

**VI. Statutory and Executive Order Reviews**

This final rule establishes tolerances under section 408(d) of FFDCa in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from 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 tolerance 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: October 16, 2009.

**Daniel J. Rosenblatt,**

*Acting 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 180.510 is amended by alphabetically adding the following commodities to the table in paragraph (a)(1) and by revising paragraph (b) to read as follows:

**§ 180.510 Pyriproxyfen; tolerances for residues**

(a) \* \* \*(1) \* \* \*

Commodity	Parts per million
Artichoke, globe .....	2.0
Asparagus .....	2.0
Fruit, small, vine climbing, except grape, subgroup 13-07E .....	0.35
Vegetable, foliage of legume, group 7 .....	2.0

Commodity	Parts per million
Vegetable, leafy, except Brassica, group 4 .....	3.0
Vegetable, leaves of root and tuber, group 2 .....	2.0
Watercress .....	2.0

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

\* \* \* \* \*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 20**

[FWS-R9-MB-2009-0124]  
[91200-1231-9BPP-L2]

**RIN 1018-AW31**

**Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2009-10 Late Season**

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

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** On September 2 and 25, 2009, we, the U.S. Fish and Wildlife Service (Service), published two final rules that established special early- and late-season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands. In error, the second of these rules omitted from the regulatory text pertaining to late-season hunting by the White Mountain Apache Tribe the dates and bag limits for duck and Canada goose. This document corrects those errors.

**DATES:** This rule takes effect on October 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service (703/358-1967), or Tina Chouinard, Division of Migratory Bird Management, U.S. Fish and Wildlife Service (731/432-0981).

**SUPPLEMENTARY INFORMATION:** On September 2 and 25, 2009, we published final rules that established special early- and late-season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust

lands, and ceded lands. These rules responded to tribal requests for Service recognition of tribal authority to regulate hunting under established guidelines. These rules allowed the establishment of season dates and bag limits and, thus, harvest at levels compatible with populations and habitat conditions. The early-season rule, which published September 2, 2009 (74 FR 45343), with an effective date of September 1, 2009, correctly included band-tailed pigeon and mourning dove season dates and bag limits in its regulatory text for paragraph (w) of 50 CFR 20.110, which applies to hunters on Fort Apache Indian Reservation lands in Whiteriver, Arizona. However, the late-season rule, which published and became effective on September 25, 2009 (74 FR 49292), did not properly revise paragraph (w) to include subsequently determined duck and Canada goose season dates and bag limits. This correction revises paragraph (w) to include duck and Canada goose season dates and bag limits for the White Mountain Apache Tribe. The substance of the regulations remains unchanged.

**Administrative Procedure Act**

We find good cause to waive notice and comment on this correction, pursuant to 5 U.S.C. 553(b)(3)(B), and the 30-day delay in effective date pursuant to 5 U.S.C. 553(d). Notice and comment are unnecessary because this rule merely corrects the regulations. The substance of the regulations remains unchanged. Therefore, this correction is being published as a final regulation and is effective as shown under **DATES**.

**List of Subjects in 50 CFR Part 20**

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

■ Accordingly, part 20, subchapter B, chapter I of title 50 of the Code of Federal Regulations is amended as follows:

**PART 20—[AMENDED]**

■ 1. The authority citation for part 20 continues to read as follows:

**Authority:** Migratory Bird Treaty Act, 40 Stat. 755, 16 U.S.C. 703-712; Fish and Wildlife Act of 1956, 16 U.S.C. 742a-j; Pub. L. 106-108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

(Note: The following hunting regulations provided for by 50 CFR 20.110 will not appear in the Code of Federal Regulations because of their seasonal nature).

■ 2. Amend § 20.110 by revising paragraph (w) to read as follows:

**§ 20.110 Seasons, limits, and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.**

\* \* \* \* \*

(w) *White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters).*

Band-tailed Pigeons (Wildlife Management Unit 10 and areas south of Y-70 and Y-10 in Wildlife Management Unit 7, only)

Season Dates: Open September 1 through September 15, 2009.

Daily Bag and Possession Limits: Three and six pigeons, respectively.

Mourning Doves (Wildlife Management Unit 10 and areas south of Y-70 and Y-10 in Wildlife Management Unit 7, only)

Season Dates: Open September 1 through September 15, 2009.

Daily Bag and Possession Limits: 10 and 20 doves, respectively.

Ducks

Scaup Season Dates: Open October 10, 2009, through December 6, 2009.

Season Dates: Open October 10, 2009, through January 24, 2010.

Daily Bag Limit: Seven ducks, including no more than two hen mallards, three scaup (when the season is open), two redheads, one canvasback, and two pintail.

Canada Geese

Season Dates: Open October 10, 2009, through January 24, 2010.

Daily Bag Limit: Three Canada geese per day.

General Conditions: All nontribal hunters hunting band-tailed pigeons and mourning doves on Reservation lands must have in their possession a valid White Mountain Apache Daily or Yearly Small Game Permit. In addition to a small game permit, all nontribal hunters hunting band-tailed pigeons must have in their possession a White Mountain Special Band-tailed Pigeon Permit. Other special regulations established by the White Mountain Apache Tribe apply on the reservation. Possession limits are twice the daily bag limits. Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking.

\* \* \* \* \*

Dated: October 21, 2009

**Sara Prigan,**

*Federal Register Liaison.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 0809121213-9221-02]

RIN 0648-AY30

**Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments**

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

**ACTION:** Final rule; inseason adjustments to biennial groundfish management measures; request for comments.

**SUMMARY:** This final rule announces inseason changes to management measures in the commercial Pacific Coast groundfish fisheries. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to allow fisheries to access more abundant groundfish stocks while protecting overfished and depleted stocks.

**DATES:** Effective 0001 hours (local time) October 28, 2009 through December 31, 2009. Comments on this final rule must be received no later than 5 p.m., local time on November 27, 2009.

**ADDRESSES:** You may submit comments, identified by RIN 0648-AX96 by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.
- Fax: 206-526-6736, Attn: Gretchen Arentzen.
- Mail: Barry Thom, Acting Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Gretchen Arentzen.

Instructions: No comments will be posted for public viewing until after the comment period has closed. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.