

*Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerances 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 section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

## VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. 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 this final rule in the **Federal Register**. This final rule 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 27, 2010.

**Daniel J. Rosenblatt,**

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. Amend § 180.555 as follows:

■ a. Revise the introductory text of paragraph (a).

■ b. Revise the following entries in the table in paragraph (a): cattle, fat; cattle, meat; cattle, meat byproducts; corn, field, forage; corn, sweet, forage; corn, sweet, stover; goat, fat; goat, meat; goat, meat byproducts; horse, fat; horse, meat; horse, meat byproducts; and sheep, fat; sheep, meat; and sheep, meat byproducts.

■ c. Revise paragraph (b).

The revisions read as follows:

### § 180.555 Trifloxystrobin; tolerances for residues.

(a) *General.* Tolerances are established for residues of trifloxystrobin, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of trifloxystrobin, benzeneacetic acid, (*E,E*)- $\alpha$ -(methoxyimino)-2-[[[1-[3-(trifluoromethyl) phenyl]ethylidene] amino]oxy]methyl]-, methyl ester, and the free form of its acid metabolite CGA-321113, (*E,E*)-methoxyimino-[2-[1-(3-trifluoromethyl-phenyl)-ethylideneamino]oxy]methyl]-phenyl]acetic acid, calculated as the stoichiometric equivalent of trifloxystrobin, in or on the commodity.

Commodity	Parts per million
* * * *	*
Cattle, fat .....	0.1
Cattle, meat .....	0.1
Cattle, meat byproducts .....	0.1
* * * *	*
Corn, field, forage .....	6.0
* * * *	*
Corn, sweet, forage .....	7.0
* * * *	*
Corn, sweet, stover .....	4.0
* * * *	*
Goat, fat .....	0.1
Goat, meat .....	0.1
Goat, meat byproducts .....	0.1
* * * *	*
Horse, fat .....	0.1
Horse, meat .....	0.1
Horse, meat byproducts .....	0.1
* * * *	*
Sheep, fat .....	0.1
Sheep, meat .....	0.1
Sheep, meat byproducts .....	0.1
* * * *	*

(b) *Section 18 emergency exemptions.*  
[Reserved]

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Part 252

#### Defense Federal Acquisition Regulation Supplement; New Designated Country—Taiwan—DFARS Case 2009-D010)

**AGENCY:** Defense Acquisition Regulations System; Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is adopting, as final, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add Taiwan as a designated country, due to the accession of Taiwan to membership in the World Trade Organization Government Procurement Agreement.

**DATES:** *Effective date:* June 11, 2010.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition

Regulations System, OUSD (AT&L) DPAP (DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060. Telephone 703–602–0328; facsimile 703–602–0350. Please cite DFARS Case 2009–D022.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

On July 15, 2009, Taiwan became a designated country under the World Trade Organization Government Procurement Agreement. DoD published an interim rule at 74 FR 61045 on November 23, 2009, that added Taiwan to the list of World Trade Organization Government Procurement Agreement countries in the trade agreement provisions and clauses in Part 252.

DoD notes that being added as a “designated country” under trade agreements does not affect Taiwan’s status with regard to being an acceptable source for specialty metals and items containing specialty metals. The exception to the specialty metals restrictions is only for specialty metals that are melted or produced in a “qualifying country” or items that contain specialty metals and are manufactured in a qualifying country. The qualifying countries are listed at DFARS 225.003(10). Taiwan is not a qualifying country.

DoD received comments from one respondent, but the comments were outside the scope of this case.

This rule was subject to Office of Management and Budget review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This is not a major rule.

##### **B. Regulatory Flexibility Act**

DoD certifies that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. Although the rule opens up Government procurement to the products of Taiwan in acquisitions that are subject to trade agreements, DoD only applies the trade agreements to acquisitions of those non-defense items listed at DFARS 225.401–70. Acquisitions of supplies that are set aside for small businesses are exempt.

