

(b) *Section 18 emergency exemptions.*
[Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.*
[Reserved]

§ 180.452 [Amended]

■ 12. Section 180.452 is amended by removing from the table in paragraph (a) the entry “corn, sweet, kernel plus cob with husks removed.”

■ 13. Section 180.533 is amended by revising paragraph (a) and adding paragraph (c) to read as follows:

§180.533 Esfenvalerate; tolerances for residues.

(a) *General.* (1) Tolerances are established for the combined residues of the insecticide esfenvalerate, (S)-cyano(3-phenoxyphenyl)methyl-(S)-4-chloro- α -(1-methylethyl)benzeneacetate, its non-racemic isomer, (R)-cyano(3-phenoxyphenyl)methyl-(R)-4-chloro- α -(1-methylethyl)benzeneacetate and its diastereomers (S)-cyano(3-phenoxyphenyl)methyl-(R)-4-chloro- α -(1-methylethyl)benzeneacetate and (R)-cyano(3-phenoxyphenyl)methyl-(S)-4-chloro- α -(1-methylethyl)benzeneacetate, in or on food commodities as follows:

Commodity	Parts per million
Almond	0.2
Almond, hulls	5.0
Apple	1.0
Artichoke, globe	1.0
Bean, dry, seed	0.25
Bean, snap, succulent	1.0
Beet, sugar, roots	0.05
Beet, sugar, tops	5.0
Blueberry	1.0
Broccoli	1.0
Cabbage, except Chinese cabbage	3.0
Caneberry subgroup 13A	1.0
Cantaloupe	0.5
Carrot, roots	0.5
Cattle, fat	1.5
Cattle, meat	1.5
Cattle, meat byproducts	1.5
Cauliflower	0.5
Collards	3.0
Corn, field, forage	15.0
Corn, field, grain	0.02
Corn, field, stover	15.0
Corn, pop, grain	0.02
Corn, pop, stover	15.0
Corn, sweet, forage	15.0
Corn, sweet, kernel plus cob with husks removed	0.1
Corn, sweet, stover	15.0
Cotton, undelinted seed	0.2
Cucumber	0.5
Egg	0.03
Eggplant	0.5
Elderberry	1.0
Fruit, stone, group 12	3.0
Goat, fat	1.5
Goat, meat	1.5

Commodity	Parts per million
Goat, meat byproducts	1.5
Gooseberry	1.0
Hazelnut	0.2
Hog, fat	1.5
Hog, meat	1.5
Hog, meat byproducts	1.5
Horse, fat	1.5
Horse, meat	1.5
Horse, meat byproducts	1.5
Kiwifruit	0.5
Lentil, seed	0.25
Melon, honeydew	0.5
Milk	0.3
Milk, fat	7.0
Muskmelon	0.5
Mustard greens	5.0
Okra	0.5
Pea, dry, seed	0.25
Pea, succulent	0.5
Peanut	0.02
Pear	1.0
Pecan	0.2
Pepper	0.5
Potato	0.02
Poultry, fat	0.3
Poultry, liver	0.03
Poultry, meat	0.03
Poultry, meat byproducts, except liver	0.3
Pumpkin	0.5
Radish, roots	0.3
Radish, tops	3.0
Sheep, fat	1.5
Sheep, meat	1.5
Sheep, meat byproducts	1.5
Sorghum, grain, forage	10.0
Sorghum, grain, grain	5.0
Sorghum, grain, stover	10.0
Soybean, hulls	0.5
Soybean, seed	0.05
Squash, summer	0.5
Squash, winter	0.5
Sugarcane, cane	1.0
Sunflower, seed	0.5
Sweet potato, roots	0.05
Tomato	0.5
Turnip, greens	7.0
Turnip, roots	0.5
Walnut	0.2
Watermelon	0.5

(2) A tolerance of 0.05 ppm on raw agricultural food commodities (other than those food commodities already covered by a higher tolerance as a result of use on growing crops) is established for the combined residues of the insecticide esfenvalerate, (S)-cyano(3-phenoxyphenyl)methyl-(S)-4-chloro- α -(1-methylethyl)benzeneacetate, its non-racemic isomer, (R)-cyano(3-phenoxyphenyl)methyl-(R)-4-chloro- α -(1-methylethyl)benzeneacetate and its diastereomers (S)-cyano(3-phenoxyphenyl)methyl-(R)-4-chloro- α -(1-methylethyl)benzeneacetate and (R)-cyano(3-phenoxyphenyl)methyl-(S)-4-chloro- α -(1-methylethyl)benzeneacetate as a result of the use of esfenvalerate in food-handling establishments.

