ppm; teff, grain at 2.0 ppm; and teff, straw at 50.0 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is 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) (Pub. L. 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: August 31, 2011.

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 180.142 is amended by revising the introductory text in paragraphs (a), (c), and (d); and alphabetically adding the following commodities to the table in paragraph (a) to read as follows:

§ 180.142 2,4-D; tolerances for residues.

(a) *General.* Tolerances are established for residues of the herbicide, plant regulator, and fungicide 2,4-D, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels is to be determined by measuring residues of 2,4-D (2,4-dichlorophenoxyacetic acid), both free and conjugated, determined as the acid, in or on the following commodities:

Commodity	Parts per million
* * * * *	
Teff, bran	4.0
Teff, forage	25.0
Teff, grain	2.0
Teff, straw	50.0
* * * * *	

* * * * *

(c) *Tolerances with regional registrations.* Tolerances with regional registration, as defined in § 180.1(l), are established for residues of the herbicide, plant regulator, and fungicide 2,4-D, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels is to be determined by measuring residues of 2,4-D (2,4-dichlorophenoxyacetic acid), both free and conjugated, determined as the acid, in or on the follow commodities:

* * * * *

(d) *Indirect or inadvertent residues.* Tolerances are established for indirect or inadvertent residues of the herbicide, plant regulator, and fungicide 2,4-D, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerances levels is to be determined by measuring residues of 2,4-D (2,4-dichlorophenoxyacetic acid), both free and conjugated, determined as the acid, in or on the following commodities:

* * * * *

[FR Doc. 2011–22984 Filed 9–8–11; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 73 and 76

[DA 11–1432]

Broadcast Applications and Proceedings; Fairness Doctrine and Digital Broadcast Television Redistribution Control; Fairness Doctrine, Personal Attacks, Political Editorials and Complaints Regarding Cable Programming Service Rates

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission makes several nonsubstantive, editorial revisions to parts 1, 73 and 76 of the Commission's rules. The Commission removes rules that are without current legal effect and are obsolete. The deleted rules include

the fairness doctrine, broadcast flag rules and cable programming services complaint rules.

DATES: Effective September 9, 2011.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. For additional information, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Katie Costello, *Katie.Costello@fcc.gov* of the Media Bureau, Policy Division, (202) 418–2233.

SUPPLEMENTARY INFORMATION: This is a summary of the *Order*, DA 11–1432, adopted on August 24, 2011, and released on August 24, 2011 under delegated authority, with erratum released August 25, 2011. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY–A257, Washington, DC 20554. This document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Regulatory Information

This final rule is being issued without prior notice and opportunity to comment pursuant to authority under the Administrative Procedures Act, 5 U.S.C. 553(b)(3)(B). The rule amendments adopted in this Order are nonsubstantive, editorial revisions of the Commission's rules pursuant to § 0.231 (b) of the Commission's rules, and merely delete obsolete rule provisions. The Commission finds good cause to conclude that notice and comment procedures are unnecessary and would not serve any useful purpose.

Paperwork Reduction Act Analysis

This document contains no new or modified information collection requirements. The rules contained herein have been analyzed with respect to the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. 3501, *et seq.*, and found to contain no new or modified form, information collection, and/or recordkeeping, labeling, disclosure, or record retention requirements, and will not increase or decrease burden hours imposed on the public. In addition, therefore, this Order does not contain any new or modified ''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, 44 U.S.C. 3506(c)(4). The Commission will send a copy of the Order in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

Regulatory Flexibility Act

Because this Order is being adopted without notice and comment, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

Summary of the Order

1. In this Order, we make several nonsubstantive, editorial revisions to parts 1, 73 and 76 of the Commission's rules. We make these revisions to delete certain rule provisions that are without current legal effect and obsolete.

