

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is based solely on technology performance.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This direct final rule is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113 (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

These direct final rule amendments do not involve technical standards as defined in the NTTAA. Therefore, this direct final rule is not subject to NTTAA.

J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority

populations and low-income populations in the United States.

EPA has determined that this direct final rule would not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801, et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the United States. EPA will submit a report containing these final rule amendments 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 final rule amendments in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This direct final rule will be effective on November 2, 2010.

List of Subjects for 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 14, 2010.

Lisa P. Jackson, Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 63, subpart DDDDDDD of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

Subpart DDDDDDD—[Amended]

2. Section 63.11624 is amended as follows:

- a. Revising the second sentence of paragraph (a)(2) introductory text;
b. Revising paragraph (a)(2)(iv); and

c. Revising paragraph (b) introductory text.

The revisions are to read as follows:

§ 63.11624 What are the notification, reporting, and recordkeeping requirements?

(a) * * *

(2) * * * If you are the owner or operator of a new affected source, you must submit a Notification of Compliance Status within 120 days of initial startup, or by October 18, 2010, whichever is later. * * *

* * * * *

(iv) If you own or operate an affected source that is not subject to the requirement in § 63.11621(e) to install and operate a cyclone to control emissions from pelleting operations because your initial average daily feed production level was 50 tpd or less, documentation of your initial average daily feed production level determination.

(b) Annual compliance certification report. You must, by March 1 of each year, prepare an annual compliance certification report for the previous calendar year containing the information specified in paragraphs (b)(1) through (b)(6) of this section. You must submit the report if you had any instance described by paragraph (b)(3) or (b)(4) of this section.

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 102-5

[FMR Amendment 2010-02; FMR Case 2010-102-4; Docket 2010-0013, Sequence 1]

RIN 3090-AJ05

Federal Management Regulation; Home-to-Work Transportation

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration is amending the Federal Management Regulation (FMR) to clarify existing Home-to-Work Transportation policy. This final rule updates and clarifies who is not covered by 41 CFR part 102-5.

DATES: Effective Date: This final rule is effective on July 20, 2010.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr.

James Vogelsinger, Office of Governmentwide Policy, Office of Travel, Transportation, and Asset Management (MT), (202) 501-1764 or e-mail at james.vogelsinger@gsa.gov. For information pertaining to status or publication schedules contact the Regulatory Secretariat, 1800 F Street, NW., Room 4041, Washington, DC 20405, (202) 501-4755. Please cite FMR case 2010-102-4.

SUPPLEMENTARY INFORMATION:

A. Background

Federal Management Regulation (FMR) part 102-5 was published in the **Federal Register** on September 12, 2000 (65 FR 54966) to establish policy regarding home-to-work transportation. Section 102-5.20 defines who is not covered by the policy within part 102-5. This final rule clarifies who is not covered by the policy within part 102-5. This final rule also refers readers to section 102-34.210 which addresses when a Government motor vehicle can be used for transportation between places of employment and mass transit facilities.

B. Executive Order 12866

This final rule is excepted from the definition of "regulation" or "rule" under Section 3(d)(3) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993 and, therefore, was not subject to review under Section 6(b) of that Executive Order.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment as per the exemption specified in 5 U.S.C. 553 (a)(2); therefore, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply. However, this final rule is being published to provide transparency in the promulgation of Federal policies.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 102-5

Government property, Home-to-work transportation, Motor vehicles.

Dated: May 25, 2010.

Martha Johnson,

Administrator of General Services.

■ For the reasons set forth in the preamble, GSA amends 41 CFR part 102-5 as set forth below:

PART 102-5—HOME-TO-WORK TRANSPORTATION

■ 1. The authority citation for 41 CFR part 102-5 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 31 U.S.C. 1344(e)(1).

■ 2. Amend section § 102-5.20 by—

- (a) Revising paragraph (a);
- (b) Removing paragraph (b);
- (c) Redesignating paragraph (c) as paragraph (b);
- (d) Removing the period at the end of newly redesignated paragraph (b) and adding “; or” in its place; and
- (e) Adding a new paragraph (c).

The revisions read as follows:

§ 102-5.20 Who is not covered by this part?

* * * * *

(a) Employees who use a passenger carrier in conjunction with official travel, including temporary duty (TDY) or relocation;

* * * * *

(c) Employees who use a passenger carrier for transportation between places of employment and mass transit facilities (*see, e.g.*, 41 CFR 102-34.210).

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

RIN 0648-XX26

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Closure.

SUMMARY: NMFS closes the northern area Angling category fishery for large medium and giant (“trophy”) BFT for the remainder of 2010. Fishing for, retaining, possessing, or landing large medium and giant BFT (measuring 73 inches (185 cm) curved fork length or

greater) north of 39° 18' N. lat. (off Great Egg Inlet, NJ) is prohibited effective at 11:59 p.m., July 18, 2010. This action is being taken to prevent overharvest of the 2010 Angling category quota northern area subquota for large medium and giant BFT.

DATES: Effective 11:59 p.m. on July 18, 2010, through December 31, 2010.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978-281-9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006).

NMFS is required, under § 635.28(a)(1), to file a closure notice with the Office of the Federal Register for publication when a BFT quota is reached or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year, or for a specified period as indicated in the notification, fishing for, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice.

The 2010 BFT quota specifications established a quota of 5.2 mt of large medium and giant BFT (measuring 73 inches curved fork length or greater) to be harvested in the northern area, i.e., north of 39° 18' N. lat. (off Great Egg Inlet, NJ) by vessels permitted in the HMS Angling or Charter/Headboat category (while fishing recreationally) during 2010 (75 FR 30732, June 2, 2010). On June 14 (75 FR 33531), NMFS announced three Angling category BFT fishery inseason actions, effective June 12, 2010: a change to the daily retention limit, closure of the southern area trophy fishery, and a quota transfer of 1.7 mt from the Reserve to the northern area trophy fishery. The southern area trophy BFT closure was based on reported landings of trophy BFT via the North Carolina Tagging Program. NMFS