

finances of smaller webcasters is the reference by Capt. Kass to the survey performed “back aways” that supposedly showed that IBS members had an average annual operating budget of \$9,000. Kass (Pre-Remand) WDT at ¶ 9. IBS did not offer that purported survey into evidence. Without documentary evidence that would allow the Judges to assess the validity of the survey, the Judges cannot accept Capt. Kass’s reference to that survey as evidence. See 37 CFR 351.10(e). Moreover, assuming *arguendo* the Judges could accept such a casual reference as probative, the assertion would not advance IBS’s case. On its face, an assertion that the average operating budget for IBS members is \$9,000 does not establish that its members lack the capacity to make a minimum payment of \$500.

Third, the evidence strongly suggests that the ATH cutoffs that IBS proposed for “Small” and “Very Small” noncommercial webcasters are arbitrary. It appears that, for these proposed smaller categories, IBS chose ATH levels that represent 10% and 4%, respectively, of the ATH cutoff (159,400 ATH) for all noncommercial webcasters contained in SoundExchange’s rate proposal. *IBS’s Restated Rate Proposal* (June 1, 2010). Nothing in the record substantiates these ATH levels as probative of the ability, *vel non*, of a noncommercial webcaster to pay a \$500 minimum fee.

Fourth, even if there were a sufficient basis in the record to conclude that “Small” and/or “Very Small” noncommercial webcasters were unable to pay a \$500 minimum fee, that alone would not demonstrate that a willing seller in a hypothetical marketplace would be prepared to offer a lower minimum fee. That proposition is particularly dubious in this proceeding given the evidence in the record (discussed *supra*) that SoundExchange’s average annual administrative cost exceeds \$500 per station or channel.

Fifth, the particular economic circumstances of the academic webcasters represented by IBS are germane *only* to the determination of the statutory royalty rate that they are required to pay—a royalty determination previously rendered by the Judges and affirmed by the D.C. Circuit. Indeed, the prior Determination by the Judges, affirmed by the D.C. Circuit, acknowledged the appropriateness of lower *rates* for noncommercial webcasters compared to the rates set for commercial webcasters. The issue at hand on this remand is different—whether there should be a distinction regarding the *minimum*

*fee*—not the royalty rate—among different groups *within* the category of noncommercial webcasters.<sup>16</sup>

Finally, the testimony of the IBS witnesses regarding the nature of the use of sound recordings<sup>17</sup> by academic institutions is not pertinent to the setting of the minimum fee based on SoundExchange’s administrative costs. That is, payment of a minimum fee of zero, and indeed any minimum fee significantly below SoundExchange’s actual administrative costs, would provide a webcaster with an unjustified free ride<sup>18</sup> in terms of the cost of administering the license, because SoundExchange incurs that cost *regardless of the nature of the use of the sound recording*.<sup>19</sup>

<sup>16</sup> The contrast between the *economic* value of a sound recording and the *economic* value of administrative services is instructive in this regard. Administrative services, like any private services or goods, are priced in a market at a level that permits the seller to recover at least its average variable cost of providing those services. By contrast, the marginal cost of producing an additional copy of a sound recording is essentially zero, so the determination of the price for the sound recording, on the supply side, is influenced by that economic fact (and by the recurring sinking of long-term costs to create the recording and the need to provide an incentive for the creation of future sound recordings). Noncommercial webcasters might have been able to argue for a *different or lower royalty rate* based on this economic argument, but the Judges cannot apply this principle to the valuation of a service, such as the provision of administrative functions that, like all private goods or services, are provided at a positive marginal cost.

<sup>17</sup> Pursuant to 17 U.S.C. 114(f)(2)(B), the Judges can identify and then account for those differences in the “nature of the use of sound recordings” that would support a different rate or term.

<sup>18</sup> “Small” and “Very Small” noncommercial webcasters would obtain a free ride under the IBS proposal because they receive benefits from SoundExchange’s administrative services. As explained by Mr. McCrady, rather than having to negotiate licenses with individual copyright owners in a market without a statutory license, noncommercial webcasters enjoy “one-stop shopping” for rights to all recordings at a pre-established price. McCrady WDT at 11.

