

X. Statutory and Executive Order Reviews

This final rule establishes a tolerance 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 rules 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 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).

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, or otherwise have any unique impacts on local governments. 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).

Although this action does not 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), EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. As such, to the extent that information is publicly available or was submitted in comments to EPA, the Agency considered whether groups or segments of the population, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

XI. 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 rule in the **Federal Register**. This 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: July 7, 2010.

Lois Rossi,

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. In § 180.960, the table is amended by revising the following polymer to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

Polymer	CAS No.
Castor oil, ethoxylated, oleate, minimum number average molecular weight (in amu), 1,600	220037-02-5

[FR Doc. 2010-17153 Filed 7-13-10; 8:45 am]

BILLING CODE 6560-50-S

NATIONAL SCIENCE FOUNDATION

45 CFR Part 614

RIN 3145-AA53

Government in the Sunshine Act Regulations of the National Science Board

AGENCY: National Science Board (NSB), National Science Foundation (NSF).

ACTION: Direct final rule.

SUMMARY: The National Science Board (NSB) National Science Foundation (NSF) is amending part 614 of the Government in the Sunshine Act Regulations of the National Science Board. This document contains minor amendments to the Government in the Sunshine Act Regulations of the National Science Board. These technical amendments clarify that the NSB Office will maintain the General Counsel's certificate, the presiding officer's statement, and the transcript or recording of the closed meeting for at least three years (vice two years) and to clarify that announcements required by section 552b(e) of the Sunshine Act will occur via the NSF Web site (vice posting on public notice boards or to journals of general scientific interest, neither of which is required by law). This final rule is an administrative simplification that makes no substantive or major change in NSF or NSB policy or procedures for maintaining official records and information, and informing the public of closed meetings in accordance with the Sunshine Act.

DATES: This final rule is effective July 14, 2010.

FOR FURTHER INFORMATION CONTACT: Daniel A. Lauretano, Counsel to the National Science Board at 703-292-2648 (not a toll-free call) and e-mail dlaureta@nsf.gov.

SUPPLEMENTARY INFORMATION:**Background**

The current National Science Board's Government in the Sunshine Act regulations require the National Science Board Office (NSBO) to maintain the General Counsel's certificate, the presiding officer's statement, and the transcript or recording of the closed meeting for at least two years, consistent with section 552b(f)(2) of the Government in the Sunshine Act, 5 USC 552b. The current regulation should be revised to reflect the three-year retention period required by amendments to the National Science Foundation Act at 42 USC 1862n-5(a)(5). Additionally, the regulations, which date to the 1970s, require the NSBO to post meeting announcements on public notice boards at the National Science Foundation and make them available to journals of general scientific interest. The current regulation is being revised to delete the words, "public notice boards at" and "and make them available to journals of general scientific interest" (which is not required by law) and make clear that the public announcement required by section 552b(e) of the Sunshine Act will occur via the NSF Web site.

Executive Order 12866

The change in this rule is nonsignificant.

Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This proposed regulatory action will not have a significant adverse impact on a substantial number of small entities.

Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104-4)

This proposed regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector of \$100 million or more in any one year.

Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act.

Federalism (Executive Order 13132)

This proposed regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects in 45 CFR Part 614

Materials relating to closed portions of meetings; Public announcement.

■ Accordingly, under the authority of 42 U.S.C. 1870, NSF amends the Code of Federal Regulations, Title 45, Chapter VI, as follows:

Title 45—Public Welfare—Chapter VI—National Science Foundation**PART 614—GOVERNMENT IN THE SUNSHINE ACT REGULATIONS OF THE NATIONAL SCIENCE BOARD [AMENDED]**

■ 1. The authority citation for part 614 continues to read as follows:

Authority: 42 U.S.C. 1870(a).

§ 614.3 [Amended]

■ 2. Paragraph (d) of § 614.3 is amended by removing the word "two" and by adding the word "three" in its place.

§ 614.5 [Amended]

■ 3. Section 614.5 amended by revising paragraph (b) to read as follows:

§ 614.5 Public announcement.

* * * * *

(b) Each such announcement will be promptly posted on the National Science Foundation's Web site at <http://www.nsf.gov/nsb/notices/>. Immediately following the issuance of such an announcement, it will be submitted for publication in the **Federal Register**.

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Dated: July 9, 2010.

Daniel A. Lauretano,

Counsel to the National Science Board.

[FR Doc. 2010-17120 Filed 7-13-10; 8:45 am]

BILLING CODE 7555-01-P