sustainable, cost-effective transportation choices when conducting official TDY travel.

**DATES:** Applicable December 18, 2023.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Jill Denning, Office of Government-wide Policy, Office of Asset and Transportation Management, at [travelpolicy@gsa.gov](mailto:travelpolicy@gsa.gov), 202-208-7642. Please cite Notice of GSA Bulletin FTR 24-02.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget (OMB) Memorandum M-24-05 “Catalyzing Sustainable Transportation Through Federal Travel” (issued December 14, 2023) provides guidance for implementing Executive Order (E.O.) 14057, *Catalyzing Clean Energy Industries and Jobs through Federal Sustainability*. OMB Memo M-24-05 directs Federal agencies to prioritize sustainable transportation options for official travel whenever possible and lead by example as an organization working toward net-zero emissions operations by 2050.

The FTR already encourages measures that promote sustainability, but the transition to clean energy provides additional opportunities for Federal travelers to support sustainable initiatives through the use of clean

technologies. Title 5 of the United States Code (U.S.C.), section 5733, states in part “[t]he travel of an employee shall be by the most expeditious means of transportation practicable,” which the FTR expands upon by directing agencies to select the method of transportation most advantageous to the Government when cost and other factors are considered. Energy conservation is an element of sustainability and is one of several non-cost elements required to be considered by agencies when selecting the most advantageous method of transportation (FTR §§ 301-10.4, 301-70.100, and 301-70.101 (41 CFR)).

GSA Bulletin FTR 24-02 can be viewed in its entirety at <https://www.gsa.gov/ftrbulletins>.

Krystal J. Brumfield,

Associate Administrator, Office of  
Government-wide Policy.

[FR Doc. 2023-27775 Filed 12-15-23; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Part 8360

[BLM\_UT\_FRN\_MO4500172882]

#### Final Supplementary Rule for Roped and Aerial Activities in the Moab Canyons Special Wildlife Area (In and Near Mineral and Hell Roaring Canyons) in Grand County, Utah

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final supplementary rule.

**SUMMARY:** The Bureau of Land Management (BLM) is finalizing a supplementary rule for the Moab Canyons Special Wildlife Area (in and near Mineral and Hell Roaring Canyons) in Grand County, Utah, which prohibits rock climbing except when and where permitted, prohibits other roped and aerial activities, and prohibits the construction or installation of temporary structures. This rule will protect vital wildlife habitat from the impacts of roped and aerial recreational activities.

**DATES:** This final supplementary rule is effective January 17, 2024.

**ADDRESSES:** You may direct inquiries to the BLM Moab Field Office, 82 East Dogwood Avenue, Moab, UT 84532, or [blm\\_ut\\_mb\\_mail@blm.gov](mailto:blm_ut_mb_mail@blm.gov). The final supplementary rule and accompanying environmental documents are available for inspection at the BLM Moab Field Office at the address listed above and on the ePlanning website: [https://](https://eplanning.blm.gov/eplanning-ui/project/1504945/510)

[eplanning.blm.gov/eplanning-ui/project/1504945/510](https://eplanning.blm.gov/eplanning-ui/project/1504945/510).

#### FOR FURTHER INFORMATION CONTACT:

Jennifer Jones, Moab Field Office Assistant Manager, 82 East Dogwood Avenue, Moab, Utah 84532, (435) 259-2100, or [blm\\_ut\\_mb\\_mail@blm.gov](mailto:blm_ut_mb_mail@blm.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Public Comments
- III. Discussion of Final Supplementary Rule
- IV. Procedural Matters
- V. Final Supplementary Rule for the BLM Moab Field Office

#### I. Background

The BLM is establishing this final supplementary rule under the authority of 43 CFR 8365.1-6, which allows state directors to establish supplementary rules for the protection of persons, property, public lands, and resources. This final supplementary rule applies to public lands managed by the Moab Field Office. A map of the management area and boundaries can be obtained by contacting the Moab Field Office (see **ADDRESSES** section above).

The final supplementary rule will be available for inspection in the Moab Field Office or on the ePlanning website.

The public lands managed by the BLM Moab Field Office in southeastern Utah are a domestic and international tourist destination hosting three million visitors per year. The Moab Canyons Special Wildlife Area, which consists of 10,044 acres in and along the walls and rims of Mineral and Hell Roaring Canyons as well as on the canyon walls and rims along the Green River corridor connecting these two canyons, provides important habitat for the Mexican spotted owl (a federally threatened species); golden eagles and other raptors; Utah's only endemic herd of desert bighorn sheep; and other wildlife. In recent years, roped and aerial recreational activities have increased in these canyons, putting wildlife and their vital habitats at risk. The goal of this supplementary rule is to protect vital wildlife habitat from the impacts of roped and aerial recreational activities.

In June 2021, the BLM issued a Decision Record and Finding of No Significant Impact that prohibited rock climbing except when and where