

TABLE FOUR PARAGRAPH 16

| Vessel                 | Number  | Obstruction angle relative ship's headings |
|------------------------|---------|--------------------------------------------|
| USS JASON DUNHAM ..... | DDG 109 | 107.09 thru 112.50 [degrees].              |

\* \* \* \* \*

TABLE FIVE

| Vessel                 | Number  | Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f) | Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a) | After mast-head light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a) | Percentage horizontal separation attained |
|------------------------|---------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------------------------|
| USS JASON DUNHAM ..... | DDG 109 | X                                                                              | X                                                                         | X                                                                                                   | 14.5                                      |

\* \* \* \* \*

Approved: January 14, 2010.

**M. Robb Hyde,***Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).*

Dated: January 19, 2010.

**A.M. Vallandingham,***Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*

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BILLING CODE 3810-FF-P

**POSTAL SERVICE****39 CFR Part 232****Conduct on Postal Property; Penalties and Other Law****AGENCY:** Postal Service.**ACTION:** Final rule.

**SUMMARY:** The U.S. Postal Service is amending the Code of Federal Regulations to increase the maximum penalty for violations of the rules concerning conduct on Postal Service property. The authorized maximum penalty should allow the courts more flexibility in determining the appropriate means of promoting compliance with the regulation.

**DATES:** *Effective Date:* January 27, 2010.**FOR FURTHER INFORMATION CONTACT:**

Elizabeth P. Martin, General Counsel, Joint Legal Services Center, U.S. Postal Inspection Service/Office of Inspector General, (703) 248-2100.

**SUPPLEMENTARY INFORMATION:** The current rules governing conduct on Postal Service property establish the maximum penalty for a violation as a fine of not more than \$50 or imprisonment of not more than 30 days, or both. As revised by this notice, the maximum penalty for a violation will be increased to a fine of not more than that allowed under title 18 of the United States Code or imprisonment of not more than 30 days, or both.

To promote compliance with the regulation and to maintain the deterrent effect, the Postal Service has determined it is appropriate to increase the maximum penalty allowed for a violation of this regulation. The authorized maximum penalty should allow the courts more flexibility in determining the appropriate means of promoting compliance with the regulation.

The current regulations have not been changed for over 30 years. The current maximum fine does not reflect either the seriousness of some of the infractions, nor the effect that inflation has had over the past 30 years. This current low monetary penalty provision gives the court little flexibility in arriving at a fair and just resolution to

an infraction. The revisions to the maximum monetary penalty allow for this flexibility. Further, the revision to the maximum penalty more accurately reflects the range of conduct covered by this regulation.

**List of Subjects in 39 CFR Part 232**

Authority delegations (Government agencies), Crime, Federal buildings and facilities, Government property, Law enforcement officers, Postal Service, Security measures.

■ For the reasons stated in the preamble, the Postal Service amends 39 CFR Part 232 as set forth below:

**PART 232—[AMENDED]**

■ 1. The authority citation for part 232 continues to read as follows:

**Authority:** 18 U.S.C. 13, 3061; 21 U.S.C. 802, 844; 39 U.S.C. 401, 403(b)(3), 404(a)(7), 1201(2).

■ 2. In § 232.1, paragraph (p)(2) is revised to read as follows:

**§ 232.1 Conduct on postal property.**

\* \* \* \* \*  
(p) \* \* \*

(2) Whoever shall be found guilty of violating the rules and regulations in this section while on property under the charge and control of the Postal Service is subject to fine of not more than that allowed under title 18 of the United States Code or imprisonment of not

more than 30 days, or both. Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated.

\* \* \* \* \*

**Stanley F. Mires,**  
Chief Counsel, Legislative.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2009-0273; FRL-8807-2]

### Novaluron; Pesticide Tolerances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for residues of novaluron in or on multiple commodities discussed later in this document. Additionally, this regulation removes the established tolerance on tomato, as it is included as a member in “vegetable, fruiting, group 8”. Interregional Research Project Number 4 (IR-4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

**DATES:** This regulation is effective January 27, 2010. Objections and requests for hearings must be received on or before March 29, 2010, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the SUPPLEMENTARY INFORMATION).

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2009-0273. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The

Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

#### FOR FURTHER INFORMATION CONTACT:

Laura Nollen, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7390; e-mail address: [nollen.laura@epa.gov](mailto:nollen.laura@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Get Electronic Access to Other Related Information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR cite at <http://www.gpoaccess.gov/ecfr>. To access the OPPTS harmonized test guidelines referenced in this document electronically, please go to <http://www.epa.gov/oppts> and select “Test Methods & Guidelines” on the left-side navigation menu.

###### C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection

or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2009-0273 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before March 29, 2010.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA-HQ-OPP-2009-0273, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.
- **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

##### II. Petition for Tolerance

In the **Federal Register** of June 10, 2009 (74 FR 27538) (FRL-8417-7), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E7546) by IR-4, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR 180.598 be amended by establishing tolerances for residues of the insecticide novaluron, *N*-[[[3-chloro-4-[1,1,2-trifluoro-2-(trifluoromethoxy)ethoxy]phenyl] amino]carbonyl]-2,6-difluorobenzamide, in or on berry, low growing, subgroup 13-07G at 0.50 parts per million (ppm); Swiss chard at 12 ppm; bean, snap, succulent at 0.60 ppm; bean, dry at 0.20 ppm; vegetable, cucurbit, group 9 at 0.25 ppm; and the following commodities at 1.1 ppm: cocona; eggplant, African; eggplant, pea;