Congressional Review Act

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not satisfying the criteria under 5 U.S.C. 804(2).

List of Subjects in 38 CFR Part 38

Administrative practice and procedure, Cemeteries, Claims, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved and signed this document on April 11, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons set forth in the preamble, the Department of Veterans Affairs amends 38 CFR part 38 as follows:

PART 38—NATIONAL CEMETERIES OF THE DEPARTMENT OF VETERANS AFFAIRS

■ 1. The authority citation for part 38 continues to read as follows:

Authority: 38 U.S.C. 107, 501, 512, 531, 2306, 2400, 2402, 2403, 2404, 2407, 2408, 2411, 7105.

■ 2. Amend § 38.600 by revising the definition of ''Interment'' to read as follows:

§ 38.600 Definitions.

(a) * * *

Interment means the burial or entombment of casketed or cremated remains, including the placement of cremated remains in a columbarium niche.

* * * * *

■ 3. Add § 38.634 to read as follows:

§ 38.634 Commemorative urns and plaques.

(a) *General.* (1) In lieu of furnishing a headstone, marker, or medallion under this part, the Department of Veterans Affairs (VA) will furnish, when requested—

(i) A commemorative urn; or

(ii) A commemorative plaque.

(2) For the purposes of this section, the following definitions apply:

(i) *Commemorative urn* means a container that signifies the deceased individual's status as a veteran, in which the individual's cremated remains may be placed at private expense.

(ii) *Commemorative plaque* means a tablet that signifies the deceased individual's status as a veteran.

(3) If VA furnishes a commemorative plaque or a commemorative urn for an individual under this section, VA may not provide for such individual—

(i) A headstone, marker, or medallion; or

(ii) Any burial benefit under 38 U.S.C. 2402.

(4) Any commemorative plaque or commemorative urn furnished under this section shall be the personal property of the applicant.

(5) The Federal Government shall not be liable for any damage to a commemorative plaque or urn furnished under this section that occurs after the date on which the commemorative plaque or urn is furnished. VA will not replace a commemorative plaque or urn unless it was damaged during shipping or contains a manufacturing deficiency or inscription error.

(b) *Eligible individuals to be commemorated.* An eligible individual for purposes of this section is a deceased individual:

(1) Who served in the Armed Forces on or after April 6, 1917;

(2) Who is eligible for, but has not received, a headstone, marker, or medallion under 38 U.S.C. 2306(d) (or would be so eligible but for the date of the death of the individual); and

(3) Whose remains were cremated and not interred (see § 38.600 for definition of interment).

(c) *Application process.* (1) *Applicant.* An applicant for a commemorative plaque or urn must be a member of the veteran's family, which includes the veteran's spouse or individual who was in a legal union as defined in § 3.1702(b)(1)(ii) of this chapter with the veteran; a child, parent, or sibling of the veteran, whether biological, adopted, or step relation; and any lineal or collateral descendant of the veteran.

(2) *Application.* An applicant must submit a completed VA Form 40–1330UP, Claim for Commemorative Urn or Commemorative Plaque for Veteran's Cremains Not Interred in a Cemetery. The National Cemetery Administration will verify the decedent's eligibility for a commemorative plaque or urn. Applicants must certify that they have read a statement about other benefits to which the veteran will lose benefit rights, that the decedent's remains were cremated and are not interred at the time of application, that the applicant is a member of the decedent's family authorized to make decisions about the disposition of the decedent's remains, and that the applicant is in possession of the entirety of the cremains. Other required claim information will include documentation of the decedent's eligibility and the applicant's contact information and mailing address. VA's duty to notify claimants of necessary information or evidence under § 3.159(b) of this chapter and duty to assist claimants in obtaining evidence under § 3.159(c) of this chapter will apply.

[FR Doc. 2024–10194 Filed 5–9–24; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0613 and EPA–HQ–OPP–2023–0347; FRL–11898–01–OCSPP]

1-Propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts; and 1-Propanaminium, 3-amino-N-(carboxymethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, hydroxides, inner salts in Pesticide Formulations; Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts (CAS Reg. No. 499781–63–4) when used as an inert ingredient (adjuvant or surfactant) on growing crops and raw agricultural commodities pre- and post-harvest. This regulation also establishes an exemption from the requirement of a tolerance for residues of 1-propanaminium, 3-amino-N-(carboxymethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, hydroxides, inner salts (CAS Reg. No. 61789–40–0), also known as cocamidopropyl betaine, when used as an inert ingredient (surfactant) on growing crops pre-harvest. Oxiteno USA, LLC and Bi-PA NV, respectively, each submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance for each of these substances. This regulation eliminates the need to establish a maximum permissible level for residues of 1-propanaminium, 3-

amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts; and cocamidopropyl betaine when used in accordance with the terms of these exemptions.

