

(NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

**VII. 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: July 27, 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. Section 180.478 is amended by alphabetically adding the following entries to the table in paragraph (a) to read as follows:

**§ 180.478 Rimsulfuron; tolerances for residues.**

(a) \* \* \*

Commodity	Parts per million
* * * * *	*
Chicory, roots .....	0.01
Chicory, tops .....	0.01
* * * * *	*

\* \* \* \* \*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[EPA–HQ–OPP–2010–0421; FRL–9355–6]

**Fluxapyroxad; Pesticide Tolerances Technical Amendment**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** EPA issued a final rule in the **Federal Register** of May 14, 2012, concerning the establishment of pesticide tolerances for the new fungicide active ingredient fluxapyroxad. Inadvertently, the terminology for the oilseed crop group and for dried plums was incorrect. This technical amendment is being issued to correct the terminology.

**DATES:** This final rule is effective August 3, 2012.

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2010–0421; FRL–9355–6, is available either electronically through <http://www.regulations.gov> or in hard copy at the OPP Docket in the Environmental Protection Agency Docket Center (EPA/DC), located in EPA West, Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Olga Odiott, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–9369; email address: [odiott.olga@epa.gov](mailto:odiott.olga@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?**

In the **Federal Register** of May 14, 2012 (77 FR 28270) (FRL–9346–7), EPA issued a final rule establishing tolerances for the new fungicide active ingredient fluxapyroxad (40 CFR 180.666) in or on various commodities. Inadvertently, the commodity terminology for the oilseed crop group and for dried plums was incorrectly expressed. This document is being issued to correct the terminology for these commodities.

**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 amendment final without prior proposal and opportunity for comment, because this technical amendment only revises the terminology of two (2) commodities, with no other related changes to tolerance levels or any requirements of the final rule. 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?**

This technical amendment only revises the terminology of two commodities and does not otherwise change the original requirements of the final rule. As a technical amendment, this action is not subject to the statutory and Executive Order review requirements. For information about the statutory and Executive Order review requirements as they relate to the final rule, see Unit VI. in the **Federal Register** of May 14, 2012 (77 FR 28270) (FRL–9346–7).

**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, Agricultural commodities, Pesticides and pest.

Dated: July 23, 2012.

**Lois Rossi,**

Director, Registration Division, 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.

■ 2. In § 180.666, by removing the entries for “Oilseeds, group 20” and “Plum, prune” and adding in their place entries for “Oilseeds, group 20 (except cottonseed)” and “Plum, prune, dried” in the table to paragraph (a) to read as follows:

**§ 180.666 Fluxapyroxad; tolerances for residues.**

(a) \* \* \*

Commodity	Parts per million
* * * *	*
Oilseeds, group 20 (except cottonseed) .....	0.9
* * * *	*
Plum, prune, dried .....	3.0
* * * *	*

\* \* \* \* \*  
[FR Doc. 2012-18507 Filed 8-2-12; 8:45 am]  
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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 1**

[MD Docket No. 12-116; FCC 12-76]

**Assessment and Collection of Regulatory Fees for Fiscal Year 2012**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission revises its Schedule of Regulatory Fees to recover an amount of \$339,844,000 that Congress has required the Commission to collect for fiscal year 2012. Section 9 of the Communications Act of 1934, as

amended, provides for the annual assessment and collection of regulatory fees under sections 9(b)(2) and 9(b)(3), respectively, for annual “Mandatory Adjustments” and “Permitted Amendments” to the Schedule of Regulatory Fees.

**DATES:** Effective September 4, 2012.

**FOR FURTHER INFORMATION CONTACT:** Roland Helvajian, Office of Managing Director at (202) 418-0444.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Report and Order (R&O), FCC 12-76, MD Docket No. 12-116, adopted on July 13, 2012 and released on July 19, 2012.

