requester could effectively limit the scope of the request.

(2) PBGC has determined that unusual circumstances (as defined in section 552(a)(6)(B) of FOIA) apply, PBGC has provided timely written notice to the requester of the unusual circumstances extending the time limit by 10 additional days, and PBGC processes the disclosure request within that time.

(3) A court has determined that exceptional circumstances exist (as defined in section 552(a)(6)(C) of FOIA) and has issued an order excusing PBGC's failure to comply with the time limit.

■ 24. Amend § 4901.32 by revising paragraphs (a) and (b) to read as follows:

§ 4901.32 Fee schedule.

(a) *Charges for searching and review of records.* Charges applicable under this subpart to the search for and review of records will be made according to the following fee schedule:

(1) *Search time and review time.* For ordinary search services and review services, PBGC charges $54.00 per hour. PBGC charges fees in quarter hour increments.

(2) *Retrieving records stored by NARA.* For disclosure requests that require the retrieval of records stored at a Federal records center operated by the National Archives and Records Administration (NARA), PBGC charges additional costs in accordance with the Transactional Billing Rate Schedule established by NARA.

(b) *Charges for duplication of records.* Charges applicable under this subpart for obtaining requested copies of records made available for inspection will be made according to the following fee schedule and subject to the following conditions.

(1) *Standard copying fee.* $0.15 for each page of record copies furnished.

(2) *Voluminous material.* If the volume of page copy desired by the requester is such that the reproduction charge at the standard page rate would be in excess of $50, the person desiring reproduction may request a special rate quotation from PBGC.

(3) *Indexes.* Pursuant to section 552(a)(2) of FOIA copies of indexes or supplements thereto which are maintained as therein provided but which have not been published will be provided on request at a cost not to exceed the direct cost of duplication.

* * * * *

■ 25. Amend § 4901.33 by:

■ a. Revising paragraphs (a), (b) introductory text, and (b)(1);

■ b. Removing ''the PBGC'' and adding in its place ''PBGC'' in paragraph (b)(2); and

■ c. Removing ''The PBGC'' and adding in its place ''PBGC'' in paragraph (c).

The revisions read as follows:

§ 4901.33 Payment of fees.

(a) *Medium of payment.* Payment of the applicable fees as provided in this section must be made by check, money order, or other PBGC permitted method, and in accordance with the FOIA instructions on PBGC's website, *www.pbgc.gov.*

(b) *Advance payment or assurance of payment.* Payment or assurance of payment before work is begun or continued on a disclosure request may be required as follows:

(1) Where PBGC estimates or determines that charges allowable under the rules in this subpart, are likely to exceed $250, PBGC may require advance payment of the entire fee or assurance of payment, as follows:

(i) Where the requester has a history of prompt payment of fees under this part, PBGC will notify the requester of the likely cost and obtain satisfactory assurance of full payment; or

(ii) Where the requester has no history of payment for requests made pursuant to FOIA and this part, PBGC may require the requester to make an advance payment of an amount up to the full estimated charges.

* * * * *

■ 26. Amend § 4901.34 by:

■ a. Removing ''disclosure officer'', ''government'', ''waiver request shall'', and ''request for waiver'' and adding in their places ''Disclosure Officer'', ''Government'', ''waiver or reduction request must'', and ''request'', respectively, in paragraph (a); and

■ b. Revising paragraph (b).

The revision reads as follows:

§ 4901.34 Waiver or reduction of charges.

* * * * *

(b) If the Disclosure Officer determines that the request for fee waiver or reduction will be denied, the requester will be so advised in writing with a brief statement of the reasons for the denial. The writing will include the name and title or position of the person(s) responsible for the denial, outline the appeal procedure available, and notify the requester of the right to seek dispute resolution services from a PBGC FOIA Public Liaison or the Office of Government Information Services.

Issued in Washington, DC.

Gordon Hartogensis,

Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2022–15797 Filed 7–22–22; 8:45 am]

BILLING CODE 7709–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0571; FRL–9964–01–OCSPP]

Methylorubrum extorquens Strain NLS0042; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of *Methylorubrum extorquens* strain NLS0042 in or on all food commodities when used in accordance with label directions and good agricultural practices. NewLeaf Symbiotics, 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 *Methylorubrum extorquens* strain NLS0042 under FFDCA when used in accordance with this exemption.