DATES: This regulation is effective May 10, 2024. Objections and requests for hearings must be received on or before July 9, 2024 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 dockets for these actions, identified by docket identification (ID) numbers EPA–HQ–OPP–2021–0613 and EPA–HQ–OPP–2023–0347, are available at *https://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 and the OPP docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), 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–2021–0613 or EPA–HQ–OPP–2023–0347 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 July 9, 2024. 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–2021–0613 or EPA–HQ–OPP–2023–0347, by one of the following methods:

- *Federal eRulemaking Portal: https://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 *https://www.epa.gov/dockets/where-send-comments-epa-dockets#express.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

II. Petition for Exemption

In the **Federal Register** of October 21, 2021 (86 FR 58239) (FRL–8792–04–OSCPP), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–11550) by Spring Regulatory Sciences, on behalf of Oxiteno USA, LLC, 3200 Southwest Freeway, Suite 1200, Houston, TX 77027. The petition requested that 40 CFR 180.910 be amended by establishing an exemption from the requirement of a tolerance for residues of 1-propanaminium, 3-amino-N-(2-carboxyethyl)- *N,N*-dimethyl-, N-coco acyl derivatives, inner salts (CAS Reg. No. 499781–63–4) when used as an inert ingredient (adjuvant or surfactant) in pesticide formulations applied to growing crops or raw agricultural commodities pre- and post-harvest. This document referenced a summary of the petition prepared by Oxiteno USA, LLC, which is available in the docket at *https://www.regulations.gov.* There were no comments received in response to the notice of filing.

In the **Federal Register** of Wednesday, July 26, 2023 (88 FR 48179) (FRL–10579–06–OSCPP), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–11782) by SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192 on behalf of Bi-PA NV. The petition requested that 40 CFR 180.920 be amended by establishing an exemption from the requirement of a tolerance for residues of cocamidopropyl betaine (CAS Reg. No. 61789–40–0) when used as an inert ingredient (surfactant) in pesticide formulations pre-harvest at levels up to 10% w/w in pesticide formulations. This document referenced a summary of the petition prepared by Bi-PA NV, which is available in the docket at *https://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petitions and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA is establishing an exemption for residues of 1-propanaminium, 3-amino-N-(2-carboxyethyl)- *N,N*-dimethyl-, N-coco acyl derivatives, inner salts that includes a limitation of 25% w/w in pesticide formulations to account for potential aquatic toxicity. A revised petition was submitted by Oxiteno USA, LLC, to support this change to the petitioned-for exemption.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as

polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the 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. When EPA makes a safety determination for an exemption from the requirement of a tolerance, FFDCA section 408(c)(2)(B) directs the Agency to take into account the considerations in section 408(b)(2)(C) and (D). Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or exemption 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 . . . .'' Section 408(b)(2)(D) lists other factors for EPA's consideration when making safety determinations, including the validity, completeness, and reliability of available data, nature of toxic effects, available information concerning the cumulative effects of the pesticide chemical and other substances with a common mechanism of toxicity, and available information concerning aggregate exposure levels to the pesticide chemical and other related substances.

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no harm 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(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of these actions. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine, including exposure resulting from the exemptions established by this action. EPA's assessment of exposures and risks associated with 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies 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. Specific information on the studies received and the nature of the adverse effects caused by 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

The toxicological database of 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts is supported by data regarding cocamidopropyl betaine and to a lesser extent, two other alkylamidopropyl betaines. EPA has determined that it is appropriate to bridge alkylamidopropyl betaine data to assess 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts due to similarities in the manufacturing processes, functional groups/structure, composition, and physical/chemical properties, and among the available human health toxicity and ecological toxicity data of these substances.

1-Propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine exhibit moderate acute toxicity via the oral and dermal routes. No inhalation studies were available but, based on their physical-chemical properties, they are not expected to volatilize and therefore are not expected to be an inhalation toxicant.

They were shown to be a moderate dermal irritant in some studies and a non-irritant in others. They are severe eye irritants. Although some skin sensitization effects were seen in the acute studies, these chemicals contain byproducts that are known to cause sensitization. Therefore, it is possible the effects are from chemical byproducts and with proper manufacturing controls, these irritating components can be decreased.

The repeated-dose toxicity studies showed no concern for systemic effects. Local irritation was seen in the forestomach of dams in subchronic studies and in one developmental toxicity study following gavage administration. This forestomach irritation likely resulted in the decreased maternal body weight gain and food consumption and the associated developmental effects observed at the highest dose tested (*i.e.,* post-implantation loss and decreased mean fetal body weight). Due to the bolus administration of the compound (which may increase the irritation potential of a chemical), the lack of a forestomach in humans, and the developmental effects occurring at very high doses only, the effects observed are not considered relevant for human health risk assessment.

Although no specific neurotoxicity studies were conducted, there was no evidence of neurotoxicity following repeated dosing. The neurotoxicity observed following acute dosing occurred at doses not relevant for risk assessment purposes (*i.e.,* doses >1,000 mg/kg). Furthermore, concern for carcinogenicity is low, based on negative results in mutagenicity studies, and the lack of structural alerts for carcinogenicity.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern (LOC) to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program.*

The hazard profiles of 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine are adequately defined. Overall, these chemicals are of low to moderate acute toxicity, and low subchronic and developmental toxicity. No toxicity relevant for risk assessment was observed up to 1,000 mg/kg/day. Therefore, no toxicological endpoints of concern or PODs were identified and a qualitative risk assessment for 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine was performed.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine, EPA considered exposure under the proposed exemptions from the requirement of a tolerance. EPA assessed dietary exposures from 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine in food as follows.