<sup>19</sup> The Judges do not rely upon Mr. McCrady’s testimony regarding the nature of the use of the sound recordings by academic institutions. He testified that the \$500 minimum fee is appropriate because it provides an important educational message for students regarding the value of recorded music and the need to pay for it. 5/18/10 Tr. at 23 (McCrady). Mr. McCrady did not purport to be an educator, he did not claim any direct knowledge of the scope or content of the educational work undertaken by academic institutions that authorize their students to play sound recordings, and SoundExchange did not proffer evidence to indicate that Mr. McCrady possessed the competency to testify as to any relationship between the educational mission of these institutions and the establishment of a minimum fee. Although such a “message” might well be appropriate as part of an economics or business school class or internship, that message might not be part of the curriculum in a music or communications class or internship. Further, a student’s understanding of the economic issues regarding the pricing of sound recordings cannot be imparted in such an *ad hoc* manner.

#### IV. Conclusion

For the foregoing reasons, developed from a *de novo* review of the record, the Judges conclude that the \$500 minimum fee proposed by SoundExchange for all noncommercial webcasters for the license term 2006 through 2010 is appropriate and consistent with the relevant willing buyer/willing seller statutory standard. The Judges hereby expressly adopt the same minimum fee as set forth in the Final Determination published on May 1, 2007, and the Order on Remand. See 37 CFR 380.3(b)(2). The Judges also conclude that IBS failed to support the zero minimum fee that it proposed for sub-categories of noncommercial webcasters, either with relevant evidence or economic analysis consistent with the applicable statutory standard.

September 17, 2014.

*So Ordered.*

**Suzanne M. Barnett,**  
*Chief United States Copyright Royalty Judge.*

**David R. Strickler,**  
*United States Copyright Royalty Judge.*

**Jesse M. Feder,**  
*United States Copyright Royalty Judge.*

Dated: October 22, 2014.

**Suzanne M. Barnett,**  
*Chief United States Copyright Royalty Judge.*

Approved by:

**James H. Billington,**  
*Librarian of Congress.*

[FR Doc. 2014–25971 Filed 10–30–14; 8:45 am]

**BILLING CODE 1410-72-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA–HQ–OPP–2014–0467; FRL–9917–03]

### AAAPD and AAASD; Tolerance Exemption

**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 (minimum C6 linear, branched, saturated and/or unsaturated)- $\omega$ -hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; minimum oxyethylene content is 2

moles; minimum oxypropylene content is 0 moles, herein referred to as alkyl alcohol alkoxyate phosphate derivatives (AAAPD) and  $\alpha$ -alkyl(C6-C15)- $\omega$ -hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2–4 moles, herein referred to as alkyl alcohol alkoxyate sulfate derivatives (AAASD) to include Chemical Abstract Service Registry Numbers listed in the Supplementary Information when used as an inert ingredient in a pesticide chemical formulation. Spring Trading Company, LLC., on behalf of Croda Inc. 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 alkyl alcohol alkoxyate phosphate and sulfate derivatives on food or feed commodities.

**DATES:** This regulation is effective October 31, 2014. Objections and requests for hearings must be received on or before December 30, 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–2014–0467, 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:** Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: [RDFFRNotices@epa.gov](mailto:RDFFRNotices@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-id?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-id?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

###### *C. 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–2014–0467 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 December 30, 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 EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0467, 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. Petition for Exemption**

In the **Federal Register** of July 29, 2009 (74 FR 37571) (FRL–8424–6), EPA issued a Final Rule, announcing the establishment of a tolerance exemption pursuant to a pesticide petition (PP 9E7533) by the Joint Inerts Task Force (JITF) Cluster Support Team Number 2 (CST 2) c/o CropLife America, 1156 15th Street NW., Suite 400, Washington, DC 20005. The petition requested that 40 CFR 180.910, 40 CFR 180.920, and 40 CFR 180.930 be amended by establishing exemptions from the requirement of a tolerance for residues of a group of substances known as alkyl alcohol alkoxyate phosphate and sulfate derivatives. The exemptions narratively describe the subject chemical as  $\alpha$ -alkyl (minimum C6 linear, branched, saturated and/or unsaturated)- $\omega$ -hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; minimum oxyethylene content is 2 moles; minimum oxypropylene content is 0 moles and  $\alpha$ -alkyl (C6–C15)- $\omega$ -hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2–4 moles.

