

been cancelled. In a letter dated September 30, 2009, Wellmark International submitted a request to voluntarily cancel its pet collar registrations pursuant to section 6(f) of FIFRA. (74 FR 54045, October 21, 2009). These are the only carbaryl pet collar registrations and the last remaining pet product registration for carbaryl. EPA issued its final order cancelling carbaryl registrations for pet collar uses on December 16, 2009. (74 FR 66642).

#### *E. Conclusion on Objections and Request for a Hearing*

For the reasons stated above, all of the NRDC's objections as well as its request for a hearing are denied.

### **IX. Regulatory Assessment Requirements**

As indicated previously, this action announces the Agency's final order regarding objections filed under section 408 of FFDCA. As such, this action is an adjudication and not a rule. The regulatory assessment requirements imposed on rulemaking do not, therefore, apply to this action.

### **X. Submission to Congress and the Comptroller General**

The Congressional Review Act, (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3).

### **XI. References**

1. Natural Resources Defense Council, "Objections to the Order Denying NRDC's Petition to Revoke All Tolerances for Carbaryl, and Request for Public Evidentiary Hearing" (December 29, 2008).
2. Natural Resources Defense Council, Petition to Revoke All Carbaryl Tolerances and Cancel All Carbaryl Registrations, (January 10, 2005).
3. Natural Resources Defense Council, Petition to Cancel Carbaryl and Propoxur for Pet Collar Uses, (November 26, 2007).
4. US EPA, Carbaryl; Order Denying NRDC's Petition to Revoke Tolerances, 73 FR 64229, October 29, 2008.
5. US EPA, "A User's Guide to Available EPA Information on Assessing Exposure to Pesticides in Food" (June 21, 2000).
6. FIFRA Science Advisory Panel. 2002. Methods Used to Conduct a Preliminary Cumulative Risk Assessment for Organophosphate Pesticides. Final Report from the FIFRA Scientific Advisory Panel Meeting of February 5–7, 2002 (Report dated March 19, 2002). FIFRA Scientific Advisory Panel, Office of Science Coordination and Policy, Office of Prevention, Pesticides and Toxic Substances, U.S. Environmental Protection Agency. Washington, DC. SAP Report 2002–01.
7. FIFRA Science Advisory Panel. 2005a. Final report on N-Methyl Carbamate

Cumulative Risk Assessment: Pilot Cumulative Analysis. Final Report from the FIFRA Scientific Advisory Panel Meeting of February 2005 (Report dated September 2, 1998). Available at: <http://www.epa.gov/scipoly/sap/2005/february/minutes.pdf>.

8. FIFRA Science Advisory Panel. 2005b. Final report on Preliminary N-Methyl Carbamate Cumulative Risk Assessment. Final Report from the FIFRA Scientific Advisory Panel Meeting of July 29–30, 2005 (Report dated September -, 2005). Available at: <http://www.epa.gov/scipoly/sap/2005/august/minutes.pdf>.

9. Office of Pesticide Programs, US EPA, "Office of Pesticide Programs' Policy on the Determination of the Appropriate FQPA Safety Factor(s) For Use in the Tolerance Setting Process" (February 28, 2002).

10. US EPA Office of Pesticide Programs, "The Use of Data on Cholinesterase Inhibition for Risk Assessments of Organophosphorous and Carbamate Pesticides" (August 18, 2000).

11. US EPA Office of Pesticide Programs. March 9, 2005 letter to Peg Cherney, Bayer Crop Science, Final Cancellation Order for Carbaryl Liquid Broadcast Application to Lawns/Turf; EPA Registration Numbers 264–324, 264–325, and 264–328.

12. US EPA Office of Pesticide Programs. 2007. Office of Prevention, Pesticides and Toxic Substances, EPA, Reregistration Eligibility Decision for Carbaryl (September 24, 2007).

13. US EPA Office of Pesticide Programs. 2002. Hazard Identification Assessment Review Committee (HIARC) report (March 5, 2002).

14. US EPA Office of Pesticide Programs. 2002. FQPA SF Committee report (April 3, 2002).

15. US EPA Office of Pesticide Programs. 2002. HIARC report (May 9, 2002).

16. Moser, G. (2007) Report of Cholinesterase Comparative Sensitivity Study of Carbaryl. Unpublished study prepared by US EPA, ORD, NHEERL. (MRID 47143001).

17. US EPA Office of Pesticide Programs. 2007. Carbaryl: Updated Endpoint Selection for Single Chemical Risk Assessment (June 29, 2007).

