

• *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

• *E-mail:* [niocindocket@cdc.gov](mailto:niocindocket@cdc.gov). Include "RIN: 0920-AA33" and "42 CFR Part 84" in the subject line of the message.

• *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS-C34, 4676 Columbia Parkway, Cincinnati, OH 45226.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking, RIN: 0920-AA33. All comments received will be posted without change to <http://www.cdc.gov/niosh/docket>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.cdc.gov/niosh/docket>.

**FOR FURTHER INFORMATION CONTACT:** Jonathan V. Szalajda, NIOSH, National Personal Protective Technology Laboratory (NPPTL), Post Office Box 18070, 626 Cochran Mill Road, Pittsburgh, Pennsylvania 15236, telephone (412) 386-5200, facsimile (412) 386-4089, e-mail [zfx1@cdc.gov](mailto:zfx1@cdc.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Background

On October 30, 2009, the Department of Health and Human Services proposed a rule to establish total inward leakage (TIL) requirements for half-mask air-purifying particulate respirators approved by NIOSH. The proposed new requirements specify TIL minimum performance requirements and testing to be conducted by NIOSH and respirator manufacturers to demonstrate that these respirators, when selected and used correctly, provide effective respiratory protection to intended users against toxic dusts, mists, fumes, fibers, and biological and infectious aerosols (e.g., influenza A (H5N1), *Bacillus anthracis*, severe acute respiratory syndrome (SARS) coronavirus, and *Mycobacterium tuberculosis*). The agency held a public meeting on December 3, 2009 to take comments on the proposed regulation (74 FR 59501). Based on requests to extend the comment period submitted in writing and made orally at the public meeting, the agency extended the comment period until March 29, 2010 (74 FR 66935).

### II. Reopening of Comment Period

Prior to the close of the comment period on March 29, 2010, two commenters requested the comment

period be extended for up to one additional year because they are conducting independent research into scientific requirements of the proposed rule and/or its economic impact. The commenters stated that they needed this amount of time to complete this research before they can fully comment.

Due to the fact that the proposed rule contains only one new performance requirement that the commenters need to analyze and that the comment period has already been extended once, the Centers for Disease Control and Prevention (CDC) has determined that an additional reopening of the comment period to September 30, 2010 provides sufficient time to allow for public comment.

### III. Public Meeting

NIOSH will conduct a public meeting in June or July 2010 to hear from stakeholders on the preliminary results of their independent research. A formal notice will be published in the **Federal Register** announcing the date and location of that meeting.

**Kathleen Sebelius,**

*Secretary, Department of Health and Human Services.*

[FR Doc. 2010-9085 Filed 4-19-10; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R8-ES-2010-0013]  
[MO 92210-0-0008-B2]

#### Endangered and Threatened Wildlife and Plants; Initiation of Status Review for Sacramento splittail (*Pogonichthys macrolepidotus*)

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Initiation of status review and solicitation of new information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), under the authority of the Endangered Species Act of 1973, as amended (Act), announce the initiation of a status review for the Sacramento splittail (*Pogonichthys macrolepidotus*). To ensure that the status review is comprehensive, we are soliciting scientific and commercial data and other information regarding this species. Based on the status review, we will issue a 12-month finding, which will address whether the listing may be warranted, as provided in section 4(b)(3)(B) of the Act.

**DATES:** To allow us adequate time to conduct this review, we request that we receive information on or before May 20, 2010. After this date, you must submit information directly to the Field Office (see **FOR FURTHER INFORMATION CONTACT** section below). Please note that we may not be able to address or incorporate information that we receive after the above requested date.

**ADDRESSES:** You may submit comments by one of the following methods:

• *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search for Docket No. FWS-R8-ES-2010-0013 and then follow the instructions for submitting comments.

• *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS-R8-ES-2010-0013; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will post all information received on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Information Solicited section below for more details).

