

U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance exemption in this action, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, EPA has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, EPA has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require EPA’s consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 272 note).

#### V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure,

Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 12, 2019.

**Richard P. Keigwin, Jr.**,  
*Director, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

#### PART 180—[AMENDED]

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

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

■ 2. Add § 180.1365 to subpart D to read as follows:

**§ 180.1365 Bacteriophage active against *Xylella fastidiosa*; exemption from the requirement of a tolerance.**

An exemption from the requirement of a tolerance is established for residues of lytic bacteriophage active against *Xylella fastidiosa* in or on all food commodities when the bacteriophage are sequenced and have sequences free of toxins and lysogenic genes and are used in accordance with label directions and good agricultural practices.

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#### NATIONAL SCIENCE FOUNDATION

##### 45 CFR Part 670

**RIN 3145–AA59**

#### Conservation of Antarctic Animals and Plants

**AGENCY:** National Science Foundation.

**ACTION:** Direct final rule.

**SUMMARY:** Pursuant to the Antarctic Conservation Act of 1978, as amended, the National Science Foundation (NSF) is amending its regulations to reflect changes to designated Antarctic specially protected areas (ASPA), Antarctic specially managed areas (ASMA) and historic sites or monuments (HSM). These changes reflect decisions already adopted by the Antarctic Treaty Parties at recent Antarctic Treaty Consultative Meetings (ATCM). The United States Department of State heads the United States delegation to these annual Antarctic Treaty meetings.

**DATES:** Effective April 23, 2019.

**FOR FURTHER INFORMATION CONTACT:** Bijan Gilanshah, Assistant General Counsel, Office of the General Counsel, at 703–292–8060, National Science Foundation, 2415 Eisenhower Avenue, Suite W 18200, Alexandria, VA 22314.

**SUPPLEMENTARY INFORMATION:** The Antarctic Conservation Act of 1978, as amended (“ACA”) (16 U.S.C. 2401, *et seq.*) implements the Protocol on Environmental Protection to the Antarctic Treaty (“the Protocol”). Annex V contains provisions for the protection of specially designated areas specially managed areas and historic sites and monuments. Section 2405 of title 16 of the ACA directs the Director of the National Science Foundation to issue such regulations as are necessary and appropriate to implement Annex V to the Protocol.

The Antarctic Treaty Parties, which includes the United States, periodically adopt measures to establish, consolidate or revoke specially protected areas, specially managed areas and historical sites or monuments in Antarctica. This rule is being revised to reflect five added Antarctic specially protected areas (ASPAs 171–175) and six historical sites and monuments in Antarctica (HSM 87–92). The rule is also being revised to reflect the revocation, of three Antarctic specially protected areas (ASPAs 114, 118 and 130) and one Antarctic specially managed area (ASMA 3) primarily due to consolidation.

#### Public Participation

The changes to these areas and sites reflect decisions already made by the Antarctic Treaty Parties at recent international ATOM meetings. Because these amendments directly involve a foreign affairs function, the provisions of Executive Order 12866, Executive Order 13771 and the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Further, because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601 and 612) does not apply.

#### Environmental Impact

This final rule makes technical conforming changes to the National Science Foundation’s regulations to reflect the substantive outcomes of recent Antarctic Treaty Consultative Meetings. The actions taken by the Antarctic Treaty Parties to manage and protect these new Antarctic areas and historic resources will result in added protection of the Antarctic environment and its historic resources.

#### Reducing Regulation and Controlling Regulatory Costs

In implementing these international ATOM agreed to changes, this direct final rule relates to a foreign affairs

function of the United States.

Accordingly, NSF has determined that this document is not a regulation or rule subject to either Executive Order 12866 or Executive Order 13771. Further, under section 5 of Executive Order 13777, an agency may receive a waiver from some or all of the requirements of Executive Order 13777 if the Director of the Office of Management and Budget determines that the agency generally issues very few or no regulations. The National Science Foundation received such a waiver from the requirements of Executive Order 13777.

#### No Takings Implications

The Foundation has determined that the final rule will not involve the taking of private property pursuant to E.O. 12630.

#### Civil Justice Reform

The Foundation has considered this final rule under E.O. 12988 on civil justice reform and determined the principles underlying and requirements of E.O. 12988 are not implicated.

