

■ 3. In § 17.5, revise paragraph (a) to read as follows:

#### § 17.5 Complaint.

(a) The Center with principal jurisdiction over the matter involved shall begin all administrative civil money penalty actions by serving on the respondent(s) a complaint signed by the Office of the Chief Counsel attorney for the Center and by filing a copy of the complaint with the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. For a civil money penalty action against retailers of tobacco products, the complaint may be signed by any Agency employee designated by the Chief Counsel.

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Dated: January 28, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014-02150 Filed 1-31-14; 8:45 am]

BILLING CODE 4160-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2013-0210; FRL-9394-2]

#### $\alpha$ -Alkyl- $\omega$ -Hydroxypoly (Oxypropylene) and/or Poly (Oxyethylene) Polymers Where the Alkyl Chain Contains a Minimum of Six Carbons etc.; 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  $\alpha$ -alkyl- $\omega$ -hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons, and  $\alpha$ -alkyl- $\omega$ -hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and a minimum number average molecular weight (in amu) 1,100 (hereinafter referred to as “AAAs” (alkyl alcohol alkoxylates) when used as an inert ingredient as a surfactant in pesticide formulations in growing crops without limitations. Akzo Nobel Surface Chemistry submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an amendment to an existing requirement of a tolerance. This regulation eliminates the need to establish a

maximum permissible level for residues of AAAs.

**DATES:** This regulation is effective February 3, 2014. Objections and requests for hearings must be received on or before April 4, 2014, 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-2013-0210, 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), EPA West 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:** Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7090; email address: [RDfRNotices@epa.gov](mailto:RDfRNotices@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://>

[ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/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-2013-0210 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 April 4, 2014. 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 that does not contain any 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 a copy of your non-CBI objection or hearing request, identified by docket ID number EPA-HQ-OPP-2013-0210, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- **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 August 5, 2009 (74 FR 38935) (FRL-8430-1), EPA issued a final rule, announcing the establishment of a tolerance exemption pursuant to a pesticide petition (PP 9E7534) by The Joint Inerts Task Force (JITF), Cluster Support Team Number 1 (CST1), c/o CropLife America, 1156 15th Street NW., Suite 400, Washington, DC 20005. The petition requested that 40 CFR 180.910, 40 CFR 180.930, 40 CFR 180.940a, and 40 CFR 180.960 be

amended by establishing exemptions from the requirement of a tolerance for residues of a group of substances known as AAAs. The exemptions narratively describe the subject chemical as  $\alpha$ -alkyl- $\omega$ -hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and specify the individual chemicals covered by the exemptions by a listing of CAS Reg. Nos. The current petition seeks to expand these exemptions by adding additional chemicals identified by the CAS Reg. No.

In the **Federal Register** of July 19, 2013 (78 FR 43118) (FRL-9392-9), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, announcing the filing of a pesticide petition (IN-10544) by Spring Trading Company, 10805 W. Timberwagon Cir., Spring, TX 77380-4030, on behalf of Akzo Nobel Surface Chemistry, LLC, 525 West Van Buren, Chicago, IL 60607-3823. The petition requested that 40 CFR 180.920, 40 CFR 180.930, and 40 CFR 180.960 be amended by modifying the exemption from the requirement of a tolerance for residues of AAAs by adding residues of additional chemicals of  $\alpha$ -alkyl- $\omega$ -hydroxypoly (oxypropylene) and/or poly(oxyethylene) polymers where the alkyl chain contains a minimum of six carbons, minimum number average molecular weight (in AMU) 1,100 in or on growing crops at no limitation when used as an inert ingredient in pesticide formulations. That notice referenced a summary of the petition prepared by Akzo Nobel Surface Chemistry, the petitioner, which is available in the docket, <http://www.regulations.gov>. Comments were received on the notice of filing. A public comment noted that the requested 40 CFR sections, 180.920, 180.930, or 180.960 were not all the correct sections for AAAs. The petitioner agreed and resubmitted their request.

