

from the requirement of a tolerance when used as solvents in cotton defoliant formulations containing thidiazuron and diuron as active ingredients.

(b) *N*-(*n*-octyl)-2-pyrrolidone is exempt from the requirement of a tolerance when used as a solvent in formulations containing pyraflufen-ethyl as an active ingredient at a concentration not to exceed 20% by weight.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2012-0389; FRL-9904-92]

#### GS-omega/kappa-Htxt-Hv1a; 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 GS-omega/kappa-Htxt-Hv1a, in or on all food commodities when applied or used in accordance with label directions and good agricultural practices. Vestaron Corporation, submitted a petition to the 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 GS-omega/kappa-Htxt-Hv1a under FFDCA.

**DATES:** This regulation is effective February 26, 2014. Objections and requests for hearings must be received on or before April 28, 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-2012-0389, 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:

Susanne Cerrelli, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 305-7090; email address: [BPPDFRNotices@epa.gov](mailto: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](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, 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 the EPA, you must identify docket ID number EPA-HQ-OPP-2012-0389 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 28, 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 (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 the EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2012-0389, 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 July 25, 2012 (77 FR 43562) (FRL-9353-6), the 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 2F8014) by Vestaron Corporation, 4717 Campus Drive, Ste. 1200, Kalamazoo, MI 49008. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of GS-omega/kappa-Htxt-Hv1a. That document referenced a summary of the petition prepared by the petitioner Vestaron Corporation, which is available in the docket, <http://www.regulations.gov>. No comments to the petition for GS-U-ACTX-Hv1a-SEQ2 tolerance exemption were received. A correction for the name of the active ingredient was published in the **Federal Register** of December 18, 2013 (78 FR 76589) (FRL-9904-17). The active ingredient, previously known as GS-U-ACTX-Hv1a-SEQ2, was revised to GS-omega/kappa-Htxt-Hv1a, based on acceptable nomenclature for naming peptide toxins from spiders.

### III. Final Rule

#### A. The EPA's Safety Determination

Section 408(c)(2)(A)(i) of FFDCA allows the 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 the 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, the EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require the 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. . . ." Additionally, FFDCA section 408(b)(2)(D) requires that the Agency consider "available information concerning the cumulative effects of (a particular pesticide's) residues . . . and other substances that have a common mechanism of toxicity."

The EPA evaluated the available toxicity and exposure data on GS-omega/kappa-Htx-Hv1a and considered its validity, completeness, and reliability, as well as the relationship of this information to human risk. Based upon that evaluation, the 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 GS-omega/kappa-Htx-Hv1a. Therefore, an exemption from the requirement of a tolerance is established for residues of GS-omega/kappa-Htx-Hv1a in or on all food commodities when applied or used in accordance with label directions and good agricultural practices. A full explanation of the data upon which the EPA relied and its risk assessment based on that data can be found within the November 21, 2013 document entitled "Federal Food, Drug, and Cosmetic Act (FFDCA) Considerations for GS-omega/kappa-Htx-Hv1a." This document, as well as other relevant information, is

available in the docket for this action as described under **ADDRESSES**.

#### B. 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.

#### C. International Residue Limits

In making its tolerance decisions, the EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. The 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. The EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that the EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for GS-omega/kappa-Htx-Hv1a.

### IV. Statutory and Executive Order Reviews

This final rule establishes a tolerance 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 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 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 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 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, 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) (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 of 1995 (NTTAA) (15 U.S.C. 272 note).

### V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the 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: February 3, 2014.

**Steven Bradbury,**

*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 § 180.1324 to subpart D to read as follows:

### **§ 180.1324 GS-omega/kappa-Htxt-Hv1a; exemption from the requirement of a tolerance.**

An exemption from the requirement of a tolerance is established for residues of the pesticide GS-omega/kappa-Htxt-Hv1a in or on all food commodities when applied or used in accordance with label directions and good agricultural practices.

[FR Doc. 2014-04092 Filed 2-25-14; 8:45 am]

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **44 CFR Part 206**

[Docket ID FEMA-2014-0009]

**RIN 1660-AA81**

### **Amendment to the Public Assistance Program's Simplified Procedures Project Thresholds**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) is revising two dollar figures in its regulations governing the Public Assistance Program's project thresholds. FEMA is revising the monetary thresholds for when FEMA will process an application using "simplified procedures."