2. Specifically, this Order removes Broadcast Applications and Proceedings rules part 1, subpart D of the Commission's rules, §§ 1.502 through 1.615 of the Commission's rules. This Order removes broadcast and cable rules, §§ 73.1910 and 76.209 of the Commission's rules, which reference the Commission's so-called ''Fairness Doctrine.'' This Order removes cable personal attack and political editorial rules, §§ 76.1612 and 76.1613 of the Commission's rules.

3. This Order removes the Commission's ''Broadcast Flag'' rules, part 73, subparts L and M, of the Commission's rules, §§ 73.8000 and 73.9000 through 73.9009 of the Commission's rules. This Order deletes the Commission's cable programming services (CPST) complaint process rules, §§ 76.950, 76.951, 76.953, 76.954, 76.955, 76.956, 76.957, 76.960, 76.961, 76.1402, 76.1605 and 76.1606 of the Commission's rules.

List of Subjects

47 CFR Part 1

Administrative practice and procedure, Radio.

47 CFR Part 73

Political candidates, Radio, Television.

47 CFR Part 76

Administrative practice and procedure, Cable television, Political candidates.

Federal Communications Commission.

Thomas Horan

Chief of Staff, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1, 73 and 76 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79, *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 227, 303(r), and 309.

Subpart D—[Removed and Reserved]

■ 2. Remove and reserve Subpart D.

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 154, 303, 334, 336 and 339.

§ 73.1910 [Removed]

■ 4. Remove § 73.1910.

Subparts L and M—[Removed]

■ 5. Remove Subparts L and M.

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 6. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572 and 573.

§ 76.209 [Removed]

■ 7. Remove § 76.209.

§§ 76.950 and 76.951 [Removed]

■ 8. Remove §§ 76.950 and 76.951.

§§ 76.953 through 76.957 [Removed]

■ 9. Remove §§ 76.953 through 76.957.

§§ 76.960 and 76.961 [Removed]

■ 10. Remove §§ 76.960 and 76.961.

§ 76.985 [Amended]

■ 11. In § 76.985, remove forms entitled ''INSTRUCTIONS FOR FCC 329,'' ''FCC329''.

§ 76.1402 [Removed]

■ 12. Remove § 76.1402.

§§ 76.1605 and 76.1606 [Removed]

■ 13. Remove §§ 76.1605 and 76.1606.

§§ 76.1612 and 76.1613 [Removed]

■ 14. Remove §§ 76.1612 and 76.1613.

[FR Doc. 2011–23010 Filed 9–8–11; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 213

[Docket No. FRA–2009–0007, Notice No. 4]

RIN 2130–AC35

Track Safety Standards; Concrete Crossties

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This document responds to petitions for reconsideration of FRA's final rule published on April 1, 2011, mandating specific requirements for effective concrete crossties, for rail fastening systems connected to concrete crossties, and for automated inspections of track constructed with concrete crossties. This document amends and clarifies the final rule.

DATES: The final rule is effective November 8, 2011.

FOR FURTHER INFORMATION CONTACT: Kenneth Rusk, Staff Director, Office of Railroad Safety, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (*telephone:* (202) 493–6236); or Veronica Chittim, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20950 (*telephone:* (202) 493–0273).

SUPPLEMENTARY INFORMATION:

Background

On August 26, 2010, FRA issued a Notice of Proposed Rulemaking (NPRM) as a first step to the agency's promulgation of concrete crosstie regulations per the Congressional mandate contained in Section 403(d), of the Rail Safety Improvement Act of 2008 (Pub. L. 110–432, Division A) (RSIA). *See* 75 FR 52,490. On April 1, 2011, following consideration of written comments received in response to the NPRM, FRA published a final rule mandating specific requirements for effective concrete crossties, for rail fastening systems connected to concrete crossties, and for automated inspections of track constructed with concrete crossties. *See* 76 FR 18,073. FRA received two petitions for reconsideration in response to the final rule.

On May 5, 2011, the International Brotherhood of Teamsters, Brotherhood of Maintenance of Way Employes Division (BMWED) filed a petition for reconsideration (BMWED Petition) of the final rule and on May 27, 2011, the Association of American Railroads (AAR) filed a petition for reconsideration (AAR Petition) of the final rule. In order to provide sufficient time to fully consider both Petitions, FRA delayed the effective date of the final rule until October 1, 2011. *See* 76 FR 34,890 (June 15, 2011).