In the **Federal Register** of September 12, 2013 (78 FR 56187) (FRL-9399-7), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, announcing the filing of a pesticide petition (IN-10544) by Spring Trading Company, 10805 W. Timberwagon Cir., Spring, TX 77380-4030, on behalf of Akzo Nobel Surface Chemistry, LLC, 525 West Van Buren, Chicago, IL 60607-3823. The petition requested that 40 CFR 180.910, 40 CFR 180.930, 40 CFR 180.940(a) and 40 CFR 180.960 be amended by modifying the exemption from the requirement of a tolerance for

residues of AAAs to include CAS Reg. No.: 9004-87-9; 9035-85-2; 9038-29-3; 9038-43-1; 9040-05-5; 9046-09-7; 25190-05-0; 25231-21-4; 26401-47-8; 26403-74-7; 26636-39-5; 27252-75-1; 37311-00-5; 37311-01-6; 37311-04-9; 39278-93-8; 50861-66-0; 52232-09-4; 57455-38-6; 57497-74-2; 59112-62-8; 62648-50-4; 63303-00-4; 63303-01-5; 63658-45-7; 63793-60-2; 64415-24-3; 64415-25-4; 64425-86-1; 65104-72-5; 65150-81-4; 67254-71-1; 67763-08-0; 67784-96-7; 68238-81-3; 68238-82-4; 68409-58-5; 68409-59-6; 68439-30-5; 68439-48-5; 68439-53-2; 68526-95-4; 68603-20-3; 68920-69-4; 68954-94-9; 68987-90-6; 68991-48-0; 69227-20-9; 70955-07-6; 70955-69-0; 71011-10-4; 72066-65-0; 72108-90-8; 72484-69-6; 73018-31-2; 74432-13-6; 74499-34-6; 79771-03-2; 102782-43-4; 103331-86-8; 103657-84-7; 103657-85-8; 103819-03-0; 116810-32-3; 116810-33-4; 120944-68-5; 121617-09-2; 126646-02-4; 126950-62-7; 139381-39-8; 139626-71-4; 152231-44-2; 154518-36-2; 157627-88-8; 157707-41-0; 157707-43-2; 159653-49-3; 160901-09-7; 160901-19-9; 160901-20-2; 161025-21-4; 161025-22-5; 176022-76-7; 287935-46-0; 288095-59-0; 288260-45-7; 303176-75-2; and 954108-36-2 when used as an inert ingredient in pesticide formulations applied to growing crops without limitations. That notice referenced a summary of the petition prepared by Akzo Nobel Surface Chemistry, the petitioner, which is available in the docket, <http://www.regulations.gov>. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit V.C.

In this petition, Akzo Nobel Surface Chemistry claims that the chemicals CAS Reg. No.: 9004-87-9; 9035-85-2; 9038-29-3; 9038-43-1; 9040-05-5; 9046-09-7; 25190-05-0; 25231-21-4; 26401-47-8; 26403-74-7; 26636-39-5; 27252-75-1; 37311-00-5; 37311-01-6; 37311-04-9; 39278-93-8; 50861-66-0; 52232-09-4; 57455-38-6; 57497-74-2; 59112-62-8; 62648-50-4; 63303-00-4; 63303-01-5; 63658-45-7; 63793-60-2; 64415-24-3; 64415-25-4; 64425-86-1; 65104-72-5; 65150-81-4; 67254-71-1; 67763-08-0; 67784-96-7; 68238-81-3; 68238-82-4; 68409-58-5; 68409-59-6; 68439-30-5; 68439-48-5; 68439-53-2; 68526-95-4; 68603-20-3; 68920-69-4; 68954-94-9; 68987-90-6; 68991-48-0; 69227-20-9; 70955-07-6; 70955-69-0; 71011-10-4; 72066-65-0; 72108-90-8; 72484-69-6; 73018-31-2; 74432-13-6; 74499-34-6; 79771-03-2; 102782-43-4; 103331-86-8; 103657-84-7; 103657-85-8; 103819-03-0; 116810-32-3; 116810-33-4; 120944-68-5; 121617-

09-2; 126646-02-4; 126950-62-7; 139381-39-8; 139626-71-4; 152231-44-2; 154518-36-2; 157627-88-8; 157707-41-0; 157707-43-2; 159653-49-3; 160901-09-7; 160901-19-9; 160901-20-2; 161025-21-4; 161025-22-5; 176022-76-7; 287935-46-0; 288095-59-0; 288260-45-7; 303176-75-2; and 954108-36-2 are covered by the published tolerance exemption for AAAs and that no further data or review is required to amend the existing tolerance exemption to include the additional CAS Reg. Nos.