**DATES:** This rule is effective February 26, 2014.

**FOR FURTHER INFORMATION CONTACT:** Liza Davis, Associate Chief Counsel, Regulatory Affairs, Office of Chief Counsel, FEMA, 202-646-4046, [liza.davis@fema.dhs.gov](mailto:liza.davis@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** FEMA's Public Assistance program provides grants to State, Tribal, and local governments, as well as eligible private nonprofit organizations, for debris removal, emergency protective

measures, and the repair, replacement, or restoration of disaster-damaged facilities after a Presidentially-declared major disaster.<sup>1</sup> Each grant award is categorized as either a large or small project, which is determined by a monetary threshold set each year by FEMA pursuant to statute.<sup>2</sup> The maximum threshold for FY2014 is \$68,500;<sup>3</sup> all projects below this amount are categorized as small projects, and all projects at or above this amount are categorized as large projects. In addition, each project must meet a minimum threshold of \$1,000.<sup>4</sup>

The Sandy Recovery Improvement Act of 2013 (SRIA)<sup>5</sup> required FEMA to analyze the Public Assistance project thresholds and, within one year of SRIA's passage, to submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate with its findings.<sup>6</sup> On January 29, 2014, FEMA submitted this report to Congress, and a copy is included in the docket for this rule on [www.regulations.gov](http://www.regulations.gov) under docket ID FEMA-2014-0009.<sup>7</sup> In the report, FEMA recommends a maximum threshold of \$120,000, and a minimum threshold of \$3,000.

SRIA requires FEMA to implement the new thresholds "immediately" following submission of the report to the Congress and "without regard to chapter 5 of title 5, United States Code."<sup>8</sup> Accordingly, this action updates FEMA's Public Assistance regulations with the new thresholds, which will both be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.<sup>9</sup>

FEMA will be publishing a notice in the **Federal Register** in the near future

to seek public comment on the report for the purpose of informing future revisions to the thresholds. SRIA requires FEMA to review the thresholds every three years.<sup>10</sup>

### **Administrative Procedure Act**

Generally, the Administrative Procedure Act (APA) requires a Federal agency to provide the public with notice and the opportunity to comment on agency rulemakings.<sup>11</sup> Section 1107 of SRIA, however, directs FEMA to "immediately establish a threshold for eligibility under this section in an appropriate amount, without regard to [5 U.S.C. chapter 5]." Accordingly, this action is not covered by the APA's requirements related to notice-and-comment rulemaking, and FEMA is immediately establishing the new threshold for eligibility in the Code of Federal Regulations. By implementing the new thresholds via a final rule, FEMA meets the requirement of SRIA to implement the new thresholds "immediately" and without the delay of a proposed rule and public comment period.

The action is limited to updating two dollar figures related to FEMA's procedures for handling certain grants (the minimum and maximum thresholds for PA projects) and adding the annual update requirement for the minimum threshold to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.<sup>12</sup>

For the same reasons discussed above, FEMA is implementing this change without the 30-day delayed effective date usually required under section 553(d)(3) of the APA, as such a delay would be contrary to section 1107's requirement to implement the thresholds "immediately."

### **List of Subjects in 44 CFR Part 206**

Administrative practice and procedure, Coastal zone, Community facilities, Disaster assistance, Fire prevention, Grant programs-housing and community development, Housing, Insurance, Intergovernmental relations, Loan programs-housing and community development, Natural resources, Penalties, and Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Federal Emergency

<sup>1</sup> The Public Assistance program is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5170b, 5172, 5173, 5192.

<sup>2</sup> See 42 U.S.C. 5189; 44 CFR 206.203(c), 206.205. FEMA obligates money for a small project based on an estimate of the project cost; FEMA obligates money for a large project based on actual project costs as the project progresses and cost documentation is provided to FEMA. See 44 CFR 206.203(c); Public Assistance Guide, FEMA 322 (June 2007), Chapter 3, "Applying for Public Assistance," "Project Formulation" available at <http://www.fema.gov/public-assistance-local-state-tribal-and-non-profit/public-assistance-guide-3>.

<sup>3</sup> See 78 FR 64232 (Oct. 28, 2013).

<sup>4</sup> 44 CFR 206.202(d)(2).

<sup>5</sup> Public Law 113-2, section 1107, codified in relevant part at 42 U.S.C. 5189.

<sup>6</sup> See 42 U.S.C. 5189(b)(1).

<sup>7</sup> A copy of the report is also available at <http://www.fema.gov/media-library/assets/documents/90458>.

<sup>8</sup> See 42 U.S.C. 5189(b)(2)(A).

<sup>9</sup> See 5 U.S.C. 5189(b)(2)(B).

<sup>10</sup> See 42 U.S.C. 5189(b)(3).

<sup>11</sup> See 5 U.S.C. 553.

<sup>12</sup> FEMA's current regulations require only a periodic review of the minimum threshold. See 44 CFR 206.202(d)(2). Section 1107 of SRIA, however, requires an annual update based on the Consumer Price Index for All Urban Consumers published by the Department of Labor.