Dietary exposure (food and drinking water) to 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine may occur following ingestion of foods with residues from their use in accordance with these exemptions. However, a quantitative dietary exposure assessment was not conducted since a toxicological endpoint for risk assessment was not identified.

2. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

1-Propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine may be present in pesticide and non-pesticide products that may be used in and around the home. However, a quantitative residential exposure assessment was not conducted since a toxicological endpoint for risk assessment was not identified.

3. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance or exemption, 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.''

Based on the lack of systemic toxicity in the available database, EPA has not found 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine to share a common mechanism of toxicity with any other substances, and 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine do not appear to produce a toxic metabolite produced by other substances. For the purposes of these tolerance exemptions, therefore, EPA has assumed that 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine do not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) safety factor. In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

Based on an assessment of 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine, EPA has concluded that there are no toxicological endpoints of concern for the U.S. population, including infants and children. Because there are no threshold effects associated with 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts or cocamidopropyl betaine, EPA conducted a qualitative assessment. As part of that assessment, the Agency did not use safety factors for assessing risk, and no additional safety factor is needed for assessing risk to infants and children.

E. Aggregate Risks and Determination of Safety

Because no toxicological endpoints of concern were identified, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts or cocamidopropyl betaine residues.

V. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is not establishing a numerical tolerance for residues of 1-propanaminium, 3-amino-N-(2-

carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts or cocamidopropyl betaine in or on any food commodities. EPA is establishing a limitation on the amount of 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and cocamidopropyl betaine that may be used in pesticide formulations. This limitation is based on the potential for aquatic toxicity and will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (''FIFRA''), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide formulation for food use that exceeds 25% 1-propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts and/or 10% cocamidopropyl betaine in the final pesticide formulation.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established for residues of 1-propanaminium, 3-amino-N-(2-carboxyethyl)- *N,N*-dimethyl-, N-coco acyl derivatives, inner salts (CAS Reg. No. 499781–63–4) when used as an inert ingredient (adjuvant or surfactant) up to 25% w/w in pesticide formulations applied to growing crops or raw agricultural commodities pre- and post-harvest under 40 CFR 180.910.

An exemption from the requirement of a tolerance is also established for residues of 1-propanaminium, 3-amino-N-(carboxymethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, hydroxides, inner salts (CAS Reg. No. 61789–40–0), also known as cocamidopropyl betaine, when used as an inert ingredient (surfactant) up to 10% w/w in pesticide formulations applied to growing crops pre-harvest under 40 CFR 180.920.

VII. Statutory and Executive Order Reviews

This action establishes exemptions from the requirement of 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 action has been exempted from review under Executive Order 12866, this action 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 action 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 exemptions 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 action 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 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 (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 (NTTAA) (15 U.S.C. 272 note).

VIII. 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: May 2, 2024.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 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, amend table 1 to 180.910 by adding, in alphabetical order, an entry for ''1-Propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts (CAS Reg. No. 499781–63–4)'' to read as follows:

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

* * * * *

TABLE 1 TO 180.910

Inert ingredients	Limits	Uses
* * * * * * *		
1-Propanaminium, 3-amino-N-(2-carboxyethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, inner salts (CAS Reg. No. 499781–63–4).	25% w/w in pesticide formulation ..	Adjuvant or surfactant.
* * * * * * *		

■ 3. In § 180.920, amend table 1 to 180.920 by adding, in alphabetical order, an entry for ''1-Propanaminium, 3-amino-N-(carboxymethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, hydroxides, inner salts (CAS Reg. No. 61789–40–0)'' to read as follows:

§ 180.920 Inert ingredients used pre-harvest; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO 180.920

Inert ingredients	Limits	Uses
* * *	* *	* *
1-Propanaminium, 3-amino-N-(carboxymethyl)-*N,N*-dimethyl-, N-coco acyl derivatives, hydroxides, inner salts (CAS Reg. No. 61789–40–0).	10% w/w in pesticide formulation ..	Surfactant.
* * *	* *	* *

[FR Doc. 2024–10182 Filed 5–9–24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2022–0887; FRL–11734–01–OCSPP]

Cyflumetofen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of cyflumetofen in or on the following raw agricultural commodities: berry, low growing, subgroup 13–07G; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F; and vegetable, cucurbit, group 9. The Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 10, 2024. Objections and requests for hearings must be received on or before July 9, 2024, 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–2022–0887, is available at *https://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 and the OPP Docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Office of the Federal Register's e-CFR site at *https://www.ecfr.gov//.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), 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–2022–0887 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 July 9, 2024. 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–2022–0887, by one of the following methods:

- *Federal eRulemaking Portal: https://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 *https://www.epa.gov/.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/.*