Based upon review of the data supporting the petition, EPA has confirmed that most of the originally requested CAS Reg. Nos. are acceptable for consideration under the currently approved descriptor. However, several of the originally requested compounds have aromatic components or have an alkyl chain too short or contain an ester which do not fit within the AAA descriptor, are not acceptable, and EPA is denying that portion of the petition. CAS Reg. Nos 9004-87-9, 9046-09-7, 26401-47-8, 26403-74-7, 9278-93-8, 57455-38-6, 57497-74-2, 63303-00-4, 68987-90-6, 70955-69-0, and 288095-59-0 are denied because these compounds contain a phenyl group as part of their structure which is considered an aromatic component. These substances do not fall within the aliphatic descriptor and are not supported by the existing data. CAS Reg. No. 139381-39-8 is denied because its alkyl chain contains only four carbons (butyl group) which is too short to fit the AAA descriptor. CAS Reg No. 67784-96-7 is denied because it contains an ester which is not included in the tolerance exemption descriptor. The cluster data is based on common chemical structures and the denied chemicals would not fit within the established category. This limitation is based on the Agency's risk assessment which can be found at <http://www.regulations.gov> in document IN-10544. Requesting to Amend the Exemption from the Requirement of a Tolerance for  $\alpha$ -alkyl- $\omega$ -hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons, and  $\alpha$ -alkyl- $\omega$ -hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and a minimum number average molecular weight (in amu) 1,100, under 40 CFR 180.910, 180.930, 180.940(a) or 180.960 in docket ID number EPA-HQ-OPP-2013-0210.

### 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 section 408(c)(2)(A) of FFDCA, 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 AAAs including exposure resulting from the exemption established by this action. EPA’s assessment of exposures and risks associated with AAAs follows.

The Agency agrees with the petitioner that CAS Reg. No.: 9035–85–2; 9038–29–3; 9038–43–1; 9040–05–5; 25190–05–0; 25231–21–4; 26636–39–5; 27252–75–1; 37311–00–5; 37311–01–6; 37311–04–9; 50861–66–0; 52232–09–4; 59112–62–8; 62648–50–4; 63303–01–5; 63658–45–7; 63793–60–2; 64415–24–3; 64415–25–4; 64425–86–1; 65104–72–5; 65150–81–4; 67254–71–1; 67763–08–0; 68238–81–3; 68238–82–4; 68409–58–5; 68409–59–6; 68439–30–5; 68439–48–5; 68439–53–2; 68526–95–4; 68603–20–3; 68920–69–4; 68954–94–9; 68991–48–0; 69227–20–9; 70955–07–6; 71011–10–4; 72066–65–0; 72108–90–8; 72484–69–6; 73018–31–2; 74432–13–6; 74499–34–6; 79771–03–2; 102782–43–4; 103331–86–8; 103657–84–7; 103657–85–8; 103819–03–0; 116810–32–3; 116810–33–4; 120944–68–5; 121617–09–2; 126646–02–4; 126950–62–7; 139626–71–4; 152231–44–2; 154518–36–2; 157627–88–8; 157707–41–0; 157707–43–2; 159653–49–3; 160901–09–7; 160901–19–9; 160901–20–2; 161025–21–4; 161025–22–5; 176022–76–7; 287935–46–0; 288260–45–7; 303176–75–2; and 954108–36–2 are AAAs each having molecular structures conforming to the chemical description given in the tolerance exemption expression, i.e.,  $\alpha$ -alkyl- $\omega$ -hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and which do not contain additional structural elements that are not included within the tolerance exemption expression description. In 2009, in establishing the exemption for the AAAs, EPA assessed their safety generally using worst case exposure assumptions. (74 FR 38935) (FRL–8430–1). EPA concluded that that assessment showed that exempting the AAAs from the requirement from a tolerance would be safe. Inclusion of