**FOR FURTHER INFORMATION CONTACT:** Dan Castleberry, Field Supervisor, San Francisco Bay-Delta Fish and Wildlife Office, 650 Capitol Mall, fifth Floor, Sacramento, CA 95814; by telephone at 916-930-5632; or by facsimile at 916-930-5654. Persons who use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339

#### SUPPLEMENTARY INFORMATION:

##### Information Solicited:

To ensure the status review is complete and based on the best available scientific and commercial information, we request information on the Sacramento splittail. We request any additional information from governmental agencies, Native American Tribes, the scientific community, industry, and any other interested parties. We seek information on:

- (1) The species' biology, range, and population trends, including:
  - (a) Habitat requirements for feeding, breeding, and sheltering;
  - (b) Genetics and taxonomy;
  - (c) Historical and current range including distribution patterns;
  - (d) Historical and current population levels, and current and projected trends; and
  - (e) Past and ongoing conservation measures for the species and/or its habitat.
- (2) The factors that are the basis for making a listing determination for a

species under section 4(a) of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*), which are:

- (a) The present or threatened destruction, modification, or curtailment of its habitat or range;
  - (b) Overutilization for commercial, recreational, scientific, or educational purposes;
  - (c) Disease or predation;
  - (d) The inadequacy of existing regulatory mechanisms; or
  - (e) Other natural or manmade factors affecting its continued existence.
- (3) The potential effects global climate change may have on the Sacramento splittail or its habitat.

Please include sufficient information with your submission (such as full references) to allow us to verify any scientific or commercial information you include.

If, after the status review, we determine that listing the Sacramento splittail is warranted, we will propose critical habitat (see definition in section 3(5)(A) of the Act), as per section 4 of the Act, to the maximum extent prudent and determinable at the time we propose to list the species. Therefore, we also request specific comments and information as to what, if any, critical habitat you think should be proposed for designation if the species is proposed for listing, and why such habitat meets the requirements of the Act. Specifically, for areas within the geographical range currently occupied by the species, we request data on:

- (1) The amount and distribution of Sacramento splittail habitat;
- (2) The physical and biological features of Sacramento splittail habitat that are essential to the conservation of the species;
- (3) Special management considerations or protections that the features essential to the conservation of Sacramento splittail may require, including managing for the potential effects of climate change;
- (4) Any areas that are essential to the conservation of Sacramento splittail and why;
- (5) Land use designations and current or planned activities in Sacramento splittail habitats and their possible impacts on proposed critical habitat;
- (6) Conservation programs and plans that protect Sacramento splittail and its habitat; and,
- (7) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

In addition, we request data and information on “specific areas outside the geographical area occupied by the species.”

Submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made “solely on the basis of the best scientific and commercial data available.”

You may submit your information concerning this status review by one of the methods listed in the **ADDRESSES** section. If you submit information via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If you submit a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this personal identifying information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>.

Information and supporting documentation that we received and used in preparing this finding, will be available for public inspection on <http://www.regulations.gov>, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Bay Delta Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

#### Previous Federal Actions

On September 22, 2003, the Service published a Notice of Remanded Determination of Status for the Sacramento splittail in the **Federal Register** (68 FR 55140) that removed the Sacramento splittail from the endangered species list. Please refer to the September 22, 2003 **Federal Register** notice (68 FR 55140) for previous Federal actions taken on Sacramento splittail prior to September 22, 2003.

On August 13, 2009 the Center for Biological Diversity (CBD) filed a complaint in U.S. District Court for the Northern District of California, challenging the Service on the merits of the 2003 determination and alleging improper political influence of the former Department of Interior, Deputy Assistant Secretary for Fish Wildlife and Parks, Julie MacDonald. In a settlement dated February 1, 2010 (Case4:09-cv-03711-PJH), the Service agreed to open a 30-day public comment period to allow for the submission of additional

information by the public. The Service also agreed to submit to the **Federal Register** a new status review and 12-month finding as to whether listing the Sacramento splittail is warranted or not warranted. If warranted, the Service further agreed to publish, concurrently with the 12-month finding, a proposed rule to list the Sacramento splittail and a final determination on or before September 29, 2011. This notice constitutes notification of the opening of the 30-day public comment period.

You may obtain copies of the 2003 remanded determination, and other previous Federal actions relating to the Sacramento splittail by mail from the San Francisco Bay-Delta Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT** section), or on the Internet at <http://www.fws.gov/sfbaydelta/>, or by visiting the *Federal eRulemaking Portal* at <http://www.regulations.gov>.

#### Author

The primary authors of this notice are the staff members of the Bay-Delta Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 8, 2010.

#### Rowan Gould,

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2010-8962 Filed 4-19-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 100121040-0178-01]

RIN 0648-AY58

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico and South Atlantic; Revisions to Allowable Bycatch Reduction Devices

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** In accordance with the framework procedures for adjusting management measures of the Fishery