18. US EPA Office of Pesticide Programs. 2007b. Carbaryl. HED Chapter of the Reregistration Eligibility Decision Document (RED). EPA–HQ–OPP–2007–0941–0003. PC Code: 056801, DP Barcode: D334770. (June 28, 2007).

19. Johnson, C.D. and Russell, R.L. (1975) A rapid, simple radiometric assay for cholinesterase, suitable for multiple determinations. *Analytical Biochemistry*. 64:229–238.

20. US EPA Office of Pesticide Programs. 1998. Hazard Identification Assessment Review Committee (HIARC) report (July 7, 1998).

21. US EPA Office of Pesticide Programs. 1998. FQPA SF Committee report (August 27, 1998).

22. US EPA Office of Pesticide Programs. 1999. HIARC report (April 27, 1999).

23. US EPA Office of Pesticide Programs. 1999. HIARC report (November 15, 1999).

24. US EPA Office of Pesticide Programs. 1999. FQPA SF Committee report (December 13, 1999).

25. US EPA Office of Pesticide Programs. 2001. HIARC report (April 5, 2001).

26. US EPA Office of Pesticide Programs. 2001. FQPA SF Committee report (April 30, 2001).

### **List of Subjects in 40 CFR Part 180**

Environmental protection, Carbaryl, Pesticides and pests.

Dated: September 8, 2010.

**Steven Bradbury,**

*Director, Office of Pesticide Programs*

[FR Doc. 2010–22987 Filed 9–14–10; 8:45 am]

**BILLING CODE 6560–50–S**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 180**

**[EPA–HQ–OPP–2010–0756; FRL–8844–7]**

### **Technical Amendments to Pesticide Regulations**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is issuing this technical amendment to change references in several sections of 40 CFR part 180. These changes are necessary because of a final rule which was issued in the **Federal Register** of June 8, 2005. That final rule made miscellaneous changes to 40 CFR part 180 to update generic provisions of EPA's procedural regulations relating to pesticide chemicals. The update was made necessary because of various changes made by the Food Quality Protection Act of 1996.

**DATES:** This final rule is effective September 15, 2010.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2010–0756. 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:** Kathryn Boyle, Field and External Affairs Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6304; fax number: (703) 305-5884; e-mail address: [boyle.kathryn@epa.gov](mailto:boyle.kathryn@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. 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:

- 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 provides 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**.

**II. Background**

*A. What Action is the Agency Taking?*

EPA is issuing this technical amendment to change references in several sections of 40 CFR part 180. These changes are necessary because of a final rule which was issued in the **Federal Register** of June 8, 2005 (70 FR 33354) (FRL-7706-9). That final rule made miscellaneous changes to 40 CFR part 180 to update generic provisions of EPA's procedural regulations relating to pesticide chemicals. The update was made necessary because of various changes made by the Food Quality Protection Act of 1996.

Several amendments were made to § 180.1. One of the amendments removed § 180.1(d) while another amendment redesignated § 180.1(e) through § 180.1(p) as new § 180.1(d) through § 180.1(o). There are numerous references throughout 40 CFR part 180,

subpart C to the definition of the term "regional registration." Before the redesignation, the definition for "regional registration" was codified in § 180.1(n); however, with the redesignation the definition was moved to § 180.1(m). At that time there were no conforming amendments to make the necessary adjustments to the references found in other sections in 40 CFR part 180, subpart c. Therefore, most of the references to the definition of "regional registration" still indicate that the term is codified in § 180.1(n) rather than indicating that the term is now codified in § 180.1(m). This technical amendment merely corrects the reference to the definition of the term "regional registration."

Additionally, § 180.40(b) references § 180.1(h) for a listing of commodities for which established tolerances may be applied to certain other related and similar commodities. With the redesignation that occurred, the listing is now in § 180.1(g). This technical amendment also corrects § 180.40(b).

*B. What is the Agency's Authority for Taking this Action?*

This technical amendment is being issued under authority of 21 U.S.C. 321(q), 346a and 371.

**III. Statutory and Executive Order Reviews**

These technical amendments merely change references in the EPA regulations governing pesticide tolerances. The amendments are procedural in nature and do not have any impact on regulated parties or the public. A complete statutory and Executive Order review was provided in the procedural regulation that was printed on June 8, 2005 (70 FR 33354) (FRL-7706-9).

**IV. 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 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 the 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 pest.

Dated: September 7, 2010.

**William R. Diamond,**

*Acting Director, 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.

