

enforcement methodology including LC/MS/MS to enforce the tolerance expression for pyrooxasulfone. Contact: Michael Walsh, (703) 308-2972, email address: [walsh.michael@epa.gov](mailto:walsh.michael@epa.gov).

#### Amended Tolerances

1. *PP 2E7993*. (EPA-HQ-OPP-2012-0241). Interregional Research Project Number 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend the tolerance in 40 CFR 180.300 by increasing the tolerance for residues of the plant regulator ethephon, in or on tomato from 2.0 ppm to 3.5 ppm. The increased tolerance is required to accommodate tomatoes of less than one inch in diameter grown in the greenhouse. Adequate methods for purposes of enforcement of ethephon tolerances in plant commodities, ruminant tissues and milk are available. The FDA (PAM Vol. I Appendix, 8/93) indicates that ethephon is not recovered through any of the Multiresidue Protocols. Contact: Andrew Ertman, (703) 308-9367, email address: [ertman.andrew@epa.gov](mailto:ertman.andrew@epa.gov).

2. *PP 2F7975*. (EPA-HQ-OPP-2012-0246). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to amend the tolerances in 40 CFR 180.434 for residues of the fungicide propiconazole, 1*H*-1,2,4-Triazole, 1-([2-(4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl)-, and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent compound, in or on barley, hay from 1.4 ppm to 30 ppm; barley, straw from 10 ppm to 20 ppm; barley, grain from 0.3 ppm to 3 ppm; oat, forage from 1.7 ppm to 4 ppm; oat, hay from 1.4 ppm to 15 ppm; oat, grain from 0.3 ppm to 3 ppm; rye, forage from 1.7 ppm to 9 ppm; rye, straw from 10 ppm to 9 ppm; wheat, forage from 1.7 ppm to 15 ppm; wheat, hay from 1.4 ppm to 30 ppm; wheat, straw from 10 ppm to 20 ppm; and grain, aspirated fraction from 30 ppm to 108 ppm. Analytical methods adequate to determine parent propiconazole, total propiconazole as 2,4-dichlorobenzoic acid, and the triazole metabolites (1,2,4-Triazole, Triazole Alanine, and Triazole Acetic Acid) are available for enforcement purposes with LOD that allow monitoring of food with residues at or above the levels set in this tolerance. Contact: Heather Garvie, (703) 308-0034, email address: [garvie.heather@epa.gov](mailto:garvie.heather@epa.gov).

3. *PP 2F7976*. (EPA-HQ-OPP-2012-0282). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419, requests to amend the tolerances in 40 CFR 180.507 for residues of the fungicide azoxystrobin (methyl (*E*)-2-(2-

[6-(2-cyanophenoxy) pyrimidin-4-yloxy]phenyl)-3-methoxyacrylate) and the *Z* isomer of azoxystrobin, (methyl (*Z*)-2-(2-[6-(2-cyanophenoxy)pyrimidin-4-yloxy] phenyl)-3-methoxyacrylate), in or on animal commodities cattle, fat from 0.03 ppm to 0.3 ppm; hog, fat from 0.010 ppm to 0.1 ppm and hog, meat from 0.01 to 0.02 ppm. An adequate analytical method, GC-NPD or in mobile phase by HPLC with ultra-violet (UV) detection (HPLC-UV), is available for enforcement purposes with a LOD that allows monitoring of food with residues at or above the levels set in these tolerances. The Analytical Chemistry section of the EPA concluded that the method(s) are adequate for enforcement. Analytical methods are also available for analyzing meat, milk, poultry and eggs which also underwent successful independent laboratory validations. Contact: Erin Malone, (703) 347-0253, email address: [malone.erin@epa.gov](mailto:malone.erin@epa.gov).

4. *PP 2F7981*. (EPA-HQ-OPP-2007-0099). Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE 19808, has requested that the established tolerances listed in 40 CFR 180.639 for residues of the insecticide flubendiamide *per se*, (N<sup>2</sup>-[1,1-dimethyl-2-(methylsulfonyl)ethyl]-3-iodo-N<sup>1</sup>-[2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]phenyl]-1,2-benzenedicarboxamide), in or on apple, wet pomace be increased from 2.0 ppm to 5.0 ppm; and fruit, pome, group 11 be increased from 0.70 ppm to 1.5 ppm. Adequate enforcement methodology, LC/MS/MS detection (Methods 00816/M002 and 00912), is available to enforce the tolerance expression. Contact: Carmen Rodia, (703) 306-0327, email address: [rodia.carmen@epa.gov](mailto:rodia.carmen@epa.gov).

5. *PP 2F7984*. (EPA-HQ-OPP-2012-0283). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419, requests to amend the tolerances in 40 CFR 180.507 for residues of the fungicide azoxystrobin (methyl (*E*)-2-(2-[6-(2-cyanophenoxy) pyrimidin-4-yloxy]phenyl)-3-methoxyacrylate) and the *Z* isomer of azoxystrobin, (methyl (*Z*)-2-(2-[6-(2-cyanophenoxy)pyrimidin-4-yloxy] phenyl)-3-methoxyacrylate), in or on barley, hay from 15 ppm to 7 ppm; barley, straw from 7 ppm to 8 ppm; barley, grain from 3 ppm to 2 ppm; wheat, forage from 25 ppm to 10 ppm; wheat, hay from 15 ppm to 20 ppm; wheat, straw from 4 ppm to 6 ppm and grain, aspirated fraction from 420 ppm to 460 ppm and in or on the animal commodities cattle, fat from 0.03 ppm to 0.3 ppm; hog, fat from 0.010 ppm to 0.1 ppm and hog, meat from 0.01 to 0.02 ppm. An adequate analytical method,

GC-NPD or in mobile phase by HPLC with ultra-violet (UV) detection (HPLC-UV), is available for enforcement purposes with a LOD that allows monitoring of food with residues at or above the levels set in these tolerances. The Analytical Chemistry section of the EPA concluded that the method(s) are adequate for enforcement. Analytical methods are also available for analyzing meat, milk, poultry and eggs which also underwent successful independent laboratory validations. Contact: Erin Malone, (703) 347-0253, email address: [malone.erin@epa.gov](mailto:malone.erin@epa.gov).

