

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 exemption 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).

## X. 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: August 22, 2013.

**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 § 180.1323 to subpart D to read as follows:

### § 180.1323 Ethyl-2E,4Z-decadienoate (Pear Ester); exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the biochemical pesticide, ethyl-2E,4Z-decadienoate (pear ester), in or on all food commodities, when used in accordance with label directions and good agricultural practices.

[FR Doc. 2013–21019 Filed 8–27–13; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[FCC 13–105; MB Docket No. 02–266; RM–10557]

### Radio Broadcasting Services; Chillicothe, Dublin, Hillsboro, and Marion, Ohio

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; application for review.

**SUMMARY:** This document denies an Application for Review filed by the Committee for Competitive Columbus Radio (“Committee”) of a *Memorandum Opinion and Order* in this proceeding, which denied the Committee’s Petition for Reconsideration of an earlier Bureau action, granting the reallocation, class downgrade, and change of community of license of an Ohio FM station. The document finds that the Bureau

properly applied the Commission’s then-existing policy of not considering compliance with the multiple ownership rule at the allotment stage.

**DATES:** August 28, 2013.

## FOR FURTHER INFORMATION CONTACT:

Andrew J. Rhodes, Media Bureau, (202) 418–2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s *Memorandum Opinion and Order*, MM Docket No. 02–266, adopted July 31, 2013, and released August 1, 2013. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission’s copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or [www.BCPIWEB.com](http://www.BCPIWEB.com).

In the *Report and Order* in this proceeding, the Bureau granted a Petition for Rulemaking filed by Clear Channel Communications for the reallocation, downgrade in class of channel, and change of community of license for its Station WCGX(FM) (formerly WMRN–FM) from Channel 295B at Marion, Ohio to Channel 294B1 at Dublin, Ohio, over the objection of the Committee. *See* 70 FR 19337 (April 13, 2005). The Committee had argued that the reallocation to Dublin could not be implemented because it would violate the local radio ownership rule. However, the *Report and Order* rejected this argument, explaining that multiple ownership issues are not considered in FM allotment proceedings. The Committee sought reconsideration on the same ground, and the Bureau denied the petition in the *Memorandum Opinion and Order*. *See* 71 FR 40927 (July 19, 2006).

On review, the Commission finds that, contrary to the Committee’s contention, the Bureau did not err in deferring the issue of compliance with the multiple ownership rule until an implementing application was filed because such an approach is consistent with then-existing policy. Additionally, the Commission concludes that the Bureau did not err in referring to Station WCGX(FM) as formerly licensed to Marion because the *Report and Order* did modify the Station WCGX(FM) license to specify Dublin. However, that modification had no immediate impact on competition in the Columbus radio market as Clear Channel was required to file an implementing application and

demonstrate compliance with the multiple ownership rule, which Clear Channel did. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Memorandum Opinion and Order to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the Application for Review was denied.)

Federal Communications Commission.

**Marlene H. Dortch,**  
Secretary.

[FR Doc. 2013–21031 Filed 8–27–13; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### 49 CFR Part 1002

[Docket No. EP 542 (Sub-No. 21)]

#### Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2013 Update

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Board updates for 2013 the fees that the public must pay to file certain cases and pleadings with the Board. The update will increase 28 fees by \$100 or less, increase 47 fees by more than \$100, and keep the remaining 50 fees at their existing level.

**DATES:** These rules are effective September 27, 2013.

**FOR FURTHER INFORMATION CONTACT:** David T. Groves, (202) 245–0327, or Barbara Saddler (202) 245–0362. [TDD for the hearing impaired: 1–800–877–8339.]

**SUPPLEMENTARY INFORMATION:** The Board's regulations at 49 CFR 1002.3 provide for an annual update of the Board's entire user-fee schedule. Fees are generally revised based on the cost study formula set forth at 49 CFR 1002.3(d). The fee changes adopted here reflect a combination of the unchanged salary costs from the 2012 User Fee Update decision; no change in the publication cost levels of that decision; plus increase changes to two of the three Board overhead cost factors (the other overhead factor remains unchanged from its 2012 level), resulting from the mechanical application of the update formula in 49 CFR 1002.3(d). Results from the formula application indicate that justified fee amounts in this 2013 update decision either remain unchanged (50 fees) or increase (75 fees) from their respective 2012 update levels. No new fee items are proposed in this proceeding. Therefore, the Board finds that notice and comment are unnecessary for this proceeding. *See Regulations Governing Fees For Services—1990 Update*, 7 I.C.C.2d 3 (1990); *Regulations Governing Fees For Services—1991 Update*, 8 I.C.C.2d 13 (1991); and *Regulations Governing Fees For Services—1993 Update*, 9 I.C.C.2d 855 (1993).

Additional information is contained in the Board's decision. To obtain a free copy of the full decision, visit the Board's Web site at <http://www.stb.dot.gov> or call the Board's Information Officer at (202) 245–0245. [Assistance for the hearing impaired is available through Federal Information Relay Services (FIRS): (800) 877–8339.]

#### List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, and Freedom of information.

Decided: August 22, 2013.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey.

**Derrick A. Gardner,**  
Clearance Clerk.

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is amended as follows:

#### PART 1002—FEES

■ 1. The authority citation for part 1002 continues to read as follows:

**Authority:** 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a).

■ 2. Amend § 1002.1 by revising paragraphs (a) and (e) to read as follows:

#### § 1002.1 Fees for record search, review, copying, certification, and related service.

\* \* \* \* \*

(a) Certificate of the Records Officer, \$18.00.

\* \* \* \* \*

(e) Fees for courier services to transport agency records to provide on-site access to agency records stored off-site will be set at the rates set forth in the Board's agreement with its courier service provider. Rate information can be obtained from the Board's Records Officer, Room 1200, Surface Transportation Board, Washington, DC 20423–0001.

\* \* \* \* \*

■ 3. In § 1002.2, paragraph (f) is revised to read as follows:

#### § 1002.2 Filing fees.

\* \* \* \* \*

(f) *Schedule of filing fees.*

Type of proceeding	Fee
<b>PART I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement:</b>	
(1) An application for the pooling or division of traffic .....	\$4,700.
(2)(i) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303.	\$2,100.
(ii) A petition for exemption under 49 U.S.C. 13541 (other than a rulemaking) filed by a non-rail carrier not otherwise covered.	\$3,400.
(iii) A petition to revoke an exemption filed under 49 U.S.C. 13541(d) .....	\$2,800.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13703 .....	\$29,600.
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment .....	\$4,900.
(ii) Minor amendment .....	\$100.
(5) An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i) .....	\$500.
(6) A notice of exemption for transaction within a motor passenger corporate family that does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with motor passenger carriers outside the corporate family.	\$1,800.
(7)–(10) [Reserved]	
<b>PART II: Rail Licensing Proceedings other than Abandonment or Discontinuance Proceedings:</b>	
(11)(i) An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901.	\$7,800.