

of section 408(n)(4) of FFDCFA. 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 1, 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 180.361 is amended by revising the introductory text to paragraph (a) and adding alphabetically an entry for "olive" to the table in paragraph (a) to read as follows:

§ 180.361 Pendimethalin; tolerance for residues.

(a) *General.* Tolerances are established for the combined residues of pendimethalin, [N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine], including its metabolites and degradates. Compliance with the tolerance levels specified is to be determined by measuring only pendimethalin, [N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol expressed as the stoichiometric equivalent of pendimethalin, in or on the following raw agricultural commodities.

Commodity	Parts per million
* * * * *	* * * * *
Olive	0.1
* * * * *	* * * * *

[FR Doc. E9-21719 Filed 9-8-09; 8:45 am]

BILLING CODE 6560-50-S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[MB Docket No. 07-172; FCC 09-59].

Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with 47 CFR 74.1284, FCC Form 303-S and FCC Form 345. Therefore, this rule and forms will take effect on October 1, 2009. On September 1, 2009, the Commission published the summary document of the Report and Order, In the Matter of the Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, MB Docket No. 07-172, FCC 09-59, at 74 FR 45126. The Ordering Clause of the Report and Order stated that the Commission would publish a notice in

the Federal Register announcing when OMB approval for Section 74.1284 and information collection requirements (revisions to FCC Form 303-S and 345) have been received and when the revised rule and requirements will take effect. This notice is consistent with the statement in the Report and Order.

FCC Form 349 has not received OMB approval to date. The Commission will publish a notice in the Federal Register announcing when OMB approval has been received.

DATES: The amendments to 47 CFR 74.1284, published September 1, 2009 (74 FR 45130) are effective on October 1, 2009.

FOR FURTHER INFORMATION CONTACT: Cathy Williams, cathy.williams@fcc.gov or on (202) 418-2918.

SUPPLEMENTARY INFORMATION: This document announces that, on September 1, 2009, OMB approved, for a period of three years, the information collection requirement(s) contained in Section 74.1284 of the rules and revisions to FCC Forms 303-S and 345. The Commission publishes this notice to announce the effective date of this rule and requirements. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW, Washington, DC 20554. Please include OMB Control Numbers, 3060-0075 (Form 345), 3060-0110 (Form 303-S) and 3060-0250 (Section 74.1284) in your correspondence. The Commission will also accept your comments via the Internet if you send them to PRA@fcc.gov.

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 or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

SYNOPSIS

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received OMB approval on September 1, 2009, for the information collection requirement(s) contained in the Commission's rules at 47 CFR 74.1284 and revisions to FCC Forms 303-S and 345.

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB Control Number.

The OMB Control Numbers are 3060-0075, 3060-0110 and 3060-0250 and the total annual reporting burdens for respondents for these information collections are as follows:

OMB Control Number: 3060-0075.

OMB Approval Date: September 1, 2009.

Expiration Date: August 31, 2012.

Title: Application for Transfer of Control of a Corporate Licensee or Permittee or Assignment of License or Permit for an FM or TV Translator Station or a Low Power Television Station, FCC Form 345.

Form Number: FCC Form 345.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; State, local or tribal government.

Number of Respondents and Responses: 1,700 respondents; 2,700 responses.

Estimated Time per Response: 0.084-1.25 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Total Annual Burden: 2,667 hours.

Total Annual Costs: \$2,678,025.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 154(i) and 310 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: On June 29, 2009, the Commission adopted a Report and Order, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, MB Docket No. 07-172, FCC 09-59. In the Report and Order, the Commission adopted changes to the FM translator rules that would allow AM stations to use authorized FM translator stations to rebroadcast the AM signal locally, retransmitting their AM programming as a "fill-in" service. The adopted cross-service translating rules limit FM translators to providing "fill-in" service only, specifically within the AM primary station's authorized service area. In addition, the Commission limited the cross-service rule changes to "currently authorized FM translators," that is, those translators with licenses or permit in effect as of May 1, 2009.

Consistent with actions taken by the Commission in the Report and Order, the following changes are made to Form 345: Section III of Form 345 includes a new certification concerning compliance with the AM station "fill-in" service requirements. Specifically, in the AM service, applicants certify that the coverage contour of the FM translator station is contained within the lesser of: (a) The 2 mV/m daytime contour of the AM primary station being rebroadcast, or (b) a 25-mile radius centered at the AM station's transmitter site. The instructions for Section III have been revised to assist applicants with completing the new question.