* * * * *

(c) *Tolerances with regional registrations.* Tolerances with regional registration are established for the combined residues of the insecticide esfenvalerate, (S)-cyano(3-phenoxyphenyl)methyl-(S)-4-chloro- α -(1-methylethyl)benzeneacetate, its non-racemic isomer, (R)-cyano(3-phenoxyphenyl)methyl-(R)-4-chloro- α -(1-methylethyl)benzeneacetate and its diastereomers (S)-cyano(3-phenoxyphenyl)methyl-(R)-4-chloro- α -(1-methylethyl)benzeneacetate and (R)-cyano(3-phenoxyphenyl)methyl-(S)-4-chloro- α -(1-methylethyl)benzeneacetate, in or on food commodities as follows:

Commodity	Parts per million
Cabbage, chinese, bok choy	1.0
Kohlrabi	2.0
Lettuce, head	5.0

* * * * *

§ 180.626 [Amended]

■ 14. Section 180.626 is amended by removing the entry for “peanut, hay” from the table in paragraph (a)(1).

[FR Doc. E9–21895 Filed 9–10–09; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–8091]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: Effective Dates: The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because

the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region II				
New York:				
Atlantic Beach, Village of, Nassau County.	360458	NA, Emerg.; March 9, 2004, Reg.; September 11, 2009, Susp.	Sept. 11, 2009 ..	Sept. 11, 2009.
Freeport, Village of, Nassau County	360464	November 26, 1971, Emerg.; February 14, 1976, Reg.; September 11, 2009, Susp.	*do	do.
Lawrence, Village of, Nassau County ...	360476	June 27, 1975, Emerg.; May 16, 1983, Reg.; September 11, 2009, Susp.	do	do.
Massapequa Park, Village of, Nassau County.	360480	June 6, 1975, Emerg.; January 19, 1983, Reg.; September 11, 2009, Susp.	do	do.
Saddle Rock, Village of, Nassau County.	360491	July 17, 1975, Emerg.; October 18, 1983, Reg.; September 11, 2009, Susp.	do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Sea Cliff, Village of, Nassau County	360493	September 17, 1973, Emerg.; February 1, 1978, Reg.; September 11, 2009, Susp.	do	do.
Valley Stream, Village of, Nassau County.	360495	July 22, 1975, Emerg.; January 5, 1984, Reg.; September 11, 2009, Susp.	do	do.
Region III				
Virginia:				
Boydton, Town of, Mecklenburg County	510269	October 18, 1978, Emerg.; December 3, 1982, Reg.; September 11, 2009, Susp.	do	do.
Chase City, Town of, Mecklenburg County.	510297	June 10, 1975, Emerg.; June 18, 1982, Reg.; September 11, 2009, Susp.	do	do.
Clarksville, Town of, Mecklenburg County.	510209	April 15, 1974, Emerg.; August 6, 1982, Reg.; September 11, 2009, Susp.	do	do.
Mecklenburg County, Unincorporated Areas.	510189	November 7, 1973, Emerg.; August 15, 1978, Reg.; September 11, 2009, Susp.	do	do.
Region IV				
Alabama:				
Anderson, Town of, Lauderdale County	010407	NA, Emerg.; September 7, 2000, Reg.; September 11, 2009, Susp.	do	do.
Bullock County, Unincorporated Areas	010231	February 19, 1976, Emerg.; June 1, 1987, Reg.; September 11, 2009, Susp.	do	do.
Butler County, Unincorporated Areas ...	010017	February 27, 2006, Emerg.; NA, Reg.; September 11, 2009, Susp.	do	do.
Courtland, Town of, Lawrence County ..	010141	March 11, 1974, Emerg.; April 17, 1978, Reg.; September 11, 2009, Susp.	do	do.
Florence, City of, Lauderdale County ...	010140	May 24, 1973, Emerg.; May 2, 1977, Reg.; September 11, 2009, Susp.	do	do.
Georgiana, City of, Butler County	010018	December 5, 1974, Emerg.; July 15, 1977, Reg.; September 11, 2009, Susp.	do	do.
Greenville, City of, Butler County	010329	March 13, 1975, Emerg.; May 1, 1980, Reg.; September 11, 2009, Susp.	do	do.
Hillsboro, Town of, Lawrence County ...	010305	December 21, 1978, Emerg.; April 2, 1986, Reg.; September 11, 2009, Susp.	do	do.
Lauderdale County, Unincorporated Areas.	010323	June 14, 1979, Emerg.; February 4, 1981, Reg.; September 11, 2009, Susp.	do	do.
Lawrence County, Unincorporated Areas.	010324	NA, Emerg.; March 14, 1991, Reg.; September 11, 2009, Susp.	do	do.
Moulton, City of, Lawrence County	010142	April 1, 1974, Emerg.; October 16, 1979, Reg.; September 11, 2009, Susp.	do	do.
North Courtland, Town of, Lawrence County.	010444	January 15, 2003, Emerg.; January 28, 2003, Reg.; September 11, 2009, Susp.	do	do.
Rogersville, Town of, Lauderdale County.	010339	October 30, 2006, Emerg.; NA, Reg.; September 11, 2009, Susp.	do	do.
Union Springs, City of, Bullock County	010016	November 8, 1974, Emerg.; August 15, 1983, Reg.; September 11, 2009, Susp.	do	do.
Florida:				
Aventura, City of, Miami-Dade County ..	120676	NA, Emerg.; October 22, 1997, Reg.; September 11, 2009, Susp.	do	do.
Bal Harbour, Town of, Miami-Dade County.	120636	August 4, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Bay Harbor Islands, Town of, Miami-Dade County.	120637	August 4, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Biscayne Park, Village of, Miami-Dade County.	120638	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Coral Gables, City of, Miami-Dade County.	120639	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Cutler Bay, Town of, Miami-Dade County.	120218	NA, Emerg.; August 31, 2006, Reg.; September 11, 2009, Susp.	do	do.
do.al, City of, Miami-Dade County	120041	NA, Emerg.; May 12, 2004, Reg.; September 11, 2009, Susp.	do	do.
