

not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not 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: September 8, 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 180.634 is amended as follows:

a. By revising the introductory text of paragraph (a) and redesignating it as paragraph (a)(1).

b. In the table to newly redesignated paragraph (a)(1) by revising the entries for corn, sweet, forage, and corn, sweet, stover, and by removing the entry for corn, sweet, kernel plus cob with husks removed.

c. By adding paragraph (a)(2). The revised and added text reads as follows:

**§ 180.634 Tembotrione; tolerances for residues.**

(a) \* \* \* (1) Tolerances are established for residues of the herbicide tembotrione, including its metabolites and degradates, in or on the commodities listed in the table to this paragraph. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of tembotrione, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-1,3-cyclohexanedione and its metabolite, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-4,6-dihydroxy-1,3-cyclohexanedione, calculated as the stoichiometric equivalent of tembotrione, in or on the following commodities.

Commodity	Parts per million
* * *	* *
Corn, sweet, forage .....	0.35
Corn, sweet, stover .....	0.60
* * *	* *

(2) Tolerances are established for residues of the herbicide tembotrione, including its metabolites and degradates, in or on the commodities listed in the table to this paragraph. Compliance with the tolerance levels specified below is to be determined by measuring only tembotrione, 2-[2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]benzoyl]-1,3-cyclohexanedione in or on the following commodities.

Commodity	Parts per million
Corn, sweet, kernel plus cob with husks removed .....	0.01

\* \* \* \* \*

[FR Doc. E9-22519 Filed 9-17-09; 8:45 am]  
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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

[CG Docket 03-123 and WC Docket No. 05-196; DA 09-1323]

**Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; extension of deadline.

**SUMMARY:** In this document, the Commission via the Consumer and Governmental Affairs Bureau (Bureau) extends the registration deadline established in the *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Second Report and Order and Order on Reconsideration (*Second Internet-based TRS Order*), during which Internet-based Telecommunications Relay Service (TRS) providers may continue to complete the non-emergency calls of unregistered users. This action is necessary because extending the deadline will ensure a more orderly transition to ten-digit numbering for

users of Internet-based TRS by allowing for additional time for outreach and educational activities, as well as time to address any unresolved technical issues associated with the transition.

**DATES:** Document DA 09–1323 became effective on June 15, 2009. The registration deadline for Internet-based TRS providers is extended until November 12, 2009.

**FOR FURTHER INFORMATION CONTACT:** Thomas Chandler, Consumer and Governmental Affairs Bureau, Disability Rights Office at (202) 418–1475 (voice), (202) 418–0597 (TTY), or e-mail [Thomas.Chandler@fcc.gov](mailto:Thomas.Chandler@fcc.gov).

**SUPPLEMENTARY INFORMATION:** On December 19, 2008, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03–123 and WC Docket No. 05–196, published at 73 FR 79683, December 30, 2008, providing existing users of Internet-based TRS a three-month registration period followed by a three-month permissive calling period which is scheduled to end on June 30, 2009. This is a summary of document DA 09–1323, adopted and released June 15, 2009.

The full text of document DA 09–1323 and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. Document DA 09–1323 and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at its Web site <http://www.bcpweb.com> or by calling 1–800–378–3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY). Document DA 09–1323 can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/cgb/dro/trs.html#orders>.

## Synopsis

### Background

1. In the *First Internet-based TRS Order*, the Commission adopted

emergency call handling requirements for Internet-based TRS, specifically Video Relay Service (VRS) and Internet Protocol (IP) Relay, as well as a system for assigning users of VRS and IP Relay ten-digit numbers linked to the North American Numbering Plan (NANP). *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03–123; *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05–196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591 (June 24, 2008) (*First Internet-based TRS Order*); published at 73 FR 41286, July 18, 2008. The Bureau uses the term, “Internet-based TRS,” herein to refer to both VRS and IP Relay, unless otherwise specified. See 47 CFR 601(a)(11), (13), (21), and (26) of the Commission's rules (defining various forms of TRS). Although IP captioned telephone service (IP CTS) is also an Internet-based form of TRS, as noted in the *First Internet-based TRS Order*, the Commission has determined to address any issues relating to IP CTS, if appropriate, in a separate order because IP CTS raises distinct technical and regulatory issues. See *First Internet-based TRS Order*, 23 FCC Rcd at 11592, paragraph 1, note 5 (deferring action on IP CTS), see also 23 FCC Rcd at 11594, note 15 (describing captioned telephone service and IP CTS).

2. The Commission required Internet-based TRS providers to offer individuals using their service the capability to register with a “default provider,” and to begin assigning ten-digit, NANP telephone numbers to their registered users no later than December 31, 2008. The Commission explained that mandatory registration and the assignment of NANP telephone numbers would yield important benefits, including facilitating the effective provision of 911 service. The Commission required Internet-based TRS providers to obtain registration information from all new users and to assign all new users a NANP telephone number. See 47 CFR 64.611(b) of the Commission's rules (requiring mandatory registration of new users). The Commission defined a “new” user as an individual who “has not previously utilized VRS or IP Relay[.]” Existing users would also have to be registered. Recognizing that not every existing Internet-based TRS user would immediately register with a default provider, however, the Commission decided to implement a longer registration period for the existing base

of users to migrate to the new ten-digit numbering plan.

3. In the *Second Internet-based TRS Order*, the Commission provided existing users a three-month “registration period” followed by a three-month “permissive calling period” which is scheduled to end on June 30, 2009. During the permissive calling period, Internet-based TRS providers may continue to carry non-emergency calls for unregistered users. At the conclusion of the permissive calling period, however, providers must register any unregistered user before completing a non-emergency VRS or IP Relay call.