Filing of the FCC Form 345 is required when applying for authority for the assignment of license or permit, or for consent to transfer of control of a corporate licensee or permittee for an FM or TV translator station, or low power TV station.

OMB Control Number: 3060-0110.

OMB Approval Date: September 1, 2009.

Expiration Date: August 31, 2012.

Title: Application for Renewal of Broadcast Station License, FCC Form 303-S.

Form Number: FCC Form 303-S.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 3,884 respondents; 3,884 responses.

Estimated Time per Response: 1 - 11.83 hours.

Frequency of Response: Every eight year reporting requirement; Third party disclosure requirement.

Total Annual Burden: 7,727 hours.

Total Annual Costs: \$2,148,549.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended, and Section 204 of the Telecommunications Act of 1996.

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: On June 29, 2009, the Commission adopted a Report and Order, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, MB Docket No. 07-172, FCC 09-59. In the Report and Order, the Commission adopted changes to the FM translator rules that would allow AM stations to use authorized FM translator stations to rebroadcast the AM

signal locally, retransmitting their AM programming as a "fill-in" service. The adopted cross-service translating rules limit FM translators to providing "fill-in" service only, specifically within the AM primary station's authorized service area. In addition, the Commission limited the cross-service rule changes to "currently authorized FM translators," that is, those translators with licenses or permit in effect as of May 1, 2009.

Consistent with actions taken by the Commission in the Report and Order, the following changes are made to Form 303-S: Section V of Form 303-S, to be completed by FM and TV Translator and Low Power TV licensees only, includes a new certification concerning compliance with the AM station "fill-in" service requirements. Specifically, in the AM service, applicants certify that the coverage contour of the FM translator station is contained within the lesser of: (a) The 2 mV/m daytime contour of the AM primary station being rebroadcast, or (b) a 25-mile radius centered at the AM station's transmitter site. The instructions for Section V have been revised to assist applicants with completing the new question.

FCC Form 303-S is used in applying for renewal of license for a commercial or noncommercial AM, FM or TV broadcast station and FM translator, TV translator or Low Power TV, and Low Power FM broadcast stations. It can also be used in seeking the joint renewal of licenses for an FM or TV translator station and its co-owned primary FM, AM, TV, or LPTV station.

OMB Control Number: 3060-0250.

OMB Approval Date: September 1, 2009.

Expiration Date: August 31, 2012.

Title: Sections 73.1207, 74.784 and 74.1284, Rebroadcasts.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, local or tribal government.

Number of Respondents and Responses: 6,462 respondents; 11,012 responses.

Estimated Time per Response: 0.50 hours.

Frequency of Response: Recordkeeping requirement; on occasion reporting requirement; semi-annual reporting requirement; third party disclosure requirement.

Total Annual Burden: 5,506 hours.

Total Annual Costs: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 154(i) and

325(a) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: On June 29, 2009, the Commission adopted a Report and Order, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, MB Docket No. 07–172, FCC 09–59. In the Report and Order, the Commission adopted several rule changes that would allow AM stations to use FM translator stations to rebroadcast the AM signal. Therefore, 47 CFR 74.1284 is one of the rules that was changed as a result of the Commission adopting FCC 09–59. 47 CFR 74.1284 requires that the licensee of an FM translator station obtain prior consent to rebroadcast programs of any broadcast station or other FM translator. The licensee of the FM translator station must notify the Commission of the call letters of each station rebroadcast and must certify that written consent has been received from the licensee of that station.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E9–21518 Filed 9–8–09; 8:45 am]

BILLING CODE 6712–01–S

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–1999–6439, Notice No. 21]

49 CFR Part 222

Excess Risk Estimate for Highway-Rail Grade Crossings Along the Florida East Coast Railway Line

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

ACTION: Final rule.

SUMMARY: This final rule amends the regulations regarding the use of locomotive horns at public highway-rail grade crossings by establishing an excess risk estimate of 90.9 percent for public highway-rail grade crossings along the Florida East Coast Railway Company (FEC) line. When this final rule is effective, public authorities will be permitted to establish New Quiet Zones along the FEC line, in accordance with the existing regulations, through application of the excess risk estimate provided herein.

