

has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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 the rule in the **Federal Register**. This action 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: December 4, 2012.

Lois Rossi,
Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I 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.

■ 2. In § 180.510:

■ a. Revise the introductory text of paragraph (a)(1).

■ b. Remove from the table in paragraph (a)(1) the commodities: "Bushberry subgroup 13-B"; "Caneberry subgroup 13-A"; "Citrus hybrids", "Cranberry"; "Fruit, citrus"; "Fruit, pome"; "Juneberry"; "Lingonberry"; "Loganberry"; "Okra"; "Onion, bulb"; "Salal"; and "Vegetable, bulb, group 3, except onion, bulb"; and "Vegetable, fruiting, group 8".

■ c. Add alphabetically the following commodities to the table in paragraph (a)(1).

The amendments read as follows:

§ 180.510 Pyriproxyfen; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of pyriproxyfen, including its metabolites and degradates, in or on the commodities in the following table. Compliance with the tolerance levels specified is determined by measuring only pyriproxyfen, 2-[1-methyl-2-(4-phenoxyphenoxy) ethoxy]pyridine, in or on the commodity.

Commodity	Parts per million
Berry, low growing, except strawberry, subgroup 13-07H	1.0

Commodity	Parts per million
Bushberry subgroup 13-07B ..	1.0
Caneberry subgroup 13-07A	1.0
Fruit, citrus, group 10-10	0.50
Fruit, pome, group 11-10	0.20
Herb subgroup 19A	100
Vegetable, bulb, group 3-07 ..	0.70
Vegetable, fruiting, group 8-10	0.80

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 101

[WT Docket No. 10-153; RM-11602; FCC 12-122]

Facilitating the Use of Microwave for Wireless Backhaul and Other Uses and Providing Additional Flexibility to Broadcast Auxiliary Service and Operational Fixed Microwave Licensees

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: The Federal Communications Commission (FCC) published a document in the **Federal Register** of September 5, 2012. In this document, the FCC on its own motion, pursuant to § 1.108 of the Commission's rules, corrects the channel center frequencies to align the wider 60 and 80 megahertz channels with the existing 30 and 40 megahertz channels in part 101 of our rules in the *Wireless Backhaul 2nd R&O* and issues this limited modification of the *Wireless Backhaul 2nd R&O*, in order to establish more efficient channel assignments, consistent with the Commission's intent to improve spectrum utilization in these bands. In addition, the FCC corrects an entry to the table in § 101.115(b)(2).

DATES: Effective December 12, 2012.

FOR FURTHER INFORMATION CONTACT: John Schauble, Wireless Telecommunications

Bureau, Broadband Division, at 202-418-0797 or by email to John.Schauble@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order*, adopted on October 4, 2012 and released on October 5, 2012, FCC 12-122, correcting § 101.147 of the Commission's final rules adopted in the *Wireless Backhaul 2nd R&O*, FCC 12-87, published at 77 FR 54421 (September 5, 2012). The table under Frequency assignments, §§ 101.147(i)(9) and 101.147(o)(8) were incorrect and an entry to the table under Directional

antennas in § 101.115(b)(2) is incorrect. This document makes the following corrections.

List of Subjects in 47 CFR Part 101

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Bulah P. Wheeler,
Associate Secretary.

Accordingly, 47 CFR part 101 is corrected by making the following correcting amendments:

PART 101—FIXED MICROWAVE

■ 1. The authority citation for part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

■ 2. In § 101.115, amend paragraph (b)(2) by revising the frequency entry to the table “6,875 to 7,075” to read “6,875 to 7,125” as follows:

§ 101.115 Directional antennas.

* * * * *
(b) * * *
(2) * * *

ANTENNA STANDARDS

Frequency (MHz)	Category	Maximum beamwidth to 3 dB points ¹ (included angle in degrees)	Minimum antenna gain (dBi)	Minimum radiation suppression to angle in degrees from centerline of main beam in decibels						
				5° to 10°	10° to 15°	15° to 20°	20° to 30°	30° to 100°	100° to 140°	140° to 180°
6,875 to 7,125	A	2.2	38	25	29	33	36	42	55	55
	B1	2.2	38	21	25	29	32	35	39	45
	B2	4.1	32	15	20	23	28	29	60	60

¹ If a licensee chooses to show compliance using maximum beamwidth to 3 dB points, the beamwidth limit shall apply in both the azimuth and the elevation planes.

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■ 3. Amend § 101.147 by revising the frequency tables in paragraphs (i)(9) and (o)(8) to read as follows:

§ 101.147 Frequency assignments.

* * * * *

(i) * * *

(9) * * *

Transmit (receive) (MHz)	Receive (transmit) (MHz)
5960.025	6212.065
6019.325	6271.365
6078.625	6330.665
6137.925	6389.965

* * * * *

(o) * * *

(8) * * *

Transmit (receive) (MHz)	Receive (transmit) (MHz)
10755	11245
10835	11325
10915	11405
10995	11485
11075	11565
11155	11645

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 121203677-2677-01]

RIN 0648-BC67

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Area

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

ACTION: Temporary rule; emergency action.

SUMMARY: This temporary rule implements emergency measures under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to close the Elephant Trunk Area (ETA) to all scallop vessels for up to 180 days in order to protect the abundance of small

scallops in the area. Closing the ETA will prevent fishing effort in this area, which could reduce long-term scallop biomass and optimum yield from the ETA, and could compromise the overall success of the scallop area rotational management program. The New England Fishery Management Council (Council), with the support of the scallop industry, requested that NMFS take this action quickly in order to minimize fishing effort in the ETA.

DATES: Effective December 12, 2012, through June 10, 2013. Comments must be received by January 11, 2013.

ADDRESSES: The Environmental Assessment (EA) is available by request from: John K. Bullard, Regional Administrator, National Marine Fisheries Service, Northeast Region, 55 Great Republic Drive, Gloucester, MA 01930-2276, or via the Internet at <http://www.nero.noaa.gov>.

You may submit comments on this document, identified by NOAA-NMFS-2012-0237, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal www.regulations.gov. To submit comments via the e-Rulemaking Portal, first click the “submit a comment” icon,