

significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 18. Add § 721.10198 to subpart E to read as follows:

§ 721.10198

Dialkylcornoilamidopropionate (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as dialkylcornoilamidopropionate (PMN P-06-267) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

■ 19. Add § 721.10199 to subpart E to read as follows:

§ 721.10199 Substituted aliphatic amine (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as substituted aliphatic amine (PMN P-06-702) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this rule do not apply to quantities of the PMN substance after it has been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63 (a)(1), (a)(2), (a)(3)(i), (a)(4), (a)(5), (a)(6), (b) (concentration set at 1.0 percent), and (c). Ansell NEOX style 9-912 gloves have been shown to satisfy the requirements of § 721.63(a)(3)(i) for up to 110 minutes. Respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50. The following NIOSH-approved respirators meet the requirements for § 721.63(a)(4): Air purifying, tight-fitting full-face respirator equipped with the appropriate combination cartridges, cartridges should be tested and approved for the gas/vapor substance (i.e., organic vapor, acid gas, or substance-specific cartridge) and should include a particulate filter (N100 if oil aerosols are absent, R100, or P100); powered air-purifying respirator equipped with a tight-fitting facepiece (full-face) and the appropriate combination cartridges, cartridges should be tested and approved for the gas/vapor substance (i.e., organic vapor, acid gas, or substance-specific cartridges) and should include High Efficiency Particulate Air (HEPA) filters; supplied-air respirator operated in pressure demand or continuous flow mode and equipped with a tight-fitting face piece (full-face). As an alternative to the respiratory requirements listed here, a manufacturer, importer, or processor may choose to follow the new chemical exposure limit (NCEL) provisions listed in the Toxic Substances Control Act (TSCA) section 5(e) consent order for this substance. The NCEL is 0.14 mg/m³ as an 8-hour time-weighted average. Persons who wish to pursue NCELs as an alternative to the § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will receive NCELs provisions comparable to those contained in the corresponding section 5(e) consent order.

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (e) (concentration set at 1.0 percent), (f), (g)(1)(i), (g)(1)(ii), (g)(1)(iv), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(iii), and (g)(5).

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(r).

(iv) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part

apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (d), (e), (f), (g), (h), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to this section.

■ 20. Add § 721.10200 to subpart E to read as follows:

§ 721.10200 Benzenetonitrile, cyclohexylidene-alkyl substituted (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as benzenetonitrile, cyclohexylidene-alkyl substituted (PMN P-09-75) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(s) (10,000 kg).

(ii) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (N=123).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 27

[WT Docket No. 03-66; RM-10586; FCC 10-107]

Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: The FCC published a document in the **Federal Register** of June 15, 2010, (75 FR 33729), clarifying the requirements necessary for Broadband Radio Service (BRS) and Educational Broadband Service (EBS) licensees to demonstrate substantial service and ensure that BRS licensees of new initial licenses are given a reasonable period of time to deploy service, while ensuring that spectrum is rapidly placed in use. The document contained an incorrect page number in reference to the BRS/EBS Third Further Notice of Proposed Rulemaking citation.

DATES: Effective July 15, 2010.

FOR FURTHER INFORMATION CONTACT:

Nancy M. Zaczek, Wireless Telecommunications Bureau, Broadband Division, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, at (202) 418-0274 or via the Internet to Nancy.Zaczek@fcc.gov.

Correction

In the **Federal Register** 75 FR 33729 published on Tuesday, June 15, 2010, the following correction is made: On page 33730, second column, paragraph 3, first sentence, remove the phrase "74 FR 49335" and insert "74 FR 49356."

Marlene H. Dortch,

Secretary, Federal Communications Commission.

[FR Doc. 2010-15348 Filed 6-23-10; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R1-ES-2009-0036]
[MO 92210-0-0008]

RIN 1018-AV47

Endangered and Threatened Wildlife and Plants; Listing the Flying Earwig Hawaiian Damselfly and Pacific Hawaiian Damselfly As Endangered Throughout Their Ranges

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine endangered status under the Endangered Species Act of 1973, as amended (Act), for two species of Hawaiian damselflies, the flying earwig Hawaiian damselfly (*Megalagrion nesiototes*) on the island of Maui and the Pacific Hawaiian damselfly (*M.*

pacificum) on the islands of Hawaii, Maui, and Molokai. This final rule implements the Federal protections provided by the Act for these species. We also determine that critical habitat for these two Hawaiian damselflies is prudent, but not determinable at this time.

