

5A”; and “Vegetable, root (except sugarbeet), subgroup 1B” expire on February 28, 2022.

As a housekeeping measure, EPA is also directing the **Federal Register** to remove entries to the table in paragraph (a)(1) of 40 CFR 180.242 for “Bean, dry, seed” and “Soybean” in this correction document, because these tolerances expired on March 21, 2017. Footnote 2 to the table in paragraph (a)(1) of 40 CFR 180.242 indicating that these tolerances expired on March 21, 2017 was already removed in the August 30, 2021 final rule, as described above.

EPA’s instructions in the August 30, 2021 final rule regarding tolerances for “Alfalfa, forage”; “Alfalfa, hay”; “*Brassica*, head and stem, subgroup 5A”; and “Vegetable, root (except sugarbeet), subgroup 1B” and footnote 1 to the table in 40 CFR 180.242(a)(1) were not consistent with its authority under FFDCA section 408(d)(4)(A) or with the preamble of the August 30, 2021 final rule. Therefore, EPA is rescinding those instructions and reinstating and revising the entries for “Alfalfa, forage”; “Alfalfa, hay”; “*Brassica*, head and stem, subgroup 5A”; and “Vegetable, root (except sugarbeet), subgroup 1B” in the table in paragraph (a)(1) of 40 CFR 180.242. Additionally, EPA is reinstating footnote 1 and adding a new footnote 2 to the table in paragraph (a)(1) of 40 CFR 180.242. The new footnote 2 indicates that the four tolerances expire six months from publication of today’s notice rather than on February 28, 2022 to make sure the phased tolerance change is clear and transparent.

**III. Why are these corrections issued as a final rule?**

Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making these corrections final without prior proposal and opportunity for comment, because EPA inadvertently instructed the **Federal Register** to remove four tolerances that should have been revised and to delete two footnotes concerning other tolerances, as described above. Additionally, EPA has determined that removing the tolerances that expired in 2017 is a housekeeping measure that has no substantive effect. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

**IV. Do any of the statutory and Executive Order review apply to this action?**

No. For a detailed discussion concerning the statutory and executive order review refer to Unit VI. of the August 30, 2021 final rule.

**V. Congressional Review Act**

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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 the rule in the **Federal Register**. This action 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: January 20, 2022.

**Marietta Echeverria,**  
*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, for the reasons stated in the preamble, EPA is correcting 40 CFR part 180 as follows:

**PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD**

- 1. The authority citation for part 180 continues to read as follows:  
**Authority:** 21 U.S.C. 321(q), 346a and 371.
- 2. In § 180.242, amend Table 1 to Paragraph (a)(1) by:
  - i. Adding alphabetically the entries “Alfalfa, forage<sup>2</sup>” and “Alfalfa, hay<sup>2</sup>”;
  - ii. Removing the entry for “Bean, dry, seed<sup>2</sup>”;
  - iii. Adding alphabetically the entry “*Brassica*, head and stem, subgroup 5A<sup>2</sup>”;
  - iv. Removing the entry for “Soybean<sup>2</sup>”;
  - v. Adding alphabetically, after the existing entry “Vegetable, root, except sugar beet, subgroup 1B”, an entry for “Vegetable, root (except sugarbeet), subgroup 1B<sup>2</sup>”; and
  - vi. Revising footnote 1 and adding footnote 2.

The additions read as follows:

**§ 180.242 Thiabendazole; tolerances for residues.**

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

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
Alfalfa, forage <sup>2</sup> .....	0.02
Alfalfa, hay <sup>2</sup> .....	0.02
* * * * *	
<i>Brassica</i> , head and stem, subgroup 5A <sup>2</sup> .....	0.02
* * * * *	
Vegetable, root (except sugar beet), subgroup 1B <sup>2</sup> .....	0.02
* * * * *	

<sup>1</sup> There are no U.S. registrations on the indicated commodity.

<sup>2</sup> This tolerance expires on July 26, 2022.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 210217–0022; RTID 0648–XB743]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet Length Overall Using Pot 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 catcher vessels greater than or equal to 60 feet (18.3 meters (m)) length overall (LOA) using pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season apportionment of the 2022 Pacific cod total allowable catch (TAC) allocated to catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear in the BSAI.

**DATES:** This inseason action became applicable at 1200 hours, Alaska local time (A.l.t.), January 23, 2022, and remains in effect through 1200 hours, A.l.t., September 1, 2022.

**FOR FURTHER INFORMATION CONTACT:** Krista Milani, 907–581–2062.

**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 A season apportionment of the 2022 Pacific cod TAC allocated to catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear in the BSAI is 5,720 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021) and inseason adjustment (86 FR 74389, December 30, 2021).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season apportionment of the 2022 Pacific cod TAC allocated as a directed fishing allowance to catcher vessels greater than

or equal to 60 feet (18.3 m) LOA using pot gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear in the BSAI.

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

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be 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 catcher vessels greater than or equal to 60 feet (18.3 m) LOA using pot gear 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 January 20, 2022.

The Assistant Administrator for Fisheries, NOAA 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.

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

Dated: January 21, 2022.

**Ngagne Jafnar Gueye,**

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

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