#### List of Subjects in 40 CFR Part 180

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

Dated: May 9, 2012.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 2012-12126 Filed 5-22-12; 8:45 am]

**BILLING CODE 6560-50-P**

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 79

[MB Docket No. 11-154; Report No. 2951]

#### Petitions for Reconsideration of Action in Rulemaking Proceeding

**AGENCY:** Federal Communications Commission.

**ACTION:** Petition for reconsideration.

**SUMMARY:** In this document, Petitions for Reconsideration (Petitions) have been filed in the Commission's Rulemaking proceeding by the Consumer Electronics Association, Telecommunications for the Deaf and Hard of Hearing, Inc., *et al.*, and TVGuardian, LLC.

**DATES:** Oppositions to the Petition must be filed by June 7, 2012. Replies to an opposition must be filed June 18, 2012.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**

Diana Sokolow, [Diana.Sokolow@fcc.gov](mailto:Diana.Sokolow@fcc.gov) *mailto: Diana.Sokolow@fcc.gov*, Media Bureau, Policy Division, 202-418-2120.

**SUPPLEMENTARY INFORMATION:** This is a summary of Commission's document, Report No. 2951, released May 17, 2012. The full text of this document is available for viewing and copying in Room CY-B402, 445 12th Street SW.,

Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160). The Commission will not send a copy of this *Notice* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this *Notice* does not have an impact on any rules of particular applicability.

*Subject:* Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, published at 77 FR 19480, March 30, 2012, and published pursuant to 47 CFR 1.429(e). See 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)).

*Number of Petitions Filed:* 3.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

[FR Doc. 2012-12613 Filed 5-22-12; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[Docket No. 070719377-2189-01]

RIN 0648-AV81

#### Confidentiality of Information; Magnuson-Stevens Fishery Conservation and Management Reauthorization Act

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

**ACTION:** Proposed rule.

**SUMMARY:** The National Marine Fisheries Service (NMFS) proposes revisions to existing regulations governing the confidentiality of information submitted in compliance with any requirement or regulation under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA). The purposes of these revisions are to make both substantive and non-substantive changes necessary to comply with the MSA as amended by the 2006 Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) and the 1996 Sustainable Fisheries Act (SFA). In addition, revisions are necessary to address some significant issues that concern NMFS' application of the MSA

confidentiality provision to requests for information.

**DATES:** Written comments on the proposed rule must be received on or before June 22, 2012.

**ADDRESSES:** You may submit comments on this document, identified by FDMS Docket Number NOAA-NMFS-2012-0030, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal [www.regulations.gov](http://www.regulations.gov). To submit comments via the e-Rulemaking Portal, first click the "submit a comment" icon, then enter NOAA-NMFS-2012-0030 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.

- *Mail:* Submit written comments to Karl Moline, NMFS, Fisheries Statistics Division F/ST1, Room 12441, 1315 East West Highway, Silver Spring, MD 20910.

- *Fax:* (301) 713-1875; Attn: Karl Moline.

*Instructions:* Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the 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:** Karl Moline at 301-427-8225.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Magnuson-Stevens Act authorizes the Secretary of Commerce (Secretary) to regulate domestic fisheries within the 200-mile U.S. Exclusive Economic Zone (EEZ). 16 U.S.C. 1811. Conservation and management of fish stocks is accomplished through Fishery Management Plans (FMPs). Eight regional fishery management councils (Councils) prepare FMPs and

amendments to those plans for fisheries within their jurisdiction. Id. 1853. The Secretary has exclusive authority to prepare and amend FMPs for highly migratory species in the Atlantic Ocean. Id. 1852(a)(3), 1854(g).

Information collection is an important part of the fishery management process. Conservation and management measures in FMPs and in their implementing regulations must be based on the best scientific information available (see National Standard 2, 16 U.S.C. 1851(a)(2)). Under section 303(a)(5) of the Magnuson-Stevens Act, any Fishery Management Plan a Council or the Secretary prepares must specify the pertinent information to be submitted to the Secretary with respect to commercial, recreational, or charter fishing, and fish processing in the fishery. Id. 1853(a)(5). In addition, section 303(b)(8) provides that an FMP may require that one or more observers be carried onboard a vessel for the purpose of collecting data necessary for the conservation and management of the fishery. Id. 1853(b)(8).

The Magnuson-Stevens Act sets forth information confidentiality requirements at section 402(b), 16 U.S.C. 1881a(b). Under the Act as amended, the Secretary must maintain the confidentiality of any information that is submitted in compliance with the Act and any observer information. The MSA includes exceptions to these confidentiality requirements. Some exceptions allow for the sharing of confidential information with specified entities provided that these parties treat the information as confidential, while others allow for the release of information without restrictions. In addition, the MSA authorizes the Secretary to disclose information that is subject to the Act's confidentiality requirements in "any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information." Id. 1881a(b)(3).

Section 402(b)(3) of the Act provides that the "Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act \* \* \*". Id. 1881a(b)(3). Accordingly, NMFS has promulgated confidentiality regulations, which are set forth at 50 CFR part 600, subpart E. Certain terms used in these regulations are defined under 50 CFR part 600, subpart A. NMFS last revised the regulations under subpart E in February 1998 (63 FR 7075). The revisions were non-substantive.