El Portal, Village of, Miami-Dade County.	120640	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Florida City, City of, Miami-Dade County.	120641	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Golden Beach, Town of, Miami-Dade County.	120642	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Hialeah, City of, Miami-Dade County	120643	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Hialeah Gardens, City of, Miami-Dade County.	120644	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Homestead, City of, Miami-Dade County.	120645	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Indian Creek, Village of, Miami-Dade County.	120646	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Islandia, City of, Miami-Dade County	120647	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Key Biscayne, Village of, Miami-Dade County.	120648	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Medley, Town of, Miami-Dade County ..	120649	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Miami, City of, Miami-Dade County	120650	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Miami Beach, City of, Miami-Dade County.	120651	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Miami Lakes, Town of, Miami-Dade County.	120686	NA, Emerg.; July 17, 2003, Reg.; September 11, 2009, Susp.	do	do.
Miami Shores Village, Village of, Miami-Dade County.	120652	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Miami Springs, City of, Miami-Dade County.	120653	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Miami-Dade County, Unincorporated Areas.	120635	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
North Bay Village, City of, Miami-Dade County.	120654	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
North Miami, City of, Miami-Dade County.	120655	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
North Miami Beach, City of, Miami-Dade County.	120656	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Opa-Locka, City of, Miami-Dade County	120657	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Palmetto Bay, Village of, Miami-Dade County.	120687	NA, Emerg.; February 2, 2005, Reg.; September 11, 2009, Susp.	do	do.
Pinecrest, Village of, Miami-Dade County.	120425	NA, Emerg.; October 13, 1998, Reg.; September 11, 2009, Susp.	do	do.
South Miami, City of, Miami-Dade County.	120658	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Sunny Isles Beach, City of, Miami-Dade County.	120688	NA, Emerg.; September 10, 2003, Reg.; September 11, 2009, Susp.	do	do.
Surfside, Town of, Miami-Dade County	120659	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Sweetwater, City of, Miami-Dade County.	120660	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Virginia Gardens, Village of, Miami-Dade County.	120661	August 14, 1970, Emerg.; September 29, 1972, Reg.; September 11, 2009, Susp.	do	do.
Georgia:				
Adel, City of, Cook County	130060	December 17, 1973, Emerg.; September 1, 1977, Reg.; September 11, 2009, Susp.	do	do.
Americus, City of, Sumter County	130203	March 28, 1975, Emerg.; December 16, 1988, Reg.; September 11, 2009, Susp.	do	do.
Argyle, Town of, Clinch County	130049	November 3, 1975, Emerg.; July 3, 1986, Reg.; September 11, 2009, Susp.	do	do.
Cecil, City of, Cook County	130568	December 5, 2000, Emerg.; December 6, 2001, Reg.; September 11, 2009, Susp.	do	do.
Clinch County, Unincorporated Areas ...	130048	October 10, 1975, Emerg.; August 1, 1986, Reg.; September 11, 2009, Susp.	do	do.
Coffee County, Unincorporated Areas ..	130465	August 11, 1987, Emerg.; August 2, 1990, Reg.; September 11, 2009, Susp.	do	do.
Cook County, Unincorporated Areas	130501	November 20, 1991, Emerg.; April 3, 1996, Reg.; September 11, 2009, Susp.	do	do.
do.ly County, Unincorporated Areas	130532	September 22, 1995, Emerg.; June 4, 1996, Reg.; September 11, 2009, Susp.	do	do.
do.glas, City of, Coffee County	130216	March 5, 1974, Emerg.; July 16, 1979, Reg.; September 11, 2009, Susp.	do	do.
Dupont, City of, Clinch County	130050	October 1, 1975, Emerg.; June 3, 1986, Reg.; September 11, 2009, Susp.	do	do.
Homerville, City of, Clinch County	130051	July 24, 1975, Emerg.; July 9, 1982, Reg.; September 11, 2009, Susp.	do	do.
Lenox, Town of, Cook County	130569	January 12, 2001, Emerg.; December 6, 2001, Reg.; September 11, 2009, Susp.	do	do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Leslie, City of, Sumter County	130395	August 6, 1975, Emerg.; September 29, 1986, Reg.; September 11, 2009, Susp.	do	do.
Molena, City of, Pike County	130376	July 25, 1996, Emerg.; September 1, 2004, Reg.; September 11, 2009, Susp.	do	do.
Pike County, Unincorporated Areas	130511	October 11, 1994, Emerg.; March 18, 1996, Reg.; September 11, 2009, Susp.	do	do.
Pinehurst, City of, do.ly County	130071	July 30, 1975, Emerg.; June 25, 1976, Reg.; September 11, 2009, Susp.	do	do.
Ringgold, City of, Catoosa County	130029	February 5, 1974, Emerg.; June 15, 1978, Reg.; September 11, 2009, Susp.	do	do.
Sparks, Town of, Cook County	130061	December 26, 1973, Emerg.; November 16, 1977, Reg.; September 11, 2009, Susp.	do	do.
Sumter County, Unincorporated Areas	130521	April 26, 1995, Emerg.; May 6, 1996, Reg.; September 11, 2009, Susp.	do	do.
Unadilla, City of, Dooley County	130072	July 16, 1975, Emerg.; July 23, 1982, Reg.; September 11, 2009, Susp.	do	do.
Zebulon, City of, Pike County	130529	August 5, 1998, Emerg.; NA, Reg.; September 11, 2009, Susp.	do	do.
South Carolina:				
Oconee County, Unincorporated Areas	450157	May 16, 1975, Emerg.; September 1, 1987, Reg.; September 11, 2009, Susp.	do	do.
Seneca, City of, Oconee County	450158	July 24, 1975, Emerg.; December 16, 1977, Reg.; September 11, 2009, Susp.	do	do.
Walhalla, Town of, Oconee County	450159	May 20, 1975, Emerg.; June 17, 1986, Reg.; September 11, 2009, Susp.	do	do.