In the **Federal Register** of August 20, 2010 (75 FR 51382) (FRL–8836–5), EPA issued a Final Rule, announcing the establishment of a tolerance exemption pursuant to a pesticide petition (PP 9E7628) by the JITF CST 2 c/o CropLife America, 1156 15th Street NW., Suite 400, Washington, DC 20005. The petition requested that 40 CFR 180.910 and 40 CFR 180.930 be amended by establishing an exemption from the requirement of a tolerance for residues of a group of substances known as AAAPD.

In the **Federal Register** of February 21, 2014 (79 FR 9856) (FRL–9906–24) EPA issued a Final Rule, announcing

the establishment of a tolerance exemption pursuant to a pesticide petition (PP 2E8092) by JTF CST2, c/o Huntsman Corp., 8600 Gosling Rd., The Woodlands, TX 77381. The petition requested that 40 CFR 180.910 and 40 CFR 180.930 be amended by establishing an exemption from the requirement of a tolerance for residues of a group of substances known as AAAPD and AAASD.

The current petition seeks to expand the exemptions for AAAPD and AAASD by adding additional chemicals identified by CAS Reg. Nos. in the **Federal Register** of September 5, 2014 (79 FR 53012) (FRL-9914-98), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN-10690) filed by Spring Trading Company, LLC., 10805 W. Timberwagon Circle, Spring, Texas 77380 on behalf of Croda Inc., 315 Cherry Lane, New Castle, DE 19720 for post-harvest use on agricultural crops under 40 CFR § 180.910 and when applied to animals under 40 CFR 180.930 for the following used as surfactants not to exceed 30% of pesticide formulation to include CAS Reg. No. 3694-74-4, 37281-86-0, 9086-52-6, 51325-10-1, 52019-38-2, 52019-38-2, 58206-38-5, 58857-49-1, 62482-61-5, 63887-54-7, 66020-37-9, 66281-20-7, 68332-75-2, 68400-75-9, 70844-96-1, 78041-18-6, 82465-25-6, 84843-37-8, 95014-34-9, 99924-51-3, 120913-45-3, 123339-53-7, 129208-04-4, 144336-75-4, 146815-57-8, 151688-56-1, 15826-16-1, 159704-69-5, 172027-16-6, 172274-69-0, 176707-42-9, 181963-82-6, 188741-55-1, 191940-53-1, 210993-53-6, 25446-78-0, 27731-61-9, 290348-69-5, 290348-70-8, 340681-28-9, 422563-26-6, 522613-09-8, 55901-67-2, 61894-66-4, 63428-85-3, 65104-74-7, 65122-38-5, 67762-19-0, 67762-21-4, 67923-90-4, 68611-29-0, 717140-06-2, 717140-09-5, 717827-29-7, 762245-80-7, 762245-81-8, 866538-89-8, 866538-90-1, 913068-96-9, 1087209-87-7, 1174313-54-2, 119432-41-6, 1205632-03-6, 1233235-49-8, 1451002-50-8, 1456802-88-2, 1456802-89-3, 1456803-12-5, and 219756-63-5. That document included a summary of the petition prepared by the petitioner, which is available in the docket, <http://www.regulations.gov>, and solicited comments on the petitioner's request. The Agency did not receive any comments.

Based upon review of the data supporting the petition, EPA has confirmed that the requested CAS Reg. Nos. are acceptable for consideration under the currently approved descriptor. This limitation is based on

the Agency's risk assessment which can be found at <http://www.regulations.gov> in document PP 2E8092 entitled "Alkyl Alcohol Alkoxyate Phosphate and Sulfate Derivatives (Multiple CAS #s): Request to amend existing tolerance exemptions under 40 CFR 180.910 and 180.930" in docket ID number EPA-HQ-OPP-2012-0862.

### III. Risk Assessment and Statutory Findings

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.

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 use 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 an exemption from the requirement of 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 . . ." and specifies factors EPA is to consider in establishing an exemption.

