

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: November 13, 2009.

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. Section 180.566 is amended by alphabetically adding the following commodity to the table in paragraph (a)(1) to read as follows:

§ 180.566 Fenpyroximate; tolerances for residues.

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

Commodity	Parts per million
* * *	* *
Berry, low growing, crop subgroup 13-07G	1.0
* * *	* *

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[MB Docket No. 07-91; FCC 07-228]

Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television

AGENCY: Federal Communications Commission.

ACTION: Correcting amendment.

SUMMARY: The Federal Communications Commission (FCC) is correcting final rules affecting the conversion to digital television that were published in the **Federal Register** at 73 FR 5634, January 30, 2008, which were inadvertently omitted from the rules in the **Federal Register**.

DATES: Effective December 2, 2009.

FOR FURTHER INFORMATION CONTACT:

Evan Baranoff, *Evan.Baranoff@fcc.gov*, of the Media Bureau, Policy Division, (202) 418-7142.

SUPPLEMENTARY INFORMATION: The Commission's Report and Order in MB Docket No. 07-91, FCC 07-228, adopted December 22, 2007 and released December 31, 2007, revised § 15.120(b) of the Commission's rules. However, the revision to § 15.120(b) to change the words “in diameter” to “measured diagonally” was inadvertently omitted from the rules appendix of the **Federal Register** summary document, 73 FR 5634, published January 30, 2008. With this document, the Commission amends its rules by revising § 15.120(b) as was intended.

List of Subjects in 47 CFR Part 15

Communications equipment, Digital Television, and Digital Television Equipment.

■ Accordingly, 47 CFR part 15 is corrected by making the following correcting amendments:

PART 15—RADIO FREQUENCY DEVICES

■ 1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, and 544a.

§ 15.120 [Amended]

■ 2. In § 15.120, paragraph (b), remove the words “or larger in diameter” and add, in their place, the words “or larger, measured diagonally,”.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

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