DATES: This regulation is effective July 25, 2022. Objections and requests for hearings must be received on or before September 23, 2022, 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–2021–0571, 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. For the latest status information on EPA/DC services, docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (7511M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1400; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of 40 CFR part 180 through the 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–2021–0571 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 September 23, 2022. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b), although EPA strongly encourages those interested in submitting objections or a hearing request to submit objections and hearing requests electronically. *See* Order Urging Electronic Service and Filing (April 10, 2020), *https://www.epa.gov/sites/production/files/2020-05/documents/2020-04-10_-_order_urging_electronic_service_and_filing.pdf.* At this time, because of the COVID–19 pandemic, the judges and staff of the Office of Administrative Law Judges are working remotely and not able to accept filings or correspondence by courier, personal delivery, or commercial delivery, and the ability to receive filings or correspondence by U.S. Mail is similarly limited. When submitting documents to the U.S. EPA Office of Administrative Law Judges (OALJ), a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/OA/EAB/EAB-ALJ_upload.nsf.*

Although EPA's regulations require submission via U.S. Mail or hand delivery, EPA intends to treat submissions filed via electronic means as properly filed submissions during this time that the Agency continues to maximize telework due to the pandemic; therefore, EPA believes the preference for submission via electronic means will not be prejudicial. If it is impossible for a person to submit documents electronically or receive service electronically, *e.g.,* the person does not have any access to a computer, the person shall so advise OALJ by contacting the Hearing Clerk at (202) 564–6281. If a person is without access to a computer and must file documents by U.S. Mail, the person shall notify the Hearing Clerk every time it files a document in such a manner. The address for mailing documents is U.S. Environmental Protection Agency, Office of Administrative Law Judges, Mail Code 1900R, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

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–2021–0571, 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/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

II. Background

In the **Federal Register** of September 22, 2021 (86 FR 52624) (FRL–8792–03), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 1F8903) by NewLeaf Symbiotics Inc., 1005 North Warson Road, St. Louis, MO 63132. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of *Methylorubrum extorquens* strain NLS0042 in or on all food commodities. That document referenced a summary of the petition prepared by the petitioner NewLeaf Symbiotics Inc., which is available in the docket via *https://www.regulations.gov.* There were no comments received in response to the notice of filing.

III. Final Rule

A. EPA's Safety Determination

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. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or tolerance 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 . . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that EPA consider ''available information concerning the cumulative effects of [a particular pesticide's] . . . residues and other substances that have a common mechanism of toxicity.''

EPA evaluated the available toxicity and exposure data on *Methylorubrum extorquens* strain NLS0042 and considered its validity, completeness, and reliability, as well as the

relationship of this information to human risk. A full explanation of the data upon which EPA relied and its risk assessment based on that data can be found within the document entitled, ''Human Health Risk Assessment of *Methylorubrum extorquens* strain NLS0042, a New Active Ingredient, in TS201 (End-use Product) Proposed for Registration and an Associated Petition Requesting a Tolerance Exemption'' (*Methylorubrum extorquens* strain NLS0042 Human Health Risk Assessment). This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

The available data and rationale demonstrated that, with regard to humans, *Methylorubrum extorquens* strain NLS0042 is not toxic, pathogenic, or infective via the pulmonary route of exposure when *Methylorubrum extorquens* strain NLS0042 and other (inert) ingredients were administered through the intratracheal route at a single dose of 3.16×10^7 colony-forming units per test animal. Although the dose used in the pulmonary toxicity/pathogenicity study was below the guideline minimum dose, EPA determined the results of the study to be useful for risk assessment purposes. *Methylorubrum extorquens* strain NLS0042 is not anticipated to be toxic, pathogenic, or infective via the oral or injection routes of exposure based on rationale supported by acute toxicity data conducted with a mixture of *Methylorubrum extorquens* strain NLS0042 and other (inert) ingredients and a temperature growth curve study which demonstrated that *Methylorubrum extorquens* strain NLS0042 does not grow at human body temperature. Additionally, the acute pulmonary toxicity/pathogenicity study demonstrated a pattern of clearance of *Methylorubrum extorquens* strain NLS0042 from the lungs of the test animals. Significant dietary and non-occupational exposures to residues of *Methylorubrum extorquens* strain NLS0042 are not anticipated because it will be used only in soil directed or seed treatment applications at low application rates. These uses are not expected to significantly increase levels of *Methylorubrum extorquens* strain NLS0042 above naturally occurring background levels and *Methylorubrum extorquens* strain NLS0042 is not expected to survive the harsh conditions of municipal water treatment processes (*e.g.,* pH adjustments). Even if dietary exposure to residues of *Methylorubrum extorquens* strain NLS0042 were to occur, there is not a concern due to the lack of potential for adverse effects. If non-occupational, residential exposure were to occur, there is not a concern due to lack of potential for adverse effects and lack of exposure. Although there is uncertainty regarding inhalation hazard, there is no non-occupational, residential exposure via the inhalation route, therefore there is no risk of concern. Because there are no threshold levels of concern with the toxicity, pathogenicity, or infectivity of *Methylorubrum extorquens* strain NLS0042, EPA determined that the additional margin of safety referred to as the Food Quality Protection Act Safety Factor is not necessary to protect infants and children as part of the qualitative assessment conducted.

Based upon its evaluation in the *Methylorubrum extorquens* strain NLS0042 Human Health Risk Assessment, which concludes that there are no risks of concern from aggregate exposure to *Methylorubrum extorquens* strain NLS0042, EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of *Methylorubrum extorquens* strain NLS0042. Therefore, an exemption from the requirement of a tolerance is established for residues of *Methylorubrum extorquens* strain NLS0042 in or on all food commodities when used in accordance with label directions and good agricultural practices.