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown 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 FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for AAAPD and AAASD including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with AAAPD and AAASD follows.

The Agency agrees with the petitioner that CAS Reg. No.: 3694-74-4, 37281-86-0, 9086-52-6, 51325-10-1, 52019-38-2, 52019-38-2, 58206-38-5, 58857-49-1, 62482-61-5, 63887-54-7, 66020-37-9, 66281-20-7, 68332-75-2, 68400-75-9, 70844-96-1, 78041-18-6, 82465-25-6, 84843-37-8, 95014-34-9, 99924-51-3, 120913-45-3, 123339-53-7, 129208-04-4, 144336-75-4, 146815-57-8, 151688-56-1, 15826-16-1, 159704-69-5, 172027-16-6, 172274-69-0, 176707-42-9, 181963-82-6, 188741-55-1, 191940-53-1, 210993-53-6, 25446-78-0, 27731-61-9, 290348-69-5, 290348-70-8, 340681-28-9, 422563-26-6, 522613-09-8, 55901-67-2, 61894-66-4, 63428-85-3, 65104-74-7, 65122-38-5, 67762-19-0, 67762-21-4, 67923-90-4, 68611-29-0, 717140-06-2, 717140-09-5, 717827-

29-7, 762245-80-7, 762245-81-8, 866538-89-8, 866538-90-1, 913068-96-9, 1087209-87-7, 1174313-54-2, 119432-41-6, 1205632-03-6, 1233235-49-8, 1451002-50-8, 1456802-88-2, 1456802-89-3, 1456803-12-5, and 219756-63-5 are AAAPD and AAASD similar to those present in the existing exemption. In 2009, in establishing the exemption for the AAAPD and AAASD, EPA assessed their safety generally using worst case exposure assumptions (74 FR 37571) (FRL-8424-6). EPA concluded that that assessment showed that exempting AAAPD and AAASD from the requirement from a tolerance would be safe. Inclusion of additional chemicals described above in the risk assessment for the AAAPD and AAASD 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 AAAPD and AAASD, by including the additional chemicals described above, under reasonably foreseeable circumstances. Therefore, the amendment of an exemption from tolerance under 40 CFR 180.910 and 180.930, for residues of AAAPD and AAASD to include the chemicals described above is safe under FFDCA section 408.

#### IV. 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 United Nation 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 AAAPD and AAASD.

#### V. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.910 and 180.930 for AAAPD and AAASD when used as an inert ingredient for post-harvest use on agricultural crops under 40 CFR 180.910 and when applied to animals under 40 CFR 180.930 used as surfactants not to exceed 30% of pesticide formulation.

#### VI. 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 rules 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 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).

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, or otherwise have any unique impacts on local governments. 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.*).

Although this action does not 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), EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. As such, to the extent that information is publicly available or was submitted in comments to EPA, the Agency considered whether groups or segments of the population, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