**I. Procedural Matters**

*A. Final Paperwork Reduction Act*

1. This *Report and Order* does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

*B. Congressional Review Act Analysis*

2. The Commission will send a copy of this *Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act.<sup>1</sup>

*C. Final Regulatory Flexibility Analysis*

3. As required by the Regulatory Flexibility Act of 1980 (“RFA”),<sup>2</sup> the Commission has prepared a Final Regulatory Flexibility Analysis (“FRFA”) relating to this Report and Order. The FRFA is set forth in the section entitled Final Regulatory Flexibility Analysis.

**II. Introduction and Summary**

4. In this *Report and Order*, we conclude the process of assessing and collecting regulatory fees for Fiscal Year (“FY”) 2012 to collect \$339,844,000 in regulatory fees for FY 2012. Section 9(a)(1) of the Communications Act of 1934, as amended (the “Act”) directs the Commission to collect regulatory fees “to recover the costs of \* \* \* enforcement activities, policy and rulemaking activities, user information

services, and international activities.”<sup>3</sup> Section 9(a)(2) stipulates that regulatory fees for the enumerated activities “shall be collected only if, and only in the total amounts, required in Appropriation Acts,” and must “be established in amounts that will result in collection, during each fiscal year, of any amount that can reasonably be expected to equal the amount appropriated” for the performance of the activities enumerated in section 9(a)(1) during that fiscal year. Since FY 2009, Congress has directed the Commission to assess and collect regulatory fees in an amount equal to the entire amount appropriated.<sup>4</sup> Congress appropriated \$339,844,000 for the Commission in FY 2012,<sup>5</sup> and the regulatory fees established in this *FY 2012 Report and Order* are calculated so as to collect this entire amount.<sup>6</sup> In this annual regulatory fee proceeding, we retain many of the current methods, policies, and procedures for collecting section 9 regulatory fees adopted by the Commission in prior years. Consistent with our established practice, we intend to collect these regulatory fees during a September 2012 filing window in order to collect the required amount by the end of our fiscal year.<sup>7</sup>

5. In this *FY 2012 Report and Order*, we address the following issues: (1) Incorporating 2010 Census data into our broadcast population data, (2) assessing a regulatory fee for each broadcasting facility operating either in an analog or digital mode (but not both) for Low Power, Class A, and TV Translators/Boosters, (3) maintaining the FY 2012 Interstate Telecommunications Service Provider (ITSP) fee rate at the same level as in FY 2011, (4) using an online filing system for the filing of requests for a refund, waiver, fee reduction, or deferment of payment of an application or regulatory fee, (5) maintaining the Commercial Mobile Radio Service (“CMRS”) Messaging Service at the rate of \$.08 per subscriber, and (6) the

<sup>3</sup> 47 U.S.C. 159(a).

<sup>4</sup> Omnibus Appropriations Act of 2009, Public Law 111-8, 123 Stat. 524, 657 (2009).

<sup>5</sup> Consolidated Appropriations Act of 2012, Public Law 112-74, Div. C, Title V (December 23, 2011).

<sup>6</sup> In FY 2011, the Commission’s collection target goal was \$335,794,000, and it collected \$342.04 million through September 30, 2011. Any over collection amount is unavailable for obligation pursuant to Public Law 112-74 (HR 2055), *Consolidated Appropriations Act of 2012*, page 124.

<sup>7</sup> The Commission also expects to release in the near future a *Notice of Proposed Rulemaking* that will propose to update our current cost allocation percentages and revise our cost allocation methodology. We expect to implement any changes that result from this rulemaking in FY 2013; they do not affect the fees set in this *FY 2012 Report and Order*.

<sup>1</sup> See 5 U.S.C. 801(a)(1)(A). The Congressional Review Act is contained in Title II, 251, of the CWAAA; see Public Law 104-121, Title II, 251, 110 Stat. 868.

<sup>2</sup> See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (“SBREFA”), Public Law 104-121, Title II, 110 Stat. 847 (1996). The SBREFA was enacted as Title II of the Contract With America Advancement Act of 1996 (“CWAAA”).