

Dated: August 25, 2008.

Lois Rossi,

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. Section 180.585 is amended by revising paragraph (a) to read as follows:

§ 180.585 Pyraflufen-ethyl; tolerances for residues.

(a) *General.* Tolerances are established for residues of the herbicide, pyraflufen-ethyl, ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazol-3-yl)-4-fluorophenoxyacetate, and its acid metabolite, E-1, 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazol-3-yl)-4-fluorophenoxyacetic acid, expressed in terms of the parent in or on the following food commodities:

Commodity	Parts per million	Expiration/revocation date
Cattle, meat by-products	0.02	10/15/12
Corn, field, forage	0.01	None
Corn, field, grain	0.01	None
Corn, field, stover	0.01	None
Cotton, gin by-products	1.5	None
Cotton, undelinted seed	0.04	None
Goat, meat by-products	0.02	10/15/12
Grass, forage, group 17	1.0	None
Grass, hay, group 17	1.4	None
Horse, meat by-products	0.02	10/15/12
Milk	0.02	10/15/12
Potato	0.02	None
Sheep, meat by-products	0.02	10/15/12
Soybean, forage	0.05	None
Soybean, hay	0.10	None
Soybean, seed	0.01	None
Wheat, forage	0.02	None
Wheat, grain	0.01	None
Wheat, hay	0.01	None
Wheat, straw	0.01	None

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 070717340-8451-02]

RIN 0648-XK16

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Directed Butterfish Fishery

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the directed fishery for butterfish in the Exclusive Economic Zone (EEZ) will be closed effective 0001 hours, September 5, 2008. Vessels issued a Federal permit to harvest butterfish may not retain or land more than 250 lb (0.11-mt) of butterfish per trip for the remainder of the year (through December 31, 2008). This action is necessary to prevent the fishery from exceeding its domestic annual harvest (DAH) of 500 mt and to allow for effective management of this stock.

DATES: Effective 0001 hours, September 5, 2008, through 2400 hours, December 31, 2008.

FOR FURTHER INFORMATION CONTACT: Don Frei, Fishery Management Specialist, 978-281-9221, Fax 978-281-9135.

SUPPLEMENTARY INFORMATION: Regulations governing the butterfish fishery are found at 50 CFR part 648. The regulations require specifications for maximum sustainable yield, initial optimum yield, allowable biological catch, domestic annual harvest (DAH), domestic annual processing, joint venture processing, and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. The procedures for

setting the annual initial specifications are described in § 648.21.

The 2008 specification of DAH for butterfish was set at 500 mt (73 FR 18443, April 4, 2008).

Section 648.22 requires NMFS to close the directed butterfish fishery in the EEZ when 80 percent of the total annual DAH has been harvested. If 80 percent of the butterfish DAH is projected to be landed prior to October 1, a 250-lb (0.11-mt) incidental butterfish possession limit is put in effect for the remainder of the year, and if 80 percent of the butterfish DAH is projected to be landed on or after October 1, a 600-lb (0.27-mt) incidental butterfish possession limit is put in effect for the remainder of the year. NMFS is further required to notify, in advance of the closure, the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils; mail notification of the closure to all holders of butterfish permits at least 72 hr before the effective date of the closure; provide adequate notice of the closure to recreational participants in the fishery; and publish notification of the closure in the **Federal Register**. The Administrator, Northeast Region, NMFS, based on dealer reports and other available information, has determined that 80 percent of the DAH for butterfish in 2008 fishing year will be harvested. Therefore, effective 0001 hours, September 5, 2008, the directed fishery for butterfish fishery is closed and vessels issued Federal permits for butterfish may not retain or land more than 250 lb (0.11 mt) of butterfish during a calendar day. The directed fishery will reopen effective 0001 hours, January 1, 2009, when the 2009 DAH becomes available.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 2, 2008.

Allan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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