B. Analytical Enforcement Methodology

An analytical method is not required for *Methylorubrum extorquens* strain NLS0042 because EPA is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. Conclusion

Therefore, an exemption from the requirement of a tolerance is established for residues of *Methylorubrum extorquens* strain NLS0042 in or on all food commodities when used in accordance with label directions and good agricultural practices.

IV. Statutory and Executive Order Reviews

This action establishes a tolerance exemption under FFDCA section 408(d) in response to a petition submitted to EPA. 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 tolerance exemption in this action, 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. 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 (UMRA) (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 (NTTAA) (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: July 18, 2022.

Edward Messina,

Director, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA amends 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. Add § 180.1393 to subpart D to read as follows:

§ 180.1393 Methylorubrum extorquens strain NLS0042; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of *Methylorubrum extorquens* strain NLS0042 in or on all food commodities when used in accordance with label directions and good agricultural practices.

[FR Doc. 2022–15836 Filed 7–22–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 1

[HHS–OS–2020–0008; HHS–OS–2021–0001]

RIN 0991–AC29

Department of Health and Human Services Repeal of HHS Rules on Guidance, Enforcement, and Adjudication Procedures

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services (HHS or the Department) is issuing a final rule that repeals the regulations issued under two final rules: ''Department of Health and Human Services Good Guidance Practices,'' published in the **Federal Register** of December 7, 2020; and ''Department of Health and Human Services Transparency and Fairness in Civil Administrative Enforcement Actions,'' published in the **Federal Register** of January 14, 2021. This action removes HHS regulations regarding guidance, enforcement, and adjudication procedures.

DATES: This rule is effective August 24, 2022.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this final rule into the ''Search'' box and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Daniel J. Barry, Deputy General Counsel, 200 Independence Avenue SW, Washington, DC 20201. Email: *GoodGuidance@hhs.gov.* Telephone: 877–696–6775.

SUPPLEMENTARY INFORMATION:

I. Overview

HHS is repealing two procedural rules that were issued in December 2020 and January 2021 to implement Executive orders (EOs) issued on October 9, 2019. One rule relates to guidance document procedures and the other relates to civil administrative enforcement and adjudication procedures (collectively, the Final Rules). The Department codified the Final Rules in 45 CFR part 1.

On January 20, 2021, President Biden, under a new Administration, revoked both EOs that served as the basis for the Final Rules and directed agencies to promptly take steps to rescind any rules and policies implementing or enforcing the revoked EOs, as appropriate and consistent with applicable law. Accordingly, the Department has reconsidered the Final Rules. We now conclude that they create unnecessary hurdles that hinder the Department's ability to issue guidance, bring enforcement actions, and take other appropriate actions that advance the Department's mission. The Department continues to abide by its longstanding commitment to follow applicable principles of due process and administrative law; however, upon further reflection, we now conclude that the Final Rules establish procedures well beyond anything required by applicable law. Moreover, in significantly burdening the Department, these procedures are inconsistent with the policies and goals of the current Administration to ensure that HHS can appropriately leverage administrative tools to protect and advance the public health and welfare. In addition, the Final Rules created a single set of procedures for guidance documents and civil enforcement for the entire Department, which we believe is contrary to the efficient and effective administration of the wide array of programs carried out by the Department, given the diversity of those programs.

For these reasons, we issued a notice of proposed rulemaking on October 19, 2021, to repeal the Final Rules. 86 FR 58042 (Oct. 20, 2021) (Repeal NPRM). As discussed in greater detail in the Repeal NPRM and in this document, and consistent with the President's January 20, 2021, directive, we are now repealing the Final Rules in their entirety.

II. History of the Rulemaking

On October 9, 2019, the White House issued two EOs: Executive Order 13891, ''Promoting the Rule of Law Through Improved Agency Guidance Documents,'' 84 FR 55235 (Oct. 15, 2019) (E.O. 13891), and Executive Order 13892, ''Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication,'' 84 FR 55239 (Oct. 15, 2019) (E.O. 13892). These EOs served as the basis for the Final Rules, which were promulgated by the Department in December 2020 and January 2021: ''Department of Health and Human Services Good Guidance Practices,'' 85 FR 78770 (Dec. 7, 2020) (the Guidance rule, effective January 6, 2021), and ''Department of Health and Human Services Transparency and Fairness in Civil Administrative Enforcement Actions,'' 86 FR 3010 (Jan. 14, 2021) (the Civil Enforcement rule, effective January 12, 2021). The Department codified the Final Rules collectively in 45 CFR part 1. Shortly after the rules became effective, on January 20, 2021, President Biden, under a new Administration, issued Executive Order 13992, which revoked both EOs that served as the basis for these rules and instructed agencies to rescind, ''as appropriate and consistent with applicable law,'' any rules that were based on the revoked EOs. 86 FR 7049 (Jan. 25, 2021). Consistent with that instruction, the Department carefully reconsidered the Final Rules and then published the Repeal NPRM explaining why it proposed to repeal the Final Rules. 86 FR 58042 (Oct. 20, 2021).