#### VII. 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: October 24, 2014.

Susan Lewis,

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 ingredients 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>α-alkyl(C6- C15)-ω-hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2–4 moles (CAS Reg. Nos.: 3088–31–1, 3694–74–4, 9004–82–4, 9004–84–6, 9021–91–4, 9086–52–6, 13150–00–0, 15826–16–1, 25446–78–0, 26183–44–8, 27140–00–7, 27731–62–0, 32612–48–9, 34431–25–9, 35015–74–8, 50602–06–7, 52286–18–7, 52286–19–8, 54116–08–4, 55901–67–2, 61702–79–2, 61894–66–4, 62755–21–9, 63428–85–3, 63428–86–4, 63428–87–5, 65086–57–9, 65086–79–5, 65104–74–7, 65122–38–5, 67674–66–2, 67762–19–0, 67762–21–4, 67845–82–3, 67845–83–4, 67923–90–4, 68037–05–8, 68037–06–9, 68171–41–5, 68424–50–0, 68511–39–7, 68585–34–2, 68610–66–2, 68611–29–0, 68611–55–2, 68649–53–6, 68890–88–0, 68891–29–2, 68891–30–5, 68891–38–3, 69011–37–6, 73665–22–2, 75422–21–8, 78330–16–2, 78330–17–3, 78330–25–3, 78330–26–4, 78330–27–5, 78330–28–6, 78330–29–7, 78330–30–0, 96130–61–9, 106597–03–9, 110392–50–2, 119432–41–6, 125301–88–4, 125301–89–5, 125301–92–0, 125736–54–1, 157707–85–2, 160104–51–8, 160901–27–9, 160901–28–0, 160901–29–1, 160901–30–4, 161025–28–1, 161074–79–9, 162063–19–6, 219756–63–5).</p>	<p>* * *</p> <p>Not to exceed 30% of formula-</p>	<p>* * *</p> <p>Surfactants, related adjuvants of surfactants.</p>
<p>* * *</p> <p>α-alkyl (minimum C6 linear, branched, saturated and/or unsaturated)-ω-hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; minimum oxyethylene content is 2 moles; minimum oxypropylene content is 0 moles (CAS Reg. Nos.: 9004–80–2, 9046–01–9, 26982–05–8, 31800–89–2, 37280–82–3, 37281–86–0, 39341–09–8, 39341–65–6, 39464–66–9, 39464–69–2, 42612–52–2, 50643–20–4, 50668–50–3, 51325–10–1, 51884–64–1, 52019–36–0, 57486–09–6, 58206–38–5, 58318–92–6, 58857–49–1, 59112–71–9, 60267–55–2, 61837–79–4, 62362–49–6, 62482–61–5, 63747–86–4, 63887–54–7, 63887–55–8, 66020–37–9, 66272–25–1, 66281–20–7, 67711–84–6, 67786–06–5, 67989–06–4, 68070–99–5, 68071–17–0, 68071–35–2, 68071–37–4, 68130–44–9, 68130–45–0, 68130–46–1, 68130–47–2, 68186–29–8, 68186–34–5, 68186–36–7, 68186–37–8, 68238–84–6, 68311–02–4, 68311–04–6, 68332–75–2, 68389–72–0, 68400–75–9, 68413–78–5, 68425–73–0, 68425–75–2, 68439–39–4, 68458–48–0, 68511–15–9, 68511–36–4, 68511–37–5, 68551–05–3, 68585–15–9, 68585–16–0, 68585–17–1, 68585–36–4, 68585–39–7, 68603–24–7, 68607–14–7, 68610–64–0, 68610–65–1, 68649–29–6, 68649–30–9, 68650–84–0, 68815–11–2, 68855–46–9, 68856–03–1, 68890–90–4, 68890–91–5, 68891–12–3, 68891–13–4, 68891–26–9, 68908–64–5, 68909–65–9, 68909–67–1, 68909–69–3, 68921–24–4, 68921–60–8, 68954–87–0, 68954–88–1, 68954–92–7, 68987–35–9, 69029–43–2, 69980–69–4, 70247–99–3, 70248–14–5, 70844–96–1, 70903–63–8, 71965–23–6, 71965–24–7, 72480–27–4, 72623–67–7, 72623–68–8, 72828–56–9, 72828–57–0, 73018–34–5, 73038–25–2, 73050–08–5, 73050–09–6, 73361–29–2, 73378–71–9, 73378–72–0, 73559–42–9, 73559–43–0, 73559–44–1, 73559–45–2, 74499–76–6, 76930–25–1, 78041–18–6, 78330–22–0, 78330–24–2, 82465–25–6, 84843–37–8, 91254–26–1, 93925–54–3, 95014–34–9, 96416–89–6, 99924–51–3, 103170–31–6, 103170–32–7, 106233–09–4, 106233–10–7, 108818–88–8, 110392–49–9, 111798–26–6, 111905–50–1, 116671–23–9, 117584–36–8, 119415–05–3, 120913–45–3, 121158–61–0, 121158–63–2, 123339–53–7, 125139–13–1, 125301–86–2, 125301–87–3, 126646–03–5, 129208–04–4, 129870–77–5, 129870–80–0, 130354–37–9, 136504–88–6, 143372–50–3, 143372–51–4, 144336–75–4, 146815–57–8, 151688–56–1, 154518–39–5, 154518–40–8, 155240–11–2, 159704–69–5, 160498–49–7, 160611–24–5, 171543–66–1, 172027–16–6, 172274–69–0, 176707–42–9, 181963–82–6, 188741–55–1, 191940–53–1, 210493–60–0, 210993–53–6, 246159–55–7, 251298–11–0, 261627–68–3, 290348–69–5, 290348–70–8, 317833–96–8, 340681–28–9, 422563–19–7, 422563–26–6, 522613–09–8, 717140–06–2, 717140–09–5, 717827–29–7, 762245–80–7, 762245–81–8, 866538–89–8, 866538–90–1, 873662–29–4, 913068–96–9, 936100–29–7, 936100–30–0, 1072943–56–6, 1087209–87–7, 1174313–54–2, 1187742–89–7, 1187743–35–6, 1205632–03–6, 1233235–49–8, 1451002–50–8, 1456802–88–2, 1456802–89–3, 1456803–12–5).</p>	<p>* * *</p> <p>Not to exceed 30% of formula-</p>	<p>* * *</p> <p>Surfactants, related adjuvants of surfactants.</p>