##### **C. Paperwork Reduction Act**

Although the interim rule did not make any direct change to the provision at DFARS 252.225–7020, the addition of Taiwan as a designated country does affect the certification and information collection requirements in that provision, which is currently approved under Office of Management and Budget Control Number 0704–0229. DFARS

252.225–7020(a) references the definition of “designated country” in the clause at DFARS 252.225–7021, which has been changed by this rule to include Taiwan. The impact, however, is negligible.

#### **List of Subjects in 48 CFR Part 252**

Government procurement.

**Ynette R. Shelkin,**

*Editor, Defense Acquisition Regulations System.*

#### **Interim Rule Adopted as Final Without Change**

■ Accordingly, the interim rule amending 48 CFR part 252 which was published at 74 FR 61045 on November 23, 2009, is adopted as a final rule without change.

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### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

##### **50 CFR Part 660**

[Docket No. 100421192–0193–01]

**RIN 0648–XW80**

#### **Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Suspension of the Primary Pacific Whiting Season for the Shore-based Sector South of 42° North Latitude**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Fishing restrictions.

**SUMMARY:** NMFS announces the suspension of the Pacific whiting (whiting) fishery primary season for the shore-based sector south of 42° N. lat. at 8 p.m. local time (l.t.) May 16, 2010. “Per trip” limits for whiting were reinstated until 0001 hours June 15, 2010, at which time the primary season for the shore-based sector opens coastwide. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is intended to keep the harvest of whiting at the 2010 allocation levels.

**DATES:** Effective from 8 p.m. l.t. May 16, 2010, until 0001 hours June 15, 2010.

**FOR FURTHER INFORMATION CONTACT:** Becky Renko at 206–526–6110.

**SUPPLEMENTARY INFORMATION:** The regulations at 50 CFR 660.323(a) established separate allocations for the catcher/processor, mothership, and shore-based sectors of the whiting fishery. The 2010 commercial Optimum Yield (OY) for Pacific whiting is 140,996 mt. This is calculated by deducting the 49,939 mt tribal allocation and 3,000 mt for research catch and bycatch in non-groundfish fisheries from the 193,935 mt U.S. total catch OY. Each sector receives a portion of the commercial OY, with the catcher/processors getting 34 percent (47,939 mt), motherships getting 24 percent (33,839 mt), and the shore-based sector getting 42 percent (59,218 mt). The regulations further divide the shore-based allocation so that no more than 5 percent (2,961 mt) of the shore-based allocation may be taken in waters off the State of California before the primary season begins north of 42° N. lat. The 5–percent allocation is intended to minimize incidental catch of Chinook salmon.

The primary season for the shore-based sector is the period or periods when the large-scale target fishery is conducted, and when (per trip) limits are not in effect for vessels targeting Pacific whiting with mid-water gear. Because whiting migrate from south to north during the fishing year, the shore-based primary whiting season begins earlier south of 42° N. lat. than north. For 2010: the primary season for the shore-based sector between 42°–40°30' N. lat. began on April 1; south of 40°30' N. lat., the primary season began on April 15; and the fishery north of 42° N. lat. is scheduled to begin June 15. Although the fishery opened in April, the vessels choose to delay fishing until May 1, 2010.

Because the 2,961 mt allocation for the early season fishery off California was estimated to be reached, NMFS is announcing the suspension of the primary whiting season south of 42° N. lat. Regulations at 50 CFR 660.323 (b)(4) allow this action to be taken. The 20,000–lb (9,072 kg) trip limit that was in place before the start of the primary season south of 42° N. lat. was reinstated and remains in effect until the primary season fishery opens coastwide on June 15. A trip limit of 10,000 lb (4,536 kg) of whiting is in effect year-round (unless landings of whiting are prohibited) for vessels that fish in the Eureka area shoreward of the 100–fm (183–m) contour at any time during a fishing trip. This smaller limit is intended to minimize incidental catch of Chinook salmon, which are more likely to be caught shallower than 100 fm (183 m) in the Eureka area.