

Market Street, Wilmington, DE 19898, requests to establish a tolerance in 40 CFR part 180 for residues of the chlorantraniliprole, 3-bromo-*N*-[4-chloro-2-methyl-6-[(methylamino)-carbonyl]phenyl]-1-(3-chloro-2-pyridinyl)-1*H*-pyrazole-5-carboxamide, in or on oilseed, rapeseed, subgroup 20A at 2.0 ppm; oilseed, sunflower, subgroup 20B at 2.0 ppm; oilseed, cottonseed, subgroup 20C at 0.3 ppm; soybean, aspirated grain fractions at 300 ppm; vegetable, legume, group 6 at 2.0 ppm; vegetable, foliage of legume, group 7 at 30 ppm; and forage, vegetable, foliage of legume, group 7 at 90 ppm. An analytical residue method has been submitted to EPA which permits determination of trace residues of the parent compound on various food and feed commodities. Contact: Jennifer Urbanski, (703) 347-0156, email address: urbanski.jennifer@epa.gov.

Amended Tolerances

1. *PP 1E7951*. (EPA-HQ-OPP-2011-1011). Interregional Research Project Number 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend the tolerances in 40 CFR 180.117 for residues of the herbicide *S*-ethyl dipropylthiocarbamate (EPTC), including its metabolites and degradates, determined by measuring only the sum of *S*-ethyl dipropylthiocarbamate, *S*-ethyl (2-hydroxypropyl) propylcarbamothioate, *S*-(2-hydroxyethyl)dipropylcarbamothioate, and *S*-ethyl (3-hydroxypropyl)propylcarbamothioate, calculated as the stoichiometric equivalent of *S*-ethyl dipropylthiocarbamate, by removing the following established tolerances: Fruit, citrus, group 10 at 0.1 ppm; safflower, seed at 0.08 ppm; and sunflower, seed at 0.08 ppm, as these commodities are included in updated crop groups or subgroups listed under "New Tolerances" for *PP 1E7951*. Contact: Sidney Jackson, (703) 305-7610, email address: jackson.sidney@epa.gov.

2. *PP 1E7958*. (EPA-HQ-OPP-2012-0107). Interregional Research Project Number 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR 180.641 for residues of the insecticide spirotetramat, *cis*-3-(2,5-dimethylphenyl)-8-methoxy-2-oxo-1-azaspiro[4.5]dec-3-en-4-yl-ethyl carbonate and its metabolites BYI 08330-enol *cis*-3-(2,5-dimethylphenyl)-4-hydroxy-8-methoxy-1-azaspiro[4.5]dec-3-en-2-one, BYI 08330-ketohydroxy *cis*-3-(2,5-dimethylphenyl)-3-hydroxy-8-methoxy-1-azaspiro[4.5]decane-2,4-dione, BYI

08330-enol-Glc *cis*-3-(2,5-dimethylphenyl)-8-methoxy-2-oxo-1-azaspiro[4.5]dec-3-en-4-yl beta-D-glucopyranoside, and BYI 08330-mono-hydroxy *cis*-3-(2,5-dimethylphenyl)-4-hydroxy-8-methoxy-1-azaspiro[4.5]decan-2-one, calculated as spirotetramat equivalents, by removing the established tolerances: Onion, bulb, subgroup 3A-07 at 0.30 ppm; fruit, citrus, group 10 at 0.60 ppm; fruit, pome, group 11 at 0.70 ppm; okra at 2.5 ppm; and vegetable, fruiting, group 8 at 2.5 ppm, as they will be superseded by inclusion in updated crop groups or subgroups listed under "New Tolerances". Contact: Laura Nollen, (703) 305-7390, email address: nollen.laura@epa.gov.

New Tolerance Exemptions

1. *PP 1E7912*. (EPA-HQ-OPP-2012-0014). ICR, Inc., 1330 Dillon Heights Ave, Catonsville, MD on behalf of Triton Systems, Inc., 200 Turnpike Road, Chelmsford, MA 01824, requests to establish an exemption from the requirement of a tolerance for residues of 1,2-Ethanediamine, N1-(2-aminoethyl)-, polymer with 2,4-diisocyanato-1-methylbenzene, with number average molecular weight greater than 10,000 daltons, (CAS No. 35297-61-1) under 40 CFR 180.960 when used as a pesticide inert ingredient microencapsulation in pesticide formulations. The petitioner believes no analytical method is needed because this information is generally not required when all criteria for polymer exemption under 40 CFR 723.250 are met. Contact: Anthony Britten, (703) 308-8179, email address: britten.anthony@epa.gov.

2. *PP 1E7938*. (EPA-HQ-OPP-2012-0043). Honeywell International, Inc., 101 Columbia Road, Morristown, NJ 07962-1053, requests to establish an exemption from the requirement of a tolerance for residues of trans-1,3,3,3-tetrafluoroprop-1-ene, (CAS No. 29118-24-9) under 40 CFR 180.910, 180.930, and 180.940 when used as a pesticide inert ingredient propellant in pesticide formulations. The petitioner believes no analytical method is needed because this is a petition for exemption from the requirement of a tolerance. Contact: Lisa Austin, (703) 305-7894, email address: austin.lisa@epa.gov.

3. *PP 1F7960*. (EPA-HQ-OPP-2012-0152). Enerfab, Inc., 4955 Spring Grove Avenue, Cincinnati, OH 45232, requests to establish an exemption from the requirement of a tolerance for residues of the antimicrobial gaseous chlorine dioxide, on tomato. EPA Method 300, Ion Chromatography, was used for measuring chlorite and chlorate

residues rinsed from surface of produce treated with chlorine dioxide gas. Contact: Jaclyn Carl, (703) 347-0213, email address: carl.jaclyn@epa.gov.