**Part 180 [Amended]**

■ 2. In part 180 make the changes that appear in the following table:

| In Section and paragraph       | Revise the Reference | To Read    |
|--------------------------------|----------------------|------------|
| § 180.40(b)                    | § 180.1(h)           | § 180.1(g) |
| § 180.106(c) introductory text | § 180.1(n)           | § 180.1(m) |
| § 180.123(c) introductory text | § 180.1(n)           | § 180.1(m) |
| § 180.145(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.205(c) introductory text   | § 180.1(n)           | § 180.1(m) |
| 180.222(c) introductory text   | § 180.1(n)           | § 180.1(m) |
| 180.253(c) introductory text   | § 180.1(n)           | § 180.1(m) |
| 180.254(c) introductory text   | § 180.1(n)           | § 180.1(m) |
| 180.259(c) introductory text   | § 180.1(n)           | § 180.1(m) |
| 180.261(c) introductory text   | § 180.1(n)           | § 180.1(m) |
| 180.275(c) introductory text   | § 180.1(n)           | § 180.1(m) |
| 180.284(c) introductory text   | § 180.1(n)           | § 180.1(m) |
| 180.294(c) introductory text   | § 180.1(n)           | § 180.1(m) |

| In Section and paragraph     | Revise the Reference | To Read    |
|------------------------------|----------------------|------------|
| 180.298(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.300(c)                   | § 180.1(n)           | § 180.1(m) |
| 180.304(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.315(b) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.349(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.355(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.396(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.399(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.401(b) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.408(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.415(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.432(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.441(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.447(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.448(c) introductory text | 40 CFR 180.1(n)      | § 180.1(m) |
| 180.451(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.494(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.503(c) introductory text | § 180.1(n)           | § 180.1(m) |

| In Section and paragraph     | Revise the Reference | To Read    |
|------------------------------|----------------------|------------|
| 180.573(c) introductory text | § 180.1(n)           | § 180.1(m) |
| 180.587(c) introductory text | Sec. 180.1(n)        | § 180.1(m) |

[FR Doc. 2010-22855 Filed 9-14-09; 8:45 am]

BILLING CODE 6560-50-S

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300****[EPA-R03-SFUND-2010-0436; FRL-9177-8]**

**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Letterkenny Army Depot Southeastern (SE) Area and Letterkenny Army Depot Property Disposal Office (PDO) Area Superfund Sites**

*Correction*

In rule document 2010-17776 beginning on page 43082 in the issue of Friday, July 23, 2010 make the following correction:

**Appendix B to Part 300 [Corrected]**

On page 43088, in Appendix B to Part 300, in Table 2, in the entry in the fifth row, in the second column of the table, "Letterkenny Army Depot (SE Area)" should read "Letterkenny Army Depot (PDO Area)".

[FR Doc. C1-2010-17776 Filed 9-14-10; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****42 CFR Part 411****Exclusions from Medicare and Limitations on Medicare Payment***CFR Correction*

In Title 42 of the Code of Federal Regulations, Parts 400 to 413, revised as of October 1, 2009, on page 475, in § 411.357, paragraph (a)(5)(ii) is revised and the second paragraph (a)(6) is removed.

The revised text is set forth to read as follows;

**§ 411.357 Exceptions to the referral prohibition related to compensation arrangements.**

\* \* \* \* \*

(a) \* \* \*

(5) \* \* \*

(ii) Using a formula based on—

(A) A percentage of the revenue raised, earned, billed, collected, or otherwise attributable to the services performed or business generated in the office space; or

(B) Per-unit of service rental charges, to the extent that such charges reflect services provided to patients referred by the lessor to the lessee.

\* \* \* \* \*

[FR Doc. 2010-23179 Filed 9-14-10; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****46 CFR Part 8****Vessel Inspection Alternatives***CFR Correction*

In Title 46 of the Code of Federal Regulations, Parts 1 to 40, revised as of October 1, 2009, on page 88, in § 4.420, paragraph (c) is revised to read as follows:

**§ 4.420 Classification society authorization to participate in the Alternate Compliance Program.**

\* \* \* \* \*

(c) A recognized classification society:

(1) Will be eligible to receive authorization to participate in the ACP only after the Coast Guard has delegated to it the authority to issue the following certificates:

(i) International Load Line Certificate;

(ii) International Tonnage Certificate;

(iii) Cargo Ship Safety Construction Certificate;

(iv) Cargo Ship Safety Equipment Certificate; and

(v) International Oil Pollution Prevention Certificate; and

(2) Must have performed a delegated function related to general vessel safety assessment, as defined in § 8.100 of this part, for a two-year period.

\* \* \* \* \*

[FR Doc. 2010-23172 Filed 9-14-10; 8:45 am]

BILLING CODE 1505-01-D