

Authority: 38 U.S.C. 1155, unless otherwise noted.

Subpart B—Disability Ratings

■ 2. In the introductory paragraph of § 4.118, revise the first sentence to read as follows:

§ 4.118 Schedule of ratings—skin.

A veteran whose scars were rated by VA under a prior version of diagnostic codes 7800, 7801, 7802, 7803, 7804, or 7805, as in effect before October 23, 2008, may request review under diagnostic codes 7800, 7801, 7802, 7804, and 7805, irrespective of whether his or her disability has worsened since the last review. * * *

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[FR Doc. 2012–1001 Filed 1–19–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AM55

Schedule for Rating Disabilities; Evaluation of Scars; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: The Department of Veterans Affairs (VA) published in the **Federal Register** of September 23, 2008, a document amending its Schedule for Rating Disabilities by revising that portion of the Schedule that addresses the Skin, so that it more clearly reflected VA's policies concerning the evaluation of scars. In the preamble of that document, VA incorrectly stated the applicability date. VA made a similar error in the first sentence of the introductory paragraph of 38 CFR 4.118. This document corrects the error in the applicability date.

DATES: This correction is effective January 20, 2012. The applicability date of rule document E8–21980 on page 54708 in the issue of Tuesday, September 23, 2008, is corrected as of October 23, 2008.

FOR FURTHER INFORMATION CONTACT: William F. Russo, Deputy Director, Office of Regulation Policy & Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, or call (202) 461–4902 (not a toll-free number).

SUPPLEMENTARY INFORMATION: On September 23, 2008, VA published in the **Federal Register** (73 FR 54708), an amendment to that portion of the Schedule for Rating Disabilities that

addresses the Skin, 38 CFR 4.118, by revising the criteria for the evaluation of scars. In the **DATES** section of the rule document, we incorrectly stated the applicability date. As published, the relevant portion of the applicability date paragraph read, “This amendment shall apply to all applications for benefits received by VA on or after October 23, 2008. A veteran whom VA rated before such date under diagnostic codes 7800, 7801, 7802, 7803, 7804, or 7805 of 38 CFR 4.118 may request review under these clarified criteria * * *.” We made a similar error by amending 38 CFR 4.118 to state, “A veteran who VA rated under diagnostic codes 7800, 7801, 7802, 7803, 7804, or 7805 before October 23, 2008 can request review under diagnostic codes 7800, 7801, 7802, 7804, and 7805 * * *.”

As a result of the errors in the applicability date and in amended § 4.118, the rule document and the regulation are unclear about whether veterans whose claims were filed before October 23, 2008, but were not rated before that date may request review under the new criteria. A strict, literal reading of the applicability-date language and § 4.118 might suggest that veterans with such unrated claims would be rated under the old criteria with no opportunity to request review under the new criteria. We intended such claims to be rated under the old criteria subject to the right of the claimant to request review under the revised criteria. Neither the applicability-date language nor § 4.118 addressed whether veterans with such claims may request review. We did not intend the strict reading because it would be irrational to deny the opportunity for review under the new criteria to persons whose pending claims had not yet been rated before October 23, 2008, while providing the opportunity to persons whose claims had been rated, even though all of the claims had been filed before that date.

This correction document adds a new second sentence to the applicability date paragraph, “The old criteria will apply to applications received by VA before that date.” To be consistent with the new second sentence, this correction document also revises the third sentence (the original second sentence) to state, ““However, a veteran whose scars were rated by VA under a prior version of diagnostic codes 7800, 7801, 7802, 7803, 7804, or 7805 of 38 CFR 4.118, as in effect prior to the effective date of this rule, may request review under these clarified criteria, irrespective of whether his or her disability has worsened since the last review.” Note that the “rated by VA

under a prior version” language would encompass claims that have received an initial rating but are still pending in the appeals process.

List of Subjects in 38 CFR Part 4

Disability benefits, Pensions, Veterans.

William F. Russo,

Deputy Director, Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.

For the reason set out in the preamble, in rule document E8–21980 on page 54708 in the issue of Tuesday, September 23, 2008, make the following corrections:

1. In the second column of page 54708, under the **DATES** section, in the *Applicability Date* paragraph, revise the second sentence to read, “However, a veteran whose scars were rated by VA under a prior version of diagnostic codes 7800, 7801, 7802, 7803, 7804, or 7805 of 38 CFR 4.118, as in effect prior to the effective date of this rule, may request review under these clarified criteria, irrespective of whether his or her disability has worsened since the last review.”

2. In the second column of page 54708, under the **DATES** section, in the *Applicability Date* paragraph, add as a new second sentence, “The old criteria will apply to applications received by VA before that date.”

[FR Doc. 2012–1002 Filed 1–19–12; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2010–0944; FRL–9334–3]

Bacillus Amyloliquefaciens Strain D747; Exemption From the Requirement of a Tolerance; Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of January 6, 2012, concerning the establishment of an exemption from the requirement of a tolerance for residues of *Bacillus amyloliquefaciens strain D747* (formerly known as *Bacillus subtilis variant amyloliquefaciens strain D747*). This document is being issued to correct the typographical error in the codified section number.

DATES: This final rule is effective January 20, 2012.

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2010-0944. 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: Susanne Cerrelli, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington DC 20460-0001; telephone number: (703) 308-8077; email address: cerrelli.susanne@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?

EPA is correcting the section designation for § 180.308, which was added to 40 CFR in the **Federal Register** of January 6, 2012, (77 FR 745). This section was inadvertently designated as § 180.308. EPA is correcting the section number by redesignating § 180.308 as § 180.1308.

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 EPA is merely making a technical change to the section number which is not a substantive change. 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?

All applicable statutory requirements were discussed in the final rule that was printed on January 6, 2012. The only other statutory requirement deemed necessary is discussed above.

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: January 9, 2012.

Steven Bradbury,

Director, Office of Pesticide Programs.

■ Therefore, 40 CFR part 180 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.

§ 180.308 [Redesignated as § 180.1308]

■ 2. Redesignate § 180.308 as § 180.1308.

[FR Doc. 2012-994 Filed 1-19-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-R04-SFUND-2011-0749; FRI-9620-1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Martin-Marietta/Sodyeco Superfund Site

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Martin-Marietta/Sodyeco Superfund Site (Site) located at 11701 Mount Holly Road in Charlotte, North Carolina, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of North Carolina, through the Department of Environment and Natural Resources (DENR), have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: *Effective Date:* This action is effective January 20, 2012.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R04-SFUND-2011-0749. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information 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 through <http://www.regulations.gov> or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

Regional Site Information Repository:
U.S. EPA Record Center, Attn:
Ms. Debbie Jourdan, Atlanta Federal Center, 61 Forsyth Street SW.,
Atlanta, Georgia 30303-8960. Hours of Operation (by appointment only):