additional chemicals described above in the risk assessment for the AAAs would in no way alter that prior risk assessment given the generic findings on toxicity and the worst case exposure assumptions used in that risk assessment. Accordingly, based on the findings in that earlier rule, EPA has determined that there is a reasonable certainty that no harm to any population subgroup, including infants and children, will result from aggregate exposure to AAAs, by including the additional chemicals described above, under reasonably foreseeable circumstances. Therefore, the amendment of an exemption from tolerance under 40 CFR 180.910, 180.930, 180.940, and 180.960, for residues of AAAs to include the chemicals described above is safe under FFDCA section 408.

### V. Other Considerations

#### A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

#### 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). The Codex Alimentarius is a joint U.N. 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 AAAs.

#### C. Response to Comments

One comment was received for a notice of filing from a private citizen who opposed the authorization to sell any pesticide that leaves a residue on food. The Agency understands the commenter’s concerns and recognizes that some individuals believe that no residue of pesticides should be allowed. However, under the existing legal framework provided by section 408 of

the Federal Food, Drug and Cosmetic Act (FFDCA), EPA is authorized to establish pesticide tolerances or exemptions where persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by the statute.

## VI. Conclusions

Therefore, the exemptions from the requirement of a tolerance under 40 CFR 180.910, 180.930, 180.940a, and 180.960 for AAAs when used as an inert ingredient as a surfactant in pesticide formulations applied to growing crops is amended to add the following CAS numbers: 9004-87-9; 9035-85-2; 9038-29-3; 9038-43-1; 9040-05-5; 9046-09-7; 25190-05-0; 25231-21-4; 26401-47-8; 26403-74-7; 26636-39-5; 27252-75-1; 37311-00-5; 37311-01-6; 37311-04-9; 39278-93-8; 50861-66-0; 52232-09-4; 57455-38-6; 57497-74-2; 59112-62-8; 62648-50-4; 63303-00-4; 63303-01-5; 63658-45-7; 63793-60-2; 64415-24-3; 64415-25-4; 64425-86-1; 65104-72-5; 65150-81-4; 67254-71-1; 67763-08-0; 67784-96-7; 68238-81-3; 68238-82-4; 68409-58-5; 68409-59-6; 68439-30-5; 68439-48-5; 68439-53-2; 68526-95-4; 68603-20-3; 68920-69-4; 68954-94-9; 68987-90-6; 68991-48-0; 69227-20-9; 70955-07-6; 70955-69-0; 71011-10-4; 72066-65-0; 72108-90-8; 72484-69-6; 73018-31-2; 74432-13-6; 74499-34-6; 79771-03-2; 102782-43-4; 103331-86-8; 103657-84-7; 103657-85-8; 103819-03-0; 116810-32-3; 116810-33-4; 120944-68-5; 121617-09-2; 126646-02-4; 126950-62-7; 139381-39-8; 139626-71-4; 152231-44-2; 154518-36-2; 157627-88-8; 157707-41-0; 157707-43-2; 159653-49-3; 160901-09-7; 160901-19-9; 160901-20-2; 161025-21-4; 161025-22-5; 176022-76-7; 287935-46-0; 288095-59-0; 288260-45-7; 303176-75-2; and 954108-36-2.

## VII. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of FFDCA 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 final rule has been exempted from review under Executive Order 12866, this final rule 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 final rule 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 section 408(d) of FFDCA, 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 final rule 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 section 408(n)(4) of FFDCA. 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 final rule. In addition, this final rule does not impose any enforceable

duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4).

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 of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

## VIII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. 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 this final rule in the **Federal Register**. This final rule 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: January 17, 2014.