*-do- =Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: September 4, 2009.

Edward L. Conner,

Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E9–21910 Filed 9–10–09; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[CG Docket No. 05–231 and ET Docket No. 99–254; DA 09–1373]

Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: The Federal Communications Commission is correcting a final rule that appeared in the **Federal Register** on January 13, 2009, 74 FR 1594. That document described new procedures for closed captioning complaints and requirements that video programming distributors provide contact information for handling closed captioning immediate concerns and complaints.

DATES: This rule contains information collection requirements subject to the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13, that have not been approved by the Office of Management and Budget (OMB). The Commission will publish a separate document in the **Federal Register** announcing the effective date.

FOR FURTHER INFORMATION CONTACT:

Amelia Brown, Disability Rights Office, Consumer and Governmental Affairs Bureau at (202) 418–2799 (voice), (202) 418–7804 (TTY), or e-mail at Amelia.Brown@fcc.gov.

SUPPLEMENTARY INFORMATION:

Background

In *Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers*, CG Docket No. 05–231, ET Docket No. 99–254, Declaratory Ruling, Order, and Notice of Proposed Rulemaking, FCC 08–255, published at 74 FR 1594, January 13, 2009, the Commission amended various of its, and adopted new, closed captioning rules.

Need for Correction

This correction is necessary to clarify new 47 CFR 79.1(i)(1).

List of Subjects in 47 CFR Part 79

Cable television operators, Multichannel video programming distributors (MVPDs), Satellite television service providers, Television broadcasters.

■ Accordingly, 47 CFR Part 79 is corrected by making the following correcting amendment:

PART 79—CLOSED CAPTIONING AND VIDEO DESCRIPTION OF VIDEO PROGRAMMING

■ 1. The authority citation for Part 79 continues to read as follows:

Authority: 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, 310, 613.

■ 2. Section 79.1 is amended by revising paragraph (i)(1) to read as follows:

§ 79.1 Closed captioning of video programming.

* * * * *

(i) * * *

(1) Video programming distributors shall make available contact information for the receipt and handling of immediate closed captioning concerns raised by consumers while they are watching a program. Programming distributors must designate a telephone number, fax number, and e-mail address for purposes of receiving and responding immediately to any closed captioning concerns. Distributors shall