4. On April 29, 2009, a group representing a majority of the Internet-based TRS providers filed the Joint Petition seeking to postpone the June 30, 2009, Internet-based TRS registration deadline. See Petition to Extend Relay Registration Deadline, CG Docket No. 03–123 and WC Docket No. 05–196 (filed April 29, 2009) (*Joint Petition*). The Joint Petition was filed by AT&T, Inc. CAC, CSDVRS, LLC, Hamilton Relay, Inc., Purple Communications, Inc., Snap Telecommunications, Inc., Sprint Nextel Corporation, and Viable, Inc. Asserting that a large percentage of existing Internet-based TRS users remain unregistered due to consumer confusion, the petitioners urge the Commission to extend the deadline “indefinitely” until certain milestones are adequately satisfied. *Joint Petition* at 9. Although “reluctant to suggest the exact deadline,” the petitioners suggested a “goal” of December 31, 2009. *Joint Petition* at 9.

5. The petitioners identify four “milestones” they believe should be achieved before the permissive calling period is allowed to end: (1) Implementation of a reverse look-up function that would automatically verify whether a caller is registered; (2) implementation of “an extensive public education and outreach campaign;” (3) resolution of concerns about the assignment of geographically appropriate phone numbers; and (4) resolution of equipment portability issues. *Joint Petition* at 10–11.

6. Sorenson Communications, Inc., filed an *ex parte* letter in response to the *Joint Petition*. See Letter from Gil M. Strobel, Sorenson Communications, Inc., to Marlene H. Dortch (dated May 12, 2009). While Sorenson does not expressly ask the Commission to deny the petition, Sorenson does express the view that an extension is not needed, and states its concern about the open-ended nature of the petitioners' request.

### Discussion

7. The Bureau finds good cause to extend the June 30, 2009 registration deadline established in the *Second Internet-based TRS Order* and, therefore, the Bureau extends until November 12, 2009, the date after which VRS and IP Relay providers must stop completing non-emergency calls for unregistered users. The Bureau concludes that extending the deadline will ensure a more orderly transition to ten-digit numbering for users of Internet-based TRS. In particular, the Bureau is concerned that, despite the outreach and consumer education efforts already undertaken by the Commission and the Internet-based TRS providers, many users may remain uncertain about how the ten-digit numbering and E911 requirements will affect their use of Internet-based TRS and their rights and responsibilities under the new rules. *See, e.g., Joint Petition* at 6–9 (discussing several areas of customer confusion concerning the use of toll-free numbers, equipment and number porting, and misconceptions about the use of a single number for multiple services).

8. In addition, the Bureau has received recent data from some providers indicating that a majority of calls presently handled are not being made via a new ten-digit number. *See, e.g., CSDVRS Ex parte* letter, CG Docket No. 03–123 (June 11, 2009); Hamilton Relay, Inc. *Ex parte* letter, CG Docket No. 03–123, WC Docket No. 05–196 (June 11, 2009). Extending the end of the permissive calling period until November 12, 2009 will enable the Commission, as well as the providers, to conduct additional outreach and education addressing particular consumer concerns associated with the transition to ten-digit numbering for Internet-based TRS. And to the extent that there are technical concerns, as petitioners suggest, this additional time will allow them to be addressed.

9. The Bureau is not, however, persuaded that it should extend the June 30th deadline indefinitely, as petitioners request. As Sorenson notes in its *ex parte* filing, registering users for ten-digit numbers “is critical for public safety.” Sorenson Letter (May 12, 2009) at 4. In the *Second Internet-Based TRS Order*, the Commission found that “mandatory registration is critical to the effective handling of 911 calls.” An indefinite delay in implementation would come at the expense of enhanced emergency services for Internet-based TRS users. The Bureau believes that the extension granted here reasonably

balances the concerns raised in the Joint Petition against the public safety implications of further delay.

### Ordering Clauses

Pursuant to the authority contained in sections 4(i) and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 225, and §§ 0.141, 0.361, and 1.3 of the Commission’s rules, 47 CFR 0.141, 0.361, 1.3, document DA 09–1323 is *adopted*.

The June 30, 2009 Internet-based TRS registration deadline is extended until November 12, 2009. The Petition to Extend Relay Registration Deadline, filed by AT&T, Inc., CAC, CSDVRS, LLC, Hamilton Relay, Inc., Purple Telecommunications, Inc., Sprint Nextel Corporation, and Viable, Inc. on April 29, 2009 is *granted, in part, and denied, in part*, to the extent described herein.

Federal Communications Commission.

### Mark Stone,

*Deputy Chief, Consumer and Governmental Affairs Bureau.*

[FR Doc. E9–22319 Filed 9–17–09; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 08–1840; MB Docket No. 08–227; RM–11493]

### Radio Broadcasting Services; Batesville, Texas

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division grants a Petition for Rule Making issued at the request of Katherine Pyeatt, proposing the allotment of Channel 250A at Batesville, Texas, as its first local service. Channel 250A at Batesville can be allotted, consistent with the minimum distance separation requirements of the Commission’s Rules with the imposition of a site restriction located 11.4 kilometers (7.1 miles) east of the community at reference coordinates 28–58–27 NL and 99–30–12 WL.

**DATES:** Effective October 5, 2009.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Report and Order, MB Docket No. 08–227, adopted August 19, 2009, and released August 21, 2009. The Notice of Proposed Rule Making proposed the allotment of Channel 250A at Batesville, Texas. See 73 FR 76577, published December 17, 2008. The full text of this Commission document is available for inspection and copying during normal business hours in the Commission’s Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone 800–378–3160 or via the company’s website, <<http://www.bcpweb.com>>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4). The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding

Batesville, Channel 250A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief.*

[FR Doc. E9–22440 Filed 9–17–09; 8:45 am]

**BILLING CODE 6712–01–S**