anchor within the safety zone unless authorized by the Captain of the Port Detroit (COTP), or his on-scene representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or his on-scene representative.

(3) The ''on-scene representative'' of COTP is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the COTP or his on-scene representative to obtain permission to enter or operate within the safety zone. The COTP or his on-scene representative may be contacted via VHF Channel 16 or at (313) 568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

Dated: June 6, 2018.

Jeffrey W. Novak,

Captain, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2018–12756 Filed 6–13–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0565; FRL–9977–75]

Extract of Swinglea glutinosa; 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 Extract of *Swinglea glutinosa* in or on all food commodities when used in accordance with label directions and good agricultural practices. Gowan Company LLC submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA) requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of Extract of *Swinglea glutinosa* under FFDCA.

DATES: This regulation is effective June 14, 2018. Objections and requests for hearings must be received on or before August 13, 2018, 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–2017–0565, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0565 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 August 13, 2018. 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–2017–0565, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background

In the **Federal Register** of January 26, 2018 (83 FR 3658) (FRL–9971–46), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 6F8504) by Gowan Company LLC, P.O. Box 5569, Yuma, AZ 85366–5569. The petition requested that 40 CFR 180 be amended by establishing an exemption from the

requirement of a tolerance for residues of the biochemical fungicide Extract of *Swinglea glutinosa* in or on all food commodities. That document referenced a summary of the petition prepared by the petitioner, Gowan Company LLC, which is available in the docket via *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Final Rule

A. EPA's Safety Determination

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

EPA evaluated the available toxicity and exposure data on Extract of *Swinglea glutinosa* and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. EPA also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Extract of *Swinglea glutinosa* is extracted from the leaves of *Swinglea glutinosa.* Commonly known as Tabog, the plant is found in southeast Asian and South American countries and is also commercially cultivated for ornamental purposes. As a pesticidal active ingredient, Extract of *Swinglea glutinosa* is intended for use as a fungicide on growing crops and ornamentals in agricultural, greenhouse, turf, recreational, and commercial landscape use sites to control fungal diseases such as powdery mildew and sour rot. The antifungal mode of action (MOA) of Extract of *Swinglea glutinosa* is likely cell membrane disruption, attributable to the terpene constituents in the essential oil of the extract. This mode of action is similar to that observed in other essential oils that are considered biopesticides, such as tea tree oil, rosemary oil and thyme oil. The constituent compounds in Extract of *Swinglea glutinosa* are ubiquitous in fruits and vegetables and are regularly consumed by humans as part of a normal diet. The constituent compounds are also biodegradable; and the active ingredient is highly soluble in water and will degrade rapidly in aqueous environments.

Based on the data submitted in support of this petition and the dietary risk assessment conducted by the Agency, EPA concludes that there is a reasonable certainty of no harm from aggregate exposures to Extract of *Swinglea glutinosa,* including the consumption of food treated with this active ingredient in accordance with label directions and good agricultural practices. EPA has made this determination because available toxicology data indicate that the active ingredient is not acutely toxic, subchronically toxic, mutagenic, or developmentally toxic via repeat oral exposure. As such, the Agency has not identified any endpoints of concern for Extract of *Swinglea glutinosa* and has conducted a qualitative assessment of exposure. The Agency has also determined that residues Extract of *Swinglea glutinosa* in drinking water are not expected to be significant when products are used according to label instructions. The active ingredient is applied at low concentrations, is very soluble in water, and degrades rapidly in aqueous solutions. Non-occupational exposures are not expected since Extract of *Swinglea glutinosa* is only intended for commercial agricultural and landscaping use. A full explanation of the data upon which EPA relied and its dietary risk assessment based on those data can be found within the April 10, 2018, document entitled ''Federal Food, Drug, and Cosmetic Act (FFDCA) Considerations for Extract of Swinglea glutinosa.'' This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

Based upon its evaluation, EPA concludes that Extract of *Swinglea glutinosa* is not toxic. No toxic endpoints were established for oral toxicity, dermal toxicity or inhalation toxicity. Exposure to Extract of *Swinglea glutinosa* via pesticidal use is not expected to exceed any levels of concern. EPA also determined that retention of the Food Quality Protection Act (FQPA) safety factor was not necessary due to the lack of threshold effects.

Therefore, EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of Extract of *Swinglea glutinosa.* Therefore, EPA is establishing an exemption from the requirement of a tolerance for residues of Extract of *Swinglea glutinosa* when applied pre-harvest in accordance with label directions and good agricultural practices.

B. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes due to the lack of concern about safety for Extract of *Swinglea glutinosa* at any exposure level.

IV. Statutory and Executive Order Reviews

This action establishes a tolerance exemption under FFDCA section 408(d) in response to a petition submitted to EPA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66

FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997); nor is it considered a regulatory action under Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (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 exemption in this action, 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. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, EPA has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, EPA has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require EPA's consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (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: May 29, 2018.

Richard P. Keigwin, Jr.,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Add § 180.1356 to subpart D to read as follows:

§ 180.1356 Extract of *Swinglea glutinosa*; exemption from the requirement of a tolerance.

Residues of the biochemical pesticide Extract of *Swinglea glutinosa* are exempt from the requirement of a tolerance in or on all food commodities when applied pre-harvest in accordance with label directions and good agricultural practices.

[FR Doc. 2018–12809 Filed 6–13–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180209147–8509–02]

RIN 0648–BH76

Fisheries of the Northeastern United States; 2018–2020 Small-Mesh Multispecies Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues final 2018 and projected 2019–2020 specifications for the small-mesh multispecies fishery, and corrects an error from a previous action. The specifications are necessary to establish allowable catch limits for each stock within the fishery to control overfishing while allowing optimum yield, consistent with the Magnuson-Stevens Fishery Conservation and Management Act. The intent of this action is to inform the public of these specifications for the 2018 fishing year, projected specifications for 2019–2020, and the regulatory correction.

DATES: Effective June 14, 2018, through April 30, 2019.

ADDRESSES: Copies of these specifications, including the Environmental Assessment (EA), Regulatory Flexibility Act Analyses, and other supporting documents for the action, are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, Mid-Atlantic Fishery Management Council, 50 Water Street, Newburyport, MA 01950. These documents are also accessible via the internet at *www.nefmc.org.*

FOR FURTHER INFORMATION CONTACT: Cynthia Hanson, Fishery Management Specialist, (978) 281–9180.

SUPPLEMENTARY INFORMATION:

Background

The small-mesh multispecies fishery is managed by the New England Fishery Management Council within the Northeast Multispecies Fishery Management Plan (FMP). The fishery is composed of five stocks of three species of hakes: Northern silver hake; southern silver hake; northern red hake; southern red hake; and offshore hake. Southern silver hake and offshore hake are often grouped together and collectively referred to as ''southern whiting.'' Amendment 19 to the FMP (78 FR 20260; April 4, 2013) established a process and framework for setting catch specifications for the small-mesh fishery. The FMP requires the specification of an overfishing limit (OFL), acceptable biological catch (ABC), annual catch limit (ACL), and total allowable landings (TAL) for each stock within the fishery for up to three years at a time, based on the most recent stock projections for upcoming years. This action implements the Council's recommended small-mesh multispecies specifications for the 2018 fishing year, announces projected 2019 and 2020 specifications as recommended by the Council, and makes a minor regulatory correction.

The proposed rule for this action published in the **Federal Register** on April 12, 2018 (83 FR 15780), and comments were accepted through April 27, 2018. Additional background information regarding the development