#### Federalism and Consultation and Coordination With Indian Tribal Governments

The Foundation has considered this final rule under the requirements of E.O. 13132 on federalism and has determined that the final rule conforms with the federalism principles set out in this E.O.; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the Foundation has determined that no further assessment of federalism implications is necessary.

Moreover, the Foundation has determined that promulgation of this final rule does not require advance consultation with Indian Tribal officials as set forth in E.O. 13175, Consultation and Coordination with Indian Tribal Governments.

#### Energy Effects

The Foundation has reviewed this final rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Foundation has determined that this final rule does not constitute a significant energy action as defined in the E.O.

#### Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C.

1531–1538), the Foundation has assessed the effects of this final rule on State, local, and Tribal governments and the private sector. This final rule will not compel the expenditure of \$100 million or more by any State, local, or Tribal government or anyone in the private sector. Therefore, a statement under section 202 of the act is not required.

#### Controlling Paperwork Burdens on the Public

This final rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

#### List of Subjects in 45 CFR Part 670

Administrative practice and procedure, Antarctica, Exports, Imports, Plants, Reporting and recordkeeping requirements, Wildlife.

Pursuant to the authority granted by 16 U.S.C. 2405(a)(1), NSF hereby amends 45 CFR part 670 as set forth below:

#### PART 670—[AMENDED]

■ 1. The authority citation for part 670 continues to read as follows:

**Authority:** 16 U.S.C. 2405, as amended.

■ 2. Section 670.29 is revised to read as follows:

#### § 670.29 Designation of Antarctic Specially Protected Areas, Specially Managed Areas, and Historic Sites and Monuments.

(a) The following areas have been designated by the Antarctic Treaty Parties for special protection and are hereby designated as Antarctic specially protected areas (ASPAs). The Antarctic Conservation Act of 1978, as amended, prohibits, unless authorized by a permit, any person from entering or engaging in activities within an ASPA. Detailed maps and descriptions of the sites and complete management plans can be obtained from the National Science Foundation, Office of Polar Programs, National Science Foundation, Room 755, 4201 Wilson Boulevard, Arlington, Virginia 22230.

ASPA 101 Taylor Rookery, Mac. Robertson Land

ASPA 102 Rookery Islands, Holme Bay, Mac. Robertson Land

ASPA 103 Ardery Island and Odbert Island, Budd Coast, Wilkes Land

ASPA 104 Sabrina Island, Northern Ross Sea, Antarctica

ASPA 105 Beaufort Island, McMurdo Sound, Ross Sea

ASPA 106 Cape Hallett, Northern Victoria Land, Ross Sea

ASPA 107 Emperor Island, Dion Islands, Marguerite Bay, Antarctic Peninsula

ASPA 108 Green Island, Berthelot Islands, Antarctic Peninsula

ASPA 109 Moe Island, South Orkney Islands

ASPA 110 Lynch Island, South Orkney Islands

ASPA 111 Southern Powell Island and adjacent islands, South Orkney Islands

ASPA 112 Coppermine Peninsula, Robert Island, South Shetland Islands

ASPA 113 Litchfield Island, Arthur Harbour, Anvers Island, Palmer Archipelago

ASPA 115 Lagotellerie Island, Marguerite Bay, Graham Land

ASPA 116 New College Valley, Caughley Beach, Cape Bird, Ross Island

ASPA 117 Avian Island, Marguerite Bay, Antarctic Peninsula

ASPA 119 Davis Valley and Forlidas Pond, Dufek Massif, Pensacola Mountains

ASPA 120 Pointe-Geologie Archipelago, Terre Adelie

ASPA 121 Cape Royds, Ross Island

ASPA 122 Arrival Heights, Hut Point Peninsula, Ross Island

ASPA 123 Barwick and Balham Valleys, Southern Victoria Land

ASPA 124 Cape Crozier, Ross Island

ASPA 125 Fildes Peninsula, King George Island (25 de Mayo)

ASPA 126 Byers Peninsula, Livingston Island, South Shetland Islands

ASPA 127 Haswell Island

ASPA 128 Western shore of Admiralty Bay, King George Island, South Shetland Islands

ASPA 129 Rothera Point, Adelaide Island

ASPA 131 Canada Glacier, Lake Fryxell, Taylor Valley, Victoria Land

ASPA 132 Potter Peninsula, King George Island (Isla 25 de Mayo) (South Shetland Islands)