DATES: The effective date is November 9, 2009. However, public authorities may

begin to provide quiet zone-related documentation to FRA and other parties 30 days after September 9, 2009.

FOR FURTHER INFORMATION CONTACT:

Ronald Ries, Office of Safety, Mail Stop 25, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: (202) 493–6299); or Kathryn Shelton, Office of Chief Counsel, Mail Stop 10, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: (202) 493–6038).

SUPPLEMENTARY INFORMATION:

I. Background

On July 26, 1991, FRA issued Emergency Order No. 15 (EO 15), which requires FEC trains to sound train borne audible warning devices when approaching public highway-rail grade crossings. This Emergency Order preempts a Florida statute that became effective on July 1, 1984. The Florida statute authorized counties and municipalities to ban the use of train horns and whistles between the hours of 10 p.m. and 6 a.m. by FEC trains approaching public highway-rail grade crossings that were equipped with flashing lights, bells, crossing gates, and highway signs indicating train horns and whistles would not be sounded at night.

Amendments to EO 15, issued on August 31, 1993, permitted Florida communities to obtain relief from the EO through the implementation of alternative remedial measures on a crossing-by-crossing basis, provided the alternative remedial measures have been certified by the Florida Department of Transportation (FDOT) as being fully compliant with all relevant performance specifications. However, FRA's final rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings (49 CFR Part 222) issued on April 27, 2005, provides communities substantially greater flexibility in establishing quiet zones than that allowed to communities covered by EO 15. The final rule allows public authorities in the rest of the nation (with the exception of certain highway-rail grade crossings located in the six-county Chicago Region) to prohibit routine sounding of the locomotive horn at highway-rail grade crossings through the selective implementation of various grade crossing improvements on a corridor-wide basis, as opposed to implementing grade crossing improvements at each quiet zone crossing.

As early as January 13, 2000, when FRA issued a Notice of Proposed Rulemaking (NPRM) in this proceeding, FRA proposed to apply a higher excess risk estimate to FEC public crossings than other public highway-rail grade

crossings nationwide, based on FRA's analysis of the pre-ban and post-ban collision data associated with FEC public crossings. Since FRA's analysis of collision data at public highway-rail grade crossings nationwide did not include collision data associated with FEC public crossings that were subject to nighttime whistle bans, FRA also solicited public comment as to what extent the pre-ban and post-ban collision data associated with FEC public crossings may be relevant to public highway-rail grade crossings located in other areas.

Shortly thereafter, FRA conducted a public hearing on March 28, 2000 in Fort Lauderdale, Florida, during which FRA noted that it was grappling with the issue of whether or not a differential requirement for mitigating crossing risk should be instituted for FEC public crossings and solicited comments on this issue. After the March 28, 2000 public hearing, FRA received comments from a number of Florida cities, including Boca Raton, Palm Beach Gardens, and West Palm Beach, who urged FRA to make its proposed regulation applicable to FEC crossings and allow the Federal regulation to supersede EO 15. FRA addressed these comments in the preamble to its Interim Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings (Interim Final Rule) and expressed its intent to rescind EO 15 and make the Federal regulation applicable to all highway-rail grade crossings within the State of Florida. However, FRA further stated that it would first need to resolve the issue of whether a regional estimate as to the effect of silencing the train horn should be applied to EO 15 crossings.

In an effort to re-examine the post-ban accident rate increases that occurred at FEC crossings subject to nighttime whistle bans, FRA conducted a public conference in Florida on April 15, 2005. At the conference, FRA again solicited comments on the appropriate excess risk estimate that should be applied by public authorities who wish to establish Federal quiet zones along the FEC line. Oral comments were provided at the public conference by representatives of nine organizations, including the United Transportation Union (UTU), the Brotherhood of Locomotive Engineers and Trainmen (BLET), the Brotherhood of Railroad Signalmen (BRS), FEC, PVB Consulting, Inc., the Broward County Metropolitan Planning Organization, the City of Hollywood, Florida, the City of Palm Beach Gardens, Florida, and FDOT.

The City of Hollywood, Florida expressed interest in establishing a