Amended Tolerance Exemption

PP 1F7857. (EPA-HQ-OPP-2012-0109). Syngenta Seeds, Inc., Field Crops NAFTA, P.O. Box 12257, 3054 E. Cornwallis Road, Research Triangle Park, NC 27709-2257, requests to amend an exemption from the requirement of a tolerance in 40 CFR 174.532 for residues of the plant-incorporated protectant (PIP), *Bacillus thuringiensis* eCry3.1Ab protein in corn, in or on the food and feed commodities of corn; corn, field; corn, sweet; and corn, pop. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being sought. However, in response to an Agency request, the Petitioner has submitted an immunoassay method for determination of eCry3.1Ab protein in corn tissues. Contact: Mike Mendelsohn, (703) 308-8715, email address: mendelsohn.mike@epa.gov.

List of Subjects in 40 CFR Parts 174 and 180

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 16, 2012.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 120312181-2228-01]

RIN 0648-BC00 and 0648-BC01

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Advance Notice of Proposed Rulemaking Regarding the Reconsideration of the Allocation of Whiting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: A court order issued February 21, 2012, remands for agency reconsideration the regulations addressing the initial allocation of whiting for the shorebased individual fishing quota (IFQ) fishery and the at-sea mothership fishery of the Pacific Coast Groundfish Trawl Rationalization Program (Program) and requires that NMFS implement revised regulations before the 2013 Pacific whiting fishing season begins on April 1, 2013. The purpose of this advanced notice of proposed rulemaking (ANPR) is to announce that the Pacific Fishery Management Council (Council) will be reconsidering the initial allocation of whiting at its April, June, and September 2012 meetings, and that NMFS is considering two rulemakings in response to the court order. The affected public should be aware of potential reallocation of whiting, as well as potential reallocation of a portion of the initial allocation of Quota Share (QS) for some incidentally caught, nonwhiting species. Additionally, this ANPR announces that the affected public should review, and if necessary, correct their data, which may be used for reconsideration and any reallocation that may occur.

DATES: Comments on this ANPR must be received no later than 5 p.m., local time on May 4, 2012.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2012-0062, by any of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal, at <http://www.regulations.gov>. To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter NOAA-NMFS-2012-0062 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the "Submit a Comment" icon on the right of that line.

- **Fax:** 206-526-6736; Attn: Ariel Jacobs.

- **Mail:** William W. Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; Attn: Ariel Jacobs.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or

protected information. NMFS will accept anonymous comments (if submitting comments via the Federal e-Rulemaking portal, enter "N/A" in the relevant required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Ariel Jacobs, 206-526-4491; (fax) 206-526-6736; Ariel.Jacobs@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 2012, Judge Henderson issued a court order in *Pacific Dawn, LLC v. Bryson*, No. C10-4829 TEH (N.D. Cal.). The court order remands the regulations addressing the initial allocation of whiting for the shorebased IFQ fishery and the at-sea mothership fishery "for further consideration" consistent with the court's December 22, 2011, summary judgment ruling, the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and all other governing law. Further, the court order requires that NMFS implement revised regulations before the 2013 Pacific whiting fishing season begins on April 1, 2013. In the interim, the existing regulations remain in effect, unless suspended or revised by NMFS.

In light of the court order, the Council will be reconsidering the initial allocation of whiting at its April, June, and September 2012 meetings. The Council is scheduled to select a range of alternatives at its April meeting, a preliminary preferred alternative at its June meeting, and a final preferred alternative and recommendation to NMFS at its September meeting. Depending on Council recommendations and NMFS actions, some of the nonwhiting QS issued for the shorebased whiting fishery in proportion to the whiting allocations, could also be affected by the reallocation of whiting. Further information regarding the Council meetings may be found at <http://www.pcouncil.org/council-operations/council-meetings/>.

NMFS plans to publish at least two rulemakings in response to the court order, referred to as Reconsideration of the Allocation of Whiting, Rules 1 and 2 (RAW 1 and RAW 2). The rulemaking for RAW 1 would delay at least two elements of the current regulations until reconsideration of the initial allocation has concluded, including the transfer of QS or Individual Bycatch Quota (IBQ) between QS accounts and the ability to change mothership catcher vessel (MS/

CV) endorsement and associated catch history assignment from one limited entry trawl permit to another. In addition, NMFS may need to hold back sufficient quota pounds for whiting and all other incidentally caught species from the annual allocation of quota pounds (QPs) to QS accounts made on or about January 1, 2013 in order to allocate the appropriate final amounts based on recalculation of QS allocations. NMFS may also need to consider whether it is necessary to restrict limited entry trawl permit transfers for a period of time during this reconsideration. For the at-sea mothership fishery, NMFS may need to recalculate the whiting catch history assignments which may have an impact on processor obligations and coop formation, both of which occur before April 1, 2013.

In the proposed rule for RAW 1, NMFS will announce further details on the process for data review and corrections. As occurred in 2009-2010, prior to the implementation of the current Program, the affected public will be advised to review, and if necessary, correct their data that may be used for initial allocation, or reallocation. NMFS anticipates publishing the proposed rule for RAW 1 in late April, and the final rule in July 2012.

The rulemaking for RAW 2 would take in to account the Council's September 2012 recommendation and reconsideration of the dates used for initial allocation of whiting for the shorebased IFQ and at-sea mothership fisheries. The proposed rule for RAW 2 is scheduled to publish in November 2012, and the final rule in March 2013. This rule would be effective by April 1, 2013, consistent with the court order.

This advance notice of proposed rulemaking has been determined to be not significant for purposes of Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 29, 2012.

Alan D. Risenhoover,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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