ASPA 133 Harmony Point, Nelson Island, South Shetland Islands

ASPA 134 Cierva Point and offshore islands, Danco Coast, Antarctic Peninsula

ASPA 135 North-eastern Bailey Peninsula, Budd Coast, Wilkes Land

ASPA 136 Clark Peninsula, Budd Coast, Wilkes Land

ASPA 137 North-west White Island, McMurdo Sound

ASPA 138 Linnaeus Terrace, Asgard Range, Victoria Land



HSM 29 Lighthouse named "Primero de Mayo" erected on Lambda Island, Melchior Islands, by Argentina in 1942.

HSM 30 Shelter at Paradise Harbour erected in 1950.

HSM 32 Concrete Monolith erected in 1947 near Capitan Arturo Prat Base on Greenwich Island, South Shetland Islands.

HSM 33 Shelter and cross with plaque near Capitan Arturo Prat Base Greenwich Island, South Shetland Islands.

HSM 34 Bust at Capitan Arturo Prat base Greenwich Island, South Shetland Islands, of Chilean naval hero Arturo Prat.

HSM 35 Wooden cross and statue of the Virgin of Carmen erected in 1947 near Capitan Arturo Prat base Greenwich Island, South Shetland Islands.

HSM 36 Replica of a metal plaque erected by Eduard Dallman at Potter Cove, King George Island, South Shetland Islands.

HSM 37 Statue erected in 1948 at General Hernando O'Higgins Base (Chile) Trinity Peninsula.

HSM 38 Wooden hut on Snow Hill Island built in February 1902 by the Swedish South Polar Expedition.

HSM 39 Stone hut at Hope Bay, Trinity Peninsula built in January 1903 by the Swedish South Polar Expedition.

HSM 40 Bust of General San Martin, grotto with statue of the Virgin Lujan, a flag mast and graveyard at Base Esperanza, Hope Bay Trinity Peninsula, erected by Argentina in 1955.

HSM 41 Stone hut and grave at Paulet Island built in 1903 by members of the Swedish South Polar Expedition.

HSM 42 Area of Scotia bay, Laurie Island, South Orkney containing stone huts built in 1903 by the Scottish Antarctic Expedition, Argentine meteorological hut and magnetic observatory (Moneta house) and graveyard.

HSM 43 Cross erected in 1955 and subsequently moved to Belgrano II Station, Nunatak Bertrab, Confin Coast, Coats Land in 1979.

HSM 44 Plaque erected at temporary Indian Station "Dakshin Gangotri," Princess Astrid Kyst, Dronning Maud Land, listing the names of the first Indian Antarctic Expedition.

HSM 45 Plaque on Brabant Island, on Metchnikoff Point, at a height of 70m on the crest of the moraine separating this point from the glacier and bearing an inscription.

HSM 46 All of the buildings and installations of Port-Martin Base, Terre Adelie, constructed in 1950 by the 3rd French expedition in Terre Adelie.

HSM 47 Wooden building called "Base Marret" on the Ile des Petrels, Terre Adelie.

HSM 48 Iron Cross on the North-East headland of the Ile des Petrels, Terre Adelie.

HSM 49 Concrete pillar erected by the First Polish Antarctic Expedition at Dobrowski Station on Bunger Hill in January 1959, to measure acceleration due to gravity.

HSM 50 Brass Plaque bearing the Polish Eagle at Fildes Peninsula, King George Island, South Shetland Islands.

HSM 51 Grave of Wlodzimierz Puchalski, surmounted by an iron cross south of Arctowski station on King George Island, South Shetland Islands.

HSM 52 Monolith commemorating the establishment on 20 February 1965 of the "Great Wall Station" on Fildes Peninsula, King George Island, South Shetland Islands.

HSM 53 Bust of Captain Luis Alberto Pardo, monolith and plaques on Point Wild, Elephant Island, South Shetland Islands.

HSM 54 Richard E. Byrd Historic Monument, a bronze bust at McMurdo Station.

HSM 55 East Base, Antarctica, Stonington Island (Buildings and artifacts) erected by the Antarctic Service Expedition (1939-1941) and the Ronne Antarctic Research Expedition (1947-1948).