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

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

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Inert ingredients	Limits	Uses
<p><math>\alpha</math>-alkyl (minimum C6 linear, branched, saturated and/or unsaturated)-<math>\omega</math>-hydroxypolyoxyethylene polymer with or without polyoxypropylene, mixture of di- and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; minimum oxyethylene content is 2 moles; minimum oxypropylene content is 0 moles, (CAS Reg. Nos.: 9004-80-2, 9046-01-9, 26982-05-8, 31800-89-2, 37280-82-3, 37281-86-0, 39341-09-8, 39341-65-6, 39464-66-9, 39464-69-2, 42612-52-2, 50643-20-4, 50668-50-3, 51325-10-1, 51884-64-1, 52019-36-0, 52019-38-2, 52019-38-2, 57486-09-6, 58206-38-5, 58318-92-6, 58857-49-1, 59112-71-9, 60267-55-2, 61837-79-4, 62362-49-6, 62482-61-5, 63747-86-4, 63887-54-7, 63887-55-8, 66020-37-9, 66272-25-1, 66281-20-7, 67711-84-6, 67786-06-5, 67989-06-4, 68070-99-5, 68071-17-0, 68071-35-2, 68071-37-4, 68130-44-9, 68130-45-0, 68130-46-1, 68130-47-2, 68186-29-8, 68186-34-5, 68186-36-7, 68186-37-8, 68238-84-6, 68311-02-4, 68311-04-6, 68332-75-2, 68389-72-0, 68400-75-9, 68413-78-5, 68425-73-0, 68425-75-2, 68439-39-4, 68458-48-0, 68511-15-9, 68511-36-4, 68511-37-5, 68551-05-3, 68585-15-9, 68585-16-0, 68585-17-1, 68585-36-4, 68585-39-7, 68603-24-7, 68607-14-7, 68610-64-0, 68610-65-1, 68649-29-6, 68649-30-9, 68650-84-0, 68815-11-2, 68855-46-9, 68856-03-1, 68890-90-4, 68890-91-5, 68891-12-3, 68891-13-4, 68891-26-9, 68908-64-5, 68909-65-9, 68909-67-1, 68909-69-3, 68921-24-4, 68921-60-8, 68954-87-0, 68954-88-1, 68954-92-7, 68987-35-9, 69029-43-2, 69980-69-4, 70247-99-3, 70248-14-5, 70844-96-1, 70903-63-8, 71965-23-6, 71965-24-7, 72480-27-4, 72623-67-7, 72623-68-8, 72828-56-9, 72828-57-0, 73018-34-5, 73038-25-2, 73050-08-5, 73050-09-6, 73361-29-2, 73378-71-9, 73378-72-0, 73559-42-9, 73559-43-0, 73559-44-1, 73559-45-2, 74499-76-6, 76930-25-1, 78041-18-6, 78330-22-0, 78330-24-2, 82465-25-6, 84843-37-8, 91254-26-1, 93925-54-3, 95014-34-9, 96416-89-6, 99924-51-3, 103170-31-6, 103170-32-7, 106233-09-4, 106233-10-7, 108818-88-8, 110392-49-9, 111798-26-6, 111905-50-1, 116671-23-9, 117584-36-8, 119415-05-3, 120913-45-3, 121158-61-0, 121158-63-2, 123339-53-7, 125139-13-1, 125301-86-2, 125301-87-3, 126646-03-5, 129208-04-4, 129870-77-5, 129870-80-0, 130354-37-9, 136504-88-6, 143372-50-3, 143372-51-4, 144336-75-4, 146815-57-8, 151688-56-1, 154518-39-5, 154518-40-8, 155240-11-2, 159704-69-5, 160498-49-7, 160611-24-5, 171543-66-1, 172027-16-6, 172274-69-0, 176707-42-9, 181963-82-6, 188741-55-1, 191940-53-1, 210493-60-0, 210993-53-6, 246159-55-7, 251298-11-0, 261627-68-3, 290348-69-5, 290348-70-8, 317833-96-8, 340681-28-9, 422563-19-7, 422563-26-6, 522613-09-8, 717140-06-2, 717140-09-5, 717827-29-7, 762245-80-7, 762245-81-8, 866538-89-8, 866538-90-1, 873662-29-4, 913068-96-9, 936100-29-7, 936100-30-0, 1072943-56-6, 1087209-87-7, 1174313-54-2, 1187742-89-7, 1187743-35-6, 1205632-03-6, 1233235-49-8, 1451002-50-8, 1456802-88-2, 1456802-89-3, 1456803-12-5).</p>	Not to exceed 30% of formula-	Surfactants, related adjuvants of surfactants.
