

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).

### V. 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: June 21, 2010.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

■ Therefore, 40 CFR chapter I is corrected 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. Add § 180.155(b) to read as follows:

#### § 180.155 1-Naphthaleneacetic acid; tolerances for residues.

\* \* \* \* \*

(b) *Section 18 emergency exemptions.* A time-limited tolerance specified in the following table is established for residues of the ethyl ester of 1-naphthaleneacetic acid in or on the following raw agricultural commodity resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. The tolerance will expire and is revoked on the date specified in the following table:

| Commodity  | Parts per million | Expiration/revocation |
|------------|-------------------|-----------------------|
| Avocado .. | 0.05              | 12/31/12              |

\* \* \* \* \*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 0907301206-0032-02]

**RIN 0648-XW95**

#### Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment to the Loligo Trimester 2 and 3 Quota

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

**ACTION:** Temporary rule; inseason adjustment.

**SUMMARY:** NMFS adjusts the 2010 Fishing Year (FY) Trimester 2 and 3 Loligo squid quotas. This action complies with the 2010 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries Management Plan, which modified accounting procedures for underages of Trimester 1 quota in the *Loligo* fishery.

**DATES:** Effective June 30, 2010 through December 31, 2010.

**FOR FURTHER INFORMATION CONTACT:** Lindsey Feldman, Fishery Management Specialist, 978-675-2179, Fax 978-281-9135.

**SUPPLEMENTARY INFORMATION:** NMFS published the final rule for the 2010 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries in the **Federal Register** on February 3, 2010 (75 FR 5537). The final rule modified accounting procedures for underages of Trimester 1 quota in the *Loligo* fishery, so that Trimester 1 quota underages that are greater than 25 percent of the Trimester 1 quota are allocated equally to Trimesters 2 and 3, and underages that are less than 25 percent of the Trimester 1 quota are allocated to Trimester 3.

For FY 2010, the initial *Loligo* Trimester 1 quota was 17,696,509 lb (8,027 mt), which is equal to 43 percent

of the domestic annual harvest (DAH), excluding research set-aside (RSA) quota. The best available landings information indicates that 3,133,110 lb (1,421 mt) of *Loligo* was landed during Trimester 1, and 14,563,399 lb (6,606 mt) remain. Consistent with the 2010 Specifications and Management Measures, as the quota underages for Trimester 1 are greater than 25 percent of the Trimester 1 quota, the underages are divided in half, with half applied to Trimester 2, and the other half applied to Trimester 3. This results in a revised Trimester 2 quota from the initial quota of 6,995,269 lb (3,173 mt) to a new quota of 14,276,968 lb (6,476 mt) and a revised Trimester 3 quota from the initial quota of 16,461,920 lb (7,467 mt) lb to a new quota of 23,743,619 lb (13,770 mt).

### Classification

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

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest. This action modifies the Trimester 2 and 3 *Loligo* quotas for FY 2010, as specified in the FY 2010 Specification and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries. The regulations at § 648.22(a)(2)(i) require such action to ensure the quota is not under-harvested and is distributed evenly throughout the year. Landings information indicates that underages from Trimester 1 are greater than 25 percent of the Trimester 1 *Loligo* quota. Trimester 2 began on May 1, 2010, and a delay in increasing the quota could result in premature closure of the fishery. As such, the distribution of Trimester 1 underages to Trimesters 2 and 3 must occur without delay. The AA further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: June 25, 2010

**Carrie Selberg,**

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

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