HSM 56 Waterboat Point, Danco Coast, (remains of hut and environs).

HSM 57 Plaque at "Yankee Bay" (Yankee Harbour), MacFarlane Strait, Greenwich Island, South Shetland Islands.

HSM 59 Cairn on Half Moon Beach, Cape Shirreff, Livingston Island, South Shetland Islands and a Plaque on 'Cerro Gaviota' opposite San Telmo Islets.

HSM 60 Wooden plaque and cairn placed in November 1903 at "Penguins Bay," Seymour Island (Marambio), James Ross Archipelago.

HSM 61 "Base A" at Port Lockroy, Goudier Island, off Wiencke Island.

HSM 62 "Base F" (Wordie House) on Winter Island, Argentine Islands.

HSM 63 "Base Y" on Horseshoe Island, Marguerite Bay, western Graham Land.

HSM 64 "Base E" on Stonington Island, Marguerite Bay, western Graham Land.

HSM 65 Message post erected in January 1895 on Svend Foyn Island, Possession Islands.

HSM 66 Prestrud's cairn, Scott Nunataks, Alexandra Mountains, Edward VII Peninsula erected in December 1911.

HSM 67 Rock shelter known as "Granite House," erected in 1911 at Cape Geology, Granite Harbour.

HSM 68 Site of depot at Hells Gate Moraine, Inexpressible Island, Terra Nova Bay.

HSM 69 Message post at Cape Crozier, Ross Island, erected January 1902 by Capt. Robert F. Scott's Discovery Expedition.

HSM 70 Message post at Cape Wadworth, Coulman Island, erected January 1902 by Capt. Robert F. Scott.

HSM 71 Whalers Bay, Deception Island, South Shetland Islands (includes whaling artifacts).

HSM 72 Mikkelsen Cairn, Tryne Islands, Vestfold Hills.

HSM 73 Memorial Cross for the 1979 Mount Erebus crash victims, erected in January 1987 at Lewis Bay, Ross Island.

HSM 74 Unnamed cove on the south-west coast of Elephant Island, South Shetland Islands, including the foreshore and intertidal area, in which the wreckage of a large wooden sailing vessel is located.

HSM 75 "A Hut" of Scott base, Pram Point, Ross Island.

HSM 76 Ruins of base Pedro Aguirre Cerda, Pendulum Cove, Deception Island, South Shetland Islands.

HSM 77 Cape Denison, Commonwealth Bay, George V Land, including Boat Harbour and the historic artifacts contained within its waters.

HSM 78 Memorial Plaque at India Point, Humboldt Mountains, Wohlthat Massif, central Dronning Maud Land.

HSM 79 Lillie Marleen Hut, Mt. Dockery, Everett Range, Northern Victoria Land.

HSM 80 Amundsen's Tent erected in December 1911 at the South Pole.

HSM 81 Rocher du Debarquement (Landing Rock).

HSM 82 Monument to the Antarctic Treaty and Plaques, Fildes Peninsula, King George Island, South Shetland Islands.

HSM 83 Base "W" established in 1956 at Detaille Island, Lallemande Fjord, Loubert Coast.

HSM 84 Hut at erected in 1973 at Damoy Point, Dorian Bay, Wiencke Island, Palmer Archipelago.

HSM 85 Plaque Commemorating the PM-3A Nuclear Power Plant at McMurdo Station.

HSM 86 No.1 Building Commemorating China's Antarctic Expedition at Great Wall Station.

HSM 87 Location of the first permanently occupied German Antarctic research station "Georg Forster" at the Schirmacher Oasis, Dronning Maud Land.

HSM 88 Professor Kudryashov's Drilling Complex Building, Vostok Station.

HSM 89 Terra Nova Expedition  
1910–12, Upper “Summit Camp”,  
Mount Erebus.

HSM 90 Terra Nova Expedition  
1910–12, Lower “Camp E” Site, Mount  
Erebus.

HSM 91 Lame Dog Hut at the  
Bulgarian base St. Kliment Ohridski,  
Livingston Island.

HSM 92 Oversnow heavy tractor  
“Kharkovchanka” that was used in  
Antarctica from 1959 to 2010.

Dated: April 9, 2019.

**Lawrence Rudolph,**  
*General Counsel.*

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