The specific issues raised by these petitioners and FRA's responses to their petitions, are discussed in detail below in the ''Section-by-Section Analysis'' portion of the preamble. The Section-by-Section analysis also contains a detailed discussion of each provision of the final rule which FRA has amended or clarified. The amendments contained in this document generally clarify requirements currently contained in the final rule or allow for greater flexibility in complying with the rule, and are within the scope of the issues and options discussed, considered, or raised in the NPRM.

Section-by-Section Analysis

Amendments to 49 CFR Part 213

Section 213.109 Crossties

AAR Petition: Visibility of Prestressing Material

The final rule provides that concrete crossties shall not be ''broken through or deteriorated to the extent that prestressing material is visible.'' 49 CFR 213.109(d)(1). AAR requests that FRA amend 49 CFR 213.109(d)(1) to state, ''broken through or deteriorated to the extent outer prestressing strands are no longer in tension.'' AAR Petition at 3–4. In proposing such language, AAR asserts that FRA is inconsistent with the specifications in 49 CFR 213.335(d)(1) for Class 6 track. *See* AAR Petition at 3. AAR argues that ''FRA's concern is whether the prestressing material is in tension,'' as demonstrated by the discussion in the final rule. AAR Petition at 3.

FRA declines to adopt AAR's recommendation to modify the language of 49 CFR 213.109(d)(1). The intent of 49 CFR 213.109(d)(1) is to ensure that concrete crossties with reinforcing strands that have lost their bond to the concrete are considered defective. This intent is clearly described in the preamble to the final rule. *See* 76 FR 18,077–18,079 (Apr. 1, 2011). While a concrete crosstie that is ''broken through or deteriorated to the extent outer prestressing strands are no longer in tension'' would be defective, the standard that AAR proposes is difficult to quantify in the field, as an inspector would have difficulty knowing if the prestressing strands are no longer in tension. AAR's proposal would add a qualifier to the standard, making the regulation more subjective and more difficult to enforce.

AAR suggests using the same standard for § 213.109(d)(1) as specified in § 213.335(d), for Class 6 track. Section 213.335(d) provides that the crosstie cannot be ''so deteriorated that the prestress strands are ineffective or withdrawn into the tie at one end and the tie exhibits structural cracks in the rail seat or in the gage of track.'' FRA believes that the standard adopted for lower speeds of track in § 213.109(d)(1) improves upon § 213.335(d) for lower classes of track by more clearly defining what it means to be ''ineffective'' and explaining how to find ''structural cracks.'' FRA notes that while further study would be needed to determine whether this clarifying language would also be appropriate in higher classes of track, any potential amendment to § 213.335(d) would be outside the scope of this proceeding, as modifications to the language in § 213.335(d) was neither raised in the NPRM, nor discussed in the final rule. However, FRA would be willing to address the language in § 213.335(d) in future updates to part 213.

AAR further states that FRA's position to reject the proposed phrase ''completely broken through'' for § 213.109 is unconvincing. *See* AAR Petition at 3. Contrary to this concern, FRA's intent was to simply provide consistency in the language used for wooden crossties and does not find it necessary to introduce ambiguity by adopting differing language without sufficient justification.

Although AAR is concerned with the situations where prestressing material is visible and yet not defective, FRA clearly explained in the preamble to the final rule in response to AAR's comment that FRA is not concerned with prestressing material being visible due to a wheel impact or due to the manufacturing process. *See* 76 FR 18,077–18,079 (Apr. 1, 2011). FRA thoroughly explained its intent in the preamble that by saying the material is ''visible'' it does not mean ''a concrete tie being simply chipped due to wheel impact as opposed to actual deterioration.'' 76 FR 18,077 (Apr. 1, 2011). FRA also clarified that it is ''not