

## II. What does this technical amendment do?

On November 9, 2012, EPA issued a final rule establishing time-limited tolerances for residues of dinotefuran in or on pome fruit, group 11 and stone fruit, group 12 in 40 CFR 180.603(b). A subsequent rule was published on November 28, 2012, establishing permanent tolerances for dinotefuran on rice and other commodities, under 40 CFR 180.603(a). Inadvertently, with the establishment of the permanent tolerances on November 28, 2012, the time-limited tolerances for pome fruit, group 11 and stone fruit, group 12, that had previously been established in the November 9, 2012 final rule were deleted. This final rule will restore § 180.603(b), as well as the pesticide time-limited tolerances for pome fruit, group 11 and stone fruit, group 12, to support uses authorized under section 18 emergency exemptions.

## III. Why is this amendment 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, in order to move quickly on the emergency exemption to address an urgent non-routine situation and ensure that the resulting food is safe and lawful, as provided for in FFDCa section 408(l)(6). 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?

EPA included a discussion of the statutory and Executive Order reviews in the November 9, 2012 final rule.

## V. 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, Agricultural commodities, Pesticides and pests.

Dated: April 19, 2013.

**Daniel J. Rosenblatt,**

*Acting 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 § 180.603, revise paragraph (b) to read as follows:

#### § 180.603 Dinotefuran; tolerances for residues.

\* \* \* \* \*

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of dinotefuran, (RS)-1-methyl-2-nitro-3-((tetrahydro-3-furyl)methyl)guanidine, including its metabolites and degradates, in or on the commodities in the table below resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of dinotefuran and its metabolites DN, 1-methyl-3-(tetrahydro-3-furylmethyl)guanidine, and UF, 1-methyl-3-(tetrahydro-3-furylmethyl)urea, calculated as the stoichiometric equivalent of dinotefuran, in or on the commodities listed in the table below. The tolerances expire and are revoked on the dates specified in the table.

| Commodity                    | Parts per million | Expiration/revocation date |
|------------------------------|-------------------|----------------------------|
| Fruit, pome, group 11 .....  | 1.0               | 12/31/15                   |
| Fruit, stone, group 12 ..... | 1.0               | 12/31/15                   |

\* \* \* \* \*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 69

[WC Docket No. 05-25; RM-10593; FCC 12-153; DA 13-379]

### Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking To Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction of effective date.

**SUMMARY:** This document corrects the effective date of the Report and Order adopted in FCC 12-153 and published in the **Federal Register** on January 11, 2013. This correction is necessary to comply with the Congressional Review Act (CRA) requirement that a major rule is effective 60 days after publication in the **Federal Register** or 60 days after receipt by Congress of a report in compliance with the CRA, whichever is later. The Federal Communications Commission (Commission) issued an Erratum on March 11, 2013, delaying the effective date of the Report and Order (except the information collection rules and the delegation rule) to March 25, 2013. Further information is provided in the supplementary information that follows.

**DATES:** The effective date of the Report and Order published on January 11, 2013, at 78 FR 2572, is corrected to March 25, 2013. *See* 5 U.S.C. 801(a)(3)(A). The information collection and recordkeeping requirements contained in section III and appendix A of that document are not effective until they are approved by the Office of Management and Budget (OMB).

#### FOR FURTHER INFORMATION CONTACT:

Belinda Nixon, Wireline Competition Bureau, Pricing Policy Division, (202) 418-1520 or (202) 418-0484 (TTY), or via email at [Belinda.Nixon@fcc.gov](mailto:Belinda.Nixon@fcc.gov).

**SUPPLEMENTARY INFORMATION:** On December 18, 2012, the Commission released a Report and Order initiating a comprehensive special access data collection. The Report and Order specified the nature of the data to be collected by the Commission and the scope of respondents, as well as delegated authority to the Commission's Wireline Competition Bureau to review and modify the collection to implement the requirements of the Report and Order. This Report and Order was published in the **Federal Register** on

January 11, 2013, at 78 FR 2572. That document set March 12, 2013, as the effective date for the Report and Order, with two exceptions. The delegation of authority to the Wireline Competition Bureau to implement a data collection in accordance with the terms of the Report and Order became effective upon adoption as specified in paragraph 137 of the document published at 78 FR 2572, January 11, 2013. Also, the information and recordkeeping requirements adopted in the Report and Order will not become effective until publication of an announcement in the **Federal Register** that these requirements have been approved by the OMB.

