

are jointly promulgated by EPA under RCRA authority and the Department of Transportation (DOT) under the federal hazardous materials transportation laws, the manifest changes will be applicable federally in all states *under the authority of the Hazardous Materials Transportation Act (HMTA)* on the effective date. All states will be required to adopt these amendments in accordance with the consistency requirements in 40 CFR 271.4(c). (See 70 FR 10810–10811, March 4, 2005 for a further discussion of the effects of DOT hazardous materials law, RCRA consistency requirements, and state authorization on the implementation of the manifest.)

Second, the following amendments are promulgated under the authority of HSWA and, because they are not more stringent, they will be effective on June 16, 2010, in states that are not currently authorized for the section being amended:

- All amendments to regulations in 40 CFR Part 268,
- 40 CFR 264.552, and
- 40 CFR 266.101.

Third, all other amendments in the *Hazardous Waste Technical Corrections and Clarifications Rule* which are not withdrawn and go into effect on June 16, 2010, are promulgated under non-HSWA RCRA authority. These non-HSWA amendments will be applicable on the effective date only in those states that do not have final authorization of their base RCRA programs.

Authorized states are required to modify their programs only when EPA promulgates federal regulations that are more stringent or broader in scope than the authorized state regulations. For those changes that are less stringent or reduce the scope of the federal program, states are not required to modify their program. This is a result of section 3009 of RCRA, which allows states to impose more stringent regulations than the federal program. The *Hazardous Waste Technical Corrections and Clarifications Rule* is considered to be neither more nor less stringent than the current standards. Therefore, authorized states, while not required to modify their programs to adopt the second and third types of technical corrections discussed above are strongly urged to adopt these technical corrections to avoid any confusion or misunderstanding by the regulated community and the public.

#### List of Subjects

##### 40 CFR Part 260

Environmental protection, Administrative practice and procedure, Confidential business information,

Hazardous waste, Reporting and recordkeeping requirements.

##### 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

##### 40 CFR Part 262

Environmental protection, Exports, Hazardous materials transportation, Hazardous waste, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

##### 40 CFR Part 263

Environmental protection, Hazardous materials transportation, Hazardous waste, Reporting and recordkeeping requirements.

##### 40 CFR Part 264

Environmental protection, Air pollution control, Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds.

##### 40 CFR Part 265

Environmental protection, Air pollution control, Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Water supply.

##### 40 CFR Part 266

Environmental protection, Energy, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

##### 40 CFR Part 268

Environmental protection, Hazardous waste, Reporting and recordkeeping requirements.

##### 40 CFR Part 270

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: May 27, 2010.

**Mathy Stanislaus,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

Accordingly, EPA withdraws the amendment to the entry “K107” in the table 40 CFR 261.32(a), the amendment at 40 CFR 262.34(a), the amendment at 40 CFR 262.34(a)(1)(iv)(B), the amendment at 40 CFR 262.34(a)(2), the amendment at 40 CFR 262.34(a)(5), and the amendment at 40 CFR 266.20(b)

published in the **Federal Register** on March 18, 2010 (75 FR 12989).

[FR Doc. 2010–13376 Filed 6–3–10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 0910131363–0087–02]

RIN 0648–XW75

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by American Fisheries Act (AFA) trawl catcher processors in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary as the 2010 Pacific cod directed fishing allowance for AFA trawl catcher processors in the BSAI has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), June 10, 2010, through 2400 hrs, A.l.t., December 31, 2010.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2010 Pacific cod total allowable catch (TAC) allocated to AFA trawl catcher processors in the BSAI is 3,467 metric tons (mt) as established by the final 2010 and 2011 harvest specifications for groundfish in the BSAI (75 FR 11778, March 12, 2010).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has

determined that the 2010 Pacific cod TAC allocated to AFA trawl catcher processors in the BSAI will be taken as incidental catch by AFA trawl catcher processors in directed fisheries for other groundfish species. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt and in accordance with § 679.20(d)(1)(iii), finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by AFA trawl catcher processors in the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by AFA trawl catcher processors in the BSAI. NMFS was unable to publish a notice providing time for public comment

because the most recent, relevant data only became available as of May 27, 2010.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: May 28, 2010.

**Carrie Selberg,**

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

[FR Doc. 2010-13493 Filed 6-3-10; 8:45 am]

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