**Lois Rossi,**

*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, the table is amended by revising the following inert ingredient to read as follows:

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

\* \* \* \* \*

Inert ingredients	Limits	Uses
<p>* * *</p> <p><math>\alpha</math>-Alkyl-<math>\omega</math>-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons (CAS Reg. No.: 9035-85-2; 9038-29-3; 9038-43-1; 9040-05-5; 25190-05-0; 25231-21-4; 26636-39-5; 27252-75-1; 37311-00-5; 37311-01-6; 37311-04-9; 50861-66-0; 52232-09-4; 59112-62-8; 62648-50-4; 63303-01-5; 63658-45-7; 63793-60-2; 64415-24-3; 64415-25-4; 64425-86-1; 65104-72-5; 65150-81-4; 67254-71-1; 67763-08-0; 68238-81-3; 68238-82-4; 68409-58-5; 68409-59-6; 68439-30-5; 68439-48-5; 68439-53-2; 68526-95-4; 68603-20-3; 68920-69-4; 68954-94-9; 68991-48-0; 69227-20-9; 70955-07-6; 71011-10-4; 72066-65-0; 72108-90-8; 72484-69-6; 73018-31-2; 74432-13-6; 74499-34-6; 79771-03-2; 102782-43-4; 103331-86-8; 103657-84-7; 103657-85-8; 103819-03-0; 116810-32-3; 116810-33-4; 120944-68-5; 121617-09-2; 126646-02-4; 126950-62-7; 139626-71-4; 152231-44-2; 154518-36-2; 157627-88-8; 157707-41-0; 157707-43-2; 159653-49-3; 160901-09-7; 160901-19-9; 160901-20-2; 161025-21-4; 161025-22-5; 176022-76-7; 287935-46-0; 288260-45-7; 303176-75-2; 954108-36-2</p> <p>* * *</p>		<p>* *</p> <p>Surfactants, related adjuvants of surfactants.</p> <p>* *</p>

■ 3. In § 180.930, the table is amended by revising the following inert ingredient to read as follows:

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

\* \* \* \* \*

Inert ingredients	Limits	Uses
<p>* * *</p> <p><math>\alpha</math>-Alkyl-<math>\omega</math>-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons (CAS Reg. No.: 9035-85-2; 9038-29-3; 9038-43-1; 9040-05-5; 25190-05-0; 25231-21-4; 26636-39-5; 27252-75-1; 37311-00-5; 37311-01-6; 37311-04-9; 50861-66-0; 52232-09-4; 59112-62-8; 62648-50-4; 63303-01-5; 63658-45-7; 63793-60-2; 64415-24-3; 64415-25-4; 64425-86-1; 65104-72-5; 65150-81-4; 67254-71-1; 67763-08-0; 68238-81-3; 68238-82-4; 68409-58-5; 68409-59-6; 68439-30-5; 68439-48-5; 68439-53-2; 68526-95-4; 68603-20-3; 68920-69-4; 68954-94-9; 68991-48-0; 69227-20-9; 70955-07-6; 71011-10-4; 72066-65-0; 72108-90-8; 72484-69-6; 73018-31-2; 74432-13-6; 74499-34-6; 79771-03-2; 102782-43-4; 103331-86-8; 103657-84-7; 103657-85-8; 103819-03-0; 116810-32-3; 116810-33-4; 120944-68-5; 121617-09-2; 126646-02-4; 126950-62-7; 139626-71-4; 152231-44-2; 154518-36-2; 157627-88-8; 157707-41-0; 157707-43-2; 159653-49-3; 160901-09-7; 160901-19-9; 160901-20-2; 161025-21-4; 161025-22-5; 176022-76-7; 287935-46-0; 288260-45-7; 303176-75-2; 954108-36-2</p> <p>* * *</p>		<p>* *</p> <p>Surfactants, related adjuvants of surfactants.</p> <p>* *</p>

■ 4. In § 180.940, the table in paragraph (a) is amended by revising the following entry to read as follows:

**§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).**

\* \* \* \* \*

(a) \* \* \*

Pesticide chemical	CAS Reg. No.	Limits
<p>* * *</p> <p><math>\alpha</math>-Alkyl-<math>\omega</math>-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons.</p>	<p>* * *</p> <p>9035-85-2; 9038-29-3; 9038-43-1; 9040-05-5; 25190-05-0; 25231-21-4; 26636-39-5; 27252-75-1; 37311-00-5; 37311-01-6; 37311-04-9; 50861-66-0; 52232-09-4; 59112-62-8; 62648-50-4; 63303-01-5; 63658-45-7; 63793-60-2; 64415-24-3; 64415-25-4; 64425-86-1; 65104-72-5; 65150-81-4; 67254-71-1; 67763-08-0; 68238-81-3; 68238-82-4; 68409-58-5; 68409-59-6; 68439-30-5; 68439-48-5; 68439-53-2; 68526-95-4; 68603-20-3; 68920-69-4; 68954-94-9; 68991-48-0; 69227-20-9; 70955-07-6; 71011-10-4; 72066-65-0; 72108-90-8; 72484-69-6; 73018-31-2; 74432-13-6; 74499-34-6; 79771-03-2; 102782-43-4; 103331-86-8; 103657-84-7; 103657-85-8; 103819-03-0; 116810-32-3; 116810-33-4; 120944-68-5; 121617-09-2; 126646-02-4; 126950-62-7; 139626-71-4; 152231-44-2; 154518-36-2; 157627-88-8; 157707-41-0; 157707-43-2; 159653-49-3; 160901-09-7; 160901-19-9; 160901-20-2; 161025-21-4; 161025-22-5; 176022-76-7; 287935-46-0; 288260-45-7; 303176-75-2; 954108-36-2.</p>	

Pesticide chemical					CAS Reg. No.	Limits
*	*	*	*	*	*	*
*	*	*	*	*	■ 5. In § 180.960, the table is amended by revising the following entry to read as follows:	
					§ 180.960 Polymers; exemptions from the requirement of a tolerance.	
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[FR Doc. 2014–02203 Filed 1–31–14; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 130802673–4053–02]

RIN 0648–BD49

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Revisions to Headboat Reporting Requirements for Species Managed by the Gulf of Mexico Fishery Management Council**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement management measures described in a framework action to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico (Gulf), as prepared by the Gulf of Mexico Fishery Management Council (Gulf Council); and Coastal Migratory Pelagic (CMP) Resources of the Gulf and South Atlantic Region, as prepared by the Gulf Council and the South Atlantic Fishery Management Council (South Atlantic Council) (Headboat Reporting

Framework). This final rule modifies the recordkeeping and reporting requirements for headboat owners and operators who fish for species managed by the Gulf Council through the previously mentioned FMPs. These revisions require fishing records to be submitted electronically (via computer or internet) on a weekly basis or at intervals shorter than a week if notified by the NMFS' Southeast Fisheries Science Center (SEFSC) Science and Research Director (SRD), and prohibit headboats from continuing to fish if they are delinquent in submitting reports. Additionally, this final rule includes two corrections to regulatory text. The purpose of this final rule is to obtain timelier fishing information from headboats to better monitor recreational annual catch limits (ACLs), improve stock assessments, and improve compliance with reporting in Gulf fisheries.

**DATES:** This rule is effective March 5, 2014.

**ADDRESSES:** Electronic copies of the Headboat Reporting Framework, which includes an environmental assessment and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at <http://sero.nmfs.noaa.gov>.

Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be

submitted in writing to Anik Clemens, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; and OMB, by email at [OIRA.Submission@omb.eop.gov](mailto:OIRA.Submission@omb.eop.gov), or by fax to 202–395–7285.

**FOR FURTHER INFORMATION CONTACT:** Rich Malinowski, Southeast Regional Office, NMFS, telephone 727–824–5305; email: [Rich.Malinowski@noaa.gov](mailto:Rich.Malinowski@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS and the Councils manage the fisheries for Gulf reef fish and Gulf and South Atlantic CMP under their respective FMPs. The FMPs were prepared by the Gulf and South Atlantic Councils and are implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On October 25, 2013, NMFS published a proposed rule for the framework and requested public comment (78 FR 63946). The proposed rule and framework outline the rationale for the actions contained in this final rule. A summary of the actions implemented by this final rule is provided below.

This final rule requires electronic reporting for headboat vessels in the Gulf reef fish and Gulf coastal migratory pelagic fisheries; increases the reporting frequency for headboat vessels in these fisheries; and prohibits headboats from continuing to fish if they are delinquent in submitting their reports. As