This document corrects the effective date of the Report and Order to comply with the requirements of the CRA, 5 U.S.C. 801–808. The Report and Order was classified as a major rule subject to congressional review. 5 U.S.C. 804(2). Pursuant to 5 U.S.C. 801(a)(3)(A), a major rule cannot be made effective until 60 days after the latter of publication in the **Federal Register** or receipt by Congress of a report in compliance with the CRA, 5 U.S.C. 801(a)(1). Congress did not receive the CRA report until January 24, 2013, thirteen days after publication of the final rule document in the **Federal Register**. Consequently, the Report and Order (except for the information collection requirement and the delegation of authority) is effective 60 days after that date.

As a result, the Commission issued an Erratum to the Report and Order delaying the effective date (except the information collection rules and the delegation rule) to March 25, 2013. This publication, which was inadvertently delayed, provides notice of the effective date.

Federal Communications Commission.

**Deena Shetler,**

*Associate Bureau Chief, Wireline Competition Bureau.*

[FR Doc. 2013–09708 Filed 4–25–13; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 383 and 384

[Docket No. FMCSA–2012–0172]

RIN 2126–AB43

#### Self Reporting of Out-of-State Convictions

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** FMCSA amends its commercial driver's license (CDL) rules to eliminate the requirement for drivers to notify the State licensing agency that issued their commercial learner's permit (CLP) or CDL of out-of-State traffic convictions when those convictions occur in States that have a certified CDL program in substantial compliance with FMCSA's rules. Current regulations require both CDL holders and States with certified CDL programs to report a CDL holder's out-of-State traffic conviction to the driver's State of licensure. This final rule amends the CDL rules to eliminate this reporting redundancy for those cases in which the conviction occurs in a State that has a certified CDL program in substantial compliance with FMCSA's regulations. This change will reduce a regulatory burden on individual CLP and CDL holders and State driver licensing agencies. This rule is responsive to Executive Order (E.O.) 13563 "Improving Regulation and Regulatory Review," issued January 18, 2011.

**DATES:** The final rule is effective May 28, 2013.

**ADDRESSES:** For access to the docket to read background documents, including those referenced in this document, or to read comments received, go to <http://www.regulations.gov> at any time and insert "FMCSA–2012–0172" in the "Keyword" box, and then click "Search." You may also view the docket online by visiting the Docket Management Facility in Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Anyone is able to search the electronic form for all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the U.S. Department of Transportation's DOT complete Privacy Act Statement in the **Federal Register** published on December 29, 2010 (75 FR 82132), or you may visit <http://www.gpo.gov/fdsys/pkg/FR-2010-12-29/pdf/2010-32876.pdf>.

#### FOR FURTHER INFORMATION CONTACT:

Robert Redmond, Office of Enforcement, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, by telephone at (202) 366–5014 or via email at [robert.redmond@dot.gov](mailto:robert.redmond@dot.gov). Office hours are from 9 a.m. to 5 p.m. e.t., Monday through Friday, except

Federal holidays. If you have questions on viewing material to the docket, contact Barbara J. Hairston, Acting Program Manager, Docket Operations, telephone (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

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##### Executive Summary

##### *Purpose of the Rule and Summary of Major Provisions*

This final rule amends the commercial driver's license (CDL) rules to eliminate the requirement for drivers to notify the State driver licensing agency (SDLA) that issued their commercial learner's permit (CLP) or CDL of out-of-State traffic convictions when those convictions occur in States that have a certified CDL program in substantial compliance with the Federal Motor Carrier Safety Administration's rules. The elimination of this reporting redundancy will reduce a regulatory burden on individual CLP and CDL holders and SDLAs.

This rule also responds to Executive Order (E.O.) 13563 "Improving Regulation and Regulatory Review," issued January 18, 2011.

##### *Costs and Benefits*

The anticipated benefits of the rule will take the form of reduced paperwork burden hours and expenditures for the reporting of out-of-State traffic convictions. Neither the benefits nor the costs of eliminating this regulatory burden can be quantified at this time. States will continue to rely on State-to-State reporting, which is more accurate and secure than driver self-reporting.

##### Legal Basis for Rulemaking

Congress enacted the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) [Pub. L. 99–570, Title XII, 100 Stat. 3207–170, 49 U.S.C. chapter 313] to improve highway safety by ensuring that drivers of large trucks and buses are qualified to operate those vehicles and to remove unsafe and unqualified drivers from the highways. To achieve these goals, the CMVSA established the CDL program and required States to ensure that drivers convicted of certain serious traffic violations are prohibited from operating commercial motor vehicles (CMVs). Although State participation in the CDL program is voluntary, CMVSA created incentives