

a new paragraph (g)(1)(ii) to read as follows:

**§ 1310.04 Maintenance of records.**

- \* \* \* \* \*
- (g) \* \* \*
- (1) \* \* \*
- (ii) Ergocristine and its salts
- \* \* \* \* \*

4. Section 1310.09 is amended by adding new paragraph (k) to read as follows:

**§ 1310.09 Temporary exemption from registration.**

(k)(1) Each person required under Sections 302 and 1007 of the Act (21 U.S.C. 822, 957) to obtain a registration to manufacture, distribute, import, or export regulated ergocristine and its salts, including regulated chemical mixtures pursuant to Section 1310.12 of this part, is temporarily exempted from

the registration requirement, provided that DEA receives a properly completed application for registration or application for exemption for a chemical mixture containing ergocristine and its salts pursuant to Section 1310.13 of this part on or before (30 days after publication of a Final Rule implementing regulations regarding ergocristine). The exemption will remain in effect for each person who has made such application until the Administration has approved or denied that application. This exemption applies only to registration; all other chemical control requirements set forth in the Act and parts 1309, 1310, 1313, and 1316 of this chapter remain in full force and effect.

(2) Any person who manufactures, distributes, imports or exports a chemical mixture containing ergocristine and its salts whose application for exemption is

subsequently denied by DEA must obtain a registration with DEA. A temporary exemption from the registration requirement will also be provided for those persons whose applications for exemption are denied, provided that DEA receives a properly completed application for registration on or before 30 days following the date of official DEA notification that the application for exemption has been denied. The temporary exemption for such persons will remain in effect until DEA takes final action on their registration application.

5. Section 1310.12(c) is amended by adding in alphabetical order an entry "Ergocristine and its salts" in the table "Table of Concentration Limits" to read as follows:

**§ 1310.12 Exempt chemical mixtures.**

- \* \* \* \* \*
- (c) \* \* \*

TABLE OF CONCENTRATION LIMITS

	DEA chemical code number	Concentration	Special conditions
List I Chemicals			
Ergocristine and its salts .....	8612	Not exempt at any concentration.	Chemical mixtures containing any amount of ergocristine and its salts are not exempt.

\* \* \* \* \*

Dated: February 12, 2010.  
**Michele M. Leonhart,**  
*Deputy Administrator.*  
 [FR Doc. 2010-3701 Filed 2-23-10; 8:45 am]  
**BILLING CODE 4410-09-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R03-OAR-2010-0009; FRL-9115-8]

**Approval and Promulgation of Air Quality Implementation Plans; Virginia; Opacity Source Surveillance Methods**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia for the purpose of updating methods for determining compliance with opacity

standards for existing, new and modified stationary sources in Virginia. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by March 26, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2010-0009 by one of the following methods:

A. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. *E-mail:* [fernandez.cristina@epa.gov](mailto:fernandez.cristina@epa.gov).

C. *Mail:* EPA-R03-OAR-2010-0009, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. 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-R03-OAR-2010-0009. 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.

**Docket:** All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, i.e., 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 either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Maria A. Pino, (215) 814-2181, or by e-mail at [pino.maria@epa.gov](mailto:pino.maria@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information on this action, which revises the Virginia SIP to update methods for determining compliance with opacity standards for existing, new

and modified stationary sources, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: February 1, 2010.

**W.C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2010-3511 Filed 2-23-10; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R9-2009-0075; MO-9221050083-B2]

#### **Endangered and Threatened Wildlife and Plants; Review of Native Species That Are Candidates for Listing as Endangered or Threatened; Annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions; Correction**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of review; correction.

**SUMMARY:** This document corrects language used to describe the candidate status of the Sierra Nevada Distinct Population Segment of *Rana muscosa*, in a notice published in the **Federal Register** on November 9, 2009, regarding the review of species that are candidates for listing under the Endangered Species Act, as amended. The correction is to clarify that the Sierra Nevada Distinct Population Segment of *Rana muscosa*, as defined in the January 16, 2003 **Federal Register**, remains the candidate for listing.

**DATES:** This correction is effective February 24, 2010.

**FOR FURTHER INFORMATION CONTACT:** Jim Serfis, Chief, Branch of Candidate

Conservation, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203 (telephone 703-358-2171; facsimile 703-358-1735). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In a notice published in the **Federal Register** on November 9, 2009 (74 FR 57804), regarding the review of species that are candidates for listing under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), we included a discussion of the Sierra Nevada Distinct Population Segment (DPS) of the mountain yellow-legged frog. In that discussion, we included language addressing some recent taxonomic work. That language did not accurately convey our intent that the entity that we consider to be a candidate had not changed despite the recent taxonomic studies. The language we used created confusion rather than clarifying this issue. Thus, we are replacing two sentences from the discussion with new language as described below.

##### **Correction**

In the notice of review (74 FR 57804; November 9, 2009), we correct page 57830, under the section entitled Amphibians, in the discussion of "Mountain yellow-legged frog, Sierra Nevada DPS (*Rana muscosa*)," by removing the two sentences, "It is the population of *R. muscosa* found in the southern portion of the Sierra Nevada that is a candidate for listing. *R. sierrae* is not a candidate," and replacing them with the following sentence "At this time, we have not adopted this taxonomic distinction of two species and continue to recognize mountain yellow-legged frogs in the Sierra Nevada Mountains of California as *R. muscosa* and as the candidate entity."

Dated: February 3, 2010.

**Daniel W. Ashe,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 2010-3691 Filed 2-23-10; 8:45 am]

**BILLING CODE 4310-55-P**