DATES: This rule becomes effective July 26, 2010.

ADDRESSES: This final rule is available on the Internet at <http://www.regulations.gov> and <http://www.fws.gov/pacificislands>. Comments and materials received, as well as supporting documentation used in the preparation of this rule, will be available for public inspection, by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Box 50088, Honolulu, HI 96850; telephone, 808-792-9400; facsimile, 808-792-9581.

FOR FURTHER INFORMATION CONTACT:

Loyal Mehrhoff, Field Supervisor, Pacific Islands Fish and Wildlife Office (see **ADDRESSES**). If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Background

Damselflies are insects in the order Odonata, and are close relatives of dragonflies, which they resemble in appearance. Damselflies, however, are slender-bodied and fold their wings parallel to the body while at rest, which readily distinguishes them from their dragonfly relatives, which hold their wings out perpendicular to the body while not in flight.

The flying earwig Hawaiian damselfly and the Pacific Hawaiian damselfly are unique, endemic insects found only in the Hawaiian Islands. Historically found on the islands of Hawaii and Maui, the flying earwig Hawaiian damselfly has not been seen on the island of Hawaii for over 80 years. Currently, the species is known only from one location on Maui. The Pacific Hawaiian damselfly was historically found on all of the main Hawaiian Islands except Kahoolawe and Niihau. Currently, the Pacific Hawaiian damselfly is known only from the islands of Hawaii, Maui and Molokai.

The Hawaiian Islands are well known for several spectacular evolutionary radiations (the rapid evolution of new species from a single ancestral type, as a result of adaptation and divergence in response to new ecological conditions) resulting in unique insect fauna found nowhere else in the world. One such

group, which began its evolution perhaps as long as 10 million years ago (Jordan *et al.* 2003, p. 89), is the narrow-winged Hawaiian damselfly genus *Megalagrion*. This genus appears to be most closely related to species of *Pseudagrion* elsewhere in the Indo-Pacific (Zimmerman 1948a, pp. 341, 345). The *Megalagrion* species of the Hawaiian Islands have evolved to occupy as many larval breeding niches (different adaptations and ecological conditions for breeding and development of larvae, including chemical, physical, spatial, and temporal factors) as all the rest of the world's damselfly species combined, and in terms of the number of insular-endemic (native to only one island) species, are exceeded only by the radiation of damselfly species of Fiji in the Pacific (Jordan *et al.* 2003, p. 91).

Native Hawaiians apparently did not differentiate the various species, but referred to the native damselflies (and dragonflies) collectively as "pinao," and to the red-colored damselflies specifically as "pinao ula." There has been no traditional European use of a common name for species in the genus *Megalagrion*. In his 1994 taxonomic review of the candidate species of insects of the Hawaiian Islands, Nishida (1994, pp. 4-7) proposed the name "Hawaiian damselflies" as the common name for species in the genus *Megalagrion*. Because this name reflects the restricted distribution of these insects and is nontechnical, the common name "Hawaiian damselflies" is adopted for general use here, and we use the common names flying earwig Hawaiian damselfly and Pacific Hawaiian damselfly to identify the two species addressed in this final rule.

The general biology of Hawaiian damselflies is typical of other narrow-winged damselflies (Polhemus and Asquith 1996, pp. 2-7). The males of most species are territorial, guarding areas of habitat where females lay eggs (Moore 1983a, p. 89). During copulation, and often while the female lays eggs, the male grasps the female behind the head with terminal abdominal appendages to guard the female against rival males; thus males and females are frequently seen flying in tandem.

Female damselflies lay eggs in submerged aquatic vegetation or in mats of moss or algae on submerged rocks, and hatching occurs in about 10 days (Williams 1936, pp. 303, 306, 318; Evenhuis *et al.* 1995, p. 18). In most species of Hawaiian damselflies, the immature larval stages (naiads) are aquatic, breathing through three flattened abdominal gills, and are predaceous, feeding on small aquatic