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 Approved: October 13, 2010.

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

Dated: October 28, 2010.

**D.J. Werner,**  
 Lieutenant Commander, Office of the Judge  
 Advocate General, U.S. Navy, Federal  
 Register Liaison Officer.

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**ENVIRONMENTAL PROTECTION  
 AGENCY**

**40 CFR Part 180**

[EPA-HQ-OPP-2007-0099; FRL-8849-2]

**Flubendiamide; Pesticide Tolerances;  
 Technical Correction**

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

**ACTION:** Final rule; technical correction.

**SUMMARY:** EPA issued a final rule in the **Federal Register** of August 18, 2010, concerning the establishment, reassessment, modification and revoking of tolerances for residues of flubendiamide, in or on multiple food and livestock commodities. This document is being issued to correct typographical errors in the referenced rule, specifically, to revise incorrect tolerance values for the established tolerances for corn, field, grain; corn, field, stover; corn, sweet, stover; and cotton gin byproducts.

**DATES:** This final rule is effective November 5, 2010.

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2007-0099. All documents in the docket are listed in the docket index available in <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:**  
 Carmen Rodia, Registration Division  
 (7504P), Office of Pesticide Programs,  
 Environmental Protection Agency, 1200  
 Pennsylvania Avenue, NW.,  
 Washington, DC 20460-0001; telephone  
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 (703) 308-0029; e-mail address:  
[rodia.carmen@epa.gov](mailto:rodia.carmen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Does this action apply to me?**

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

**II. What does this technical correction do?**

Currently, 40 CFR 180.639(a)(1) provides an incorrect tolerance value for the established tolerances for corn, field, grain (0.02 ppm); corn, field, stover (0.15 ppm); corn, sweet, stover (0.25 ppm); and cotton gin byproducts (0.60 ppm). As supported by submitted field trial and processing data, these tolerance values should be revised to 0.03 ppm; 15 ppm; 25 ppm; and 60 ppm, respectively. Therefore, EPA is correcting the entries for corn, field, grain; corn, field, stover; corn, sweet, stover; and cotton gin byproducts in the table in § 180.369(a)(1).

**III. Why is this correction issued as a final rule?**

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment, because this final rule corrects a number of typographical errors and does not otherwise change the original requirements of the final rule. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

**IV. Do any of the statutory and Executive Order reviews apply to this action?**

This final rule corrects a number of typographical errors and does not

otherwise change the original requirements of the final rule. As a typographical correction, this action is not subject to the statutory and Executive Order review requirements. For information about the statutory and Executive Order review requirements as they related to the final rule, see Unit VI. in the **Federal Register** of August 18, 2010 (75 FR 50914) (FRL-8836-2).

**V. 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: October 28, 2010.

**Lois Rossi,**  
 Director, Registration Division, Office of  
 Pesticide Programs.

■ Therefore, 40 CFR part 180 is corrected 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. In § 180.639, in the table to paragraph (a)(1), revise the entries for corn, field, grain; corn, field, stover; corn, sweet, stover; and cotton gin byproducts, to read as follows:

**§ 180.639 Flubendiamide; tolerances for residues.**

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

Commodity	Parts per million
* * * * *	*
Corn, field, grain .....	0.03
Corn, field, stover .....	15
Corn, sweet, stover .....	25
* * * * *	*
Cotton gin byproducts .....	60

Commodity	Parts per million
* * *	* *

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 450**

[EPA-HQ-OW-2010-0884; FRL-9222-2]

**Direct Final Rule Staying Numeric Limitation for the Construction and Development Point Source Category**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to stay the numeric effluent limitation of 280 NTU and associated monitoring requirements for the Construction and Development Point Source Category. This action is necessary so that EPA can reconsider the record basis for calculating the numeric effluent limitation. EPA expects to move expeditiously with its reconsideration, and will remove the stay when such reconsideration is completed.

**DATES:** This rule is effective on January 4, 2011 without further notice, unless EPA receives adverse comment by December 6, 2010 for 40 CFR 450.22(a) and (b), which are stayed indefinitely. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2010-0884, by one of the following methods:

- <http://www.regulations.gov>: This is EPA's preferred approach, although you

may use the alternatives presented below. Follow the on-line instructions for submitting comments.

- *E-mail:* [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov).
- *Mail:* USEPA Docket Center, Environmental Protection Agency, Docket Number EPA-HQ-OW-2010-0884, Mailcode 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* USEPA Docket Center, Public Reading Room, 1301 Constitution Ave., NW., Room 3334, EPA West Building, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OW-2010-0884. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in

the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the USEPA Docket Center, Public Reading Room, Room 3334, EPA West Building, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-2426.

**FOR FURTHER INFORMATION CONTACT:** Janet Goodwin, USEPA Office of Water, by phone at (202) 566-1060 or by e-mail at [goodwin.janet@epa.gov](mailto:goodwin.janet@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Does this action apply to me?**

*Regulated Entities*

Entities potentially regulated by this action include:

Category	Examples of regulated entities	North American industry classification system (NAICS) code
Industry .....	Construction activities required to obtain NPDES permit coverage and performing the following activities: Construction of buildings, including building, developing and general contracting.	236
	Heavy and civil engineering construction, including land subdivision .....	237

EPA does not intend the preceding table to be exhaustive, but provides it as a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be

regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in 40 CFR 450.10

(74 FR 62995) and the definition of "storm water discharges associated with industrial activity" and "storm water discharges associated with small construction activity" in existing EPA regulations at 40 CFR 122.26(b)(14)(x)