<p><math>\alpha</math>-alkyl(C6- C15)-<math>\omega</math>-hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts, poly(oxyethylene) content averages 2-4 moles (CAS Reg. Nos.: 3088-31-1, 3694-74-4, 9004-82-4, 9004-84-6, 9021-91-4, 9086-52-6, 13150-00-0, 15826-16-1, 25446-78-0, 26183-44-8, 27140-00-7, 27731-61-9, 27731-61-9, 27731-62-0, 32612-48-9, 34431-25-9, 35015-74-8, 50602-06-7, 52286-18-7, 52286-19-8, 54116-08-4, 55901-67-2, 61702-79-2, 61894-66-4, 62755-21-9, 63428-85-3, 63428-86-4, 63428-87-5, 65086-57-9, 65086-79-5, 65104-74-7, 65122-38-5, 67674-66-2, 67762-19-0, 67762-21-4, 67845-82-3, 67845-83-4, 67923-90-4, 68037-05-8, 68037-06-9, 68171-41-5, 68424-50-0, 68511-39-7, 68585-34-2, 68610-66-2, 68611-29-0, 68611-55-2, 68649-53-6, 68890-88-0, 68891-29-2, 68891-30-5, 68891-38-3, 69011-37-6, 73665-22-2, 75422-21-8, 78330-16-2, 78330-17-3, 78330-25-3, 78330-26-4, 78330-27-5, 78330-28-6, 78330-29-7, 78330-30-0, 96130-61-9, 106597-03-9, 110392-50-2, 119432-41-6, 125301-88-4, 125301-89-5, 125301-92-0, 125736-54-1, 157707-85-2, 160104-51-8, 160901-27-9, 160901-28-0, 160901-29-1, 160901-30-4, 161025-28-1, 161074-79-9, 162063-19-6, 219756-63-5).</p>	Not to exceed 30% of formula-	Surfactants, related adjuvants of surfactants.

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BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

[EPA-R06-RCRA-2014-0366; FRL-9918-56-Region 6]

**Arkansas: Final Authorization of State Hazardous Waste Management Program Revision**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The State of Arkansas has applied to the EPA for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this direct final action. The EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we receive written comments which oppose this authorization during the comment period, the decision to authorize Arkansas' changes to its hazardous

waste program will take effect. If we receive comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect, and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes. **DATES:** This final authorization will become effective on December 30, 2014 unless the EPA receives adverse written comment by December 1, 2014. If the EPA receives such comment, it will publish a timely withdrawal of this direct final rule in the **Federal Register** and inform the public that this authorization will not take effect. **ADDRESSES:** Submit your comments by one of the following methods: