

Commodity	Parts per million	Expiration/Revocation Date
Carrot, roots .....	0.2	1/1/07
Cattle, fat .....	0.1	1/1/08
Cattle, meat .....	0.1	1/1/08
Cattle, meat by-products .....	0.1	1/1/08
Cauliflower .....	0.2	1/1/06
Celery .....	3.0	1/1/07
Cherry, postharvest .....	15.0	1/1/08
Citrus, dried pulp .....	50.0	1/1/08
Collards .....	0.2	1/1/06
Corn, sweet, forage .....	0.2	1/1/08
Corn, sweet, kernel plus cob with husks removed .....	0.2	1/1/08
Corn, sweet, stover .....	0.2	1/1/08
Cucumber .....	1.0	1/1/07
Currant .....	7.0	1/1/08
Dewberry .....	7.0	1/1/08
Egg .....	0.1	1/1/08
Eggplant .....	0.2	1/1/09
Fruit, citrus, postharvest .....	10.0	1/1/08
Garlic .....	0.2	1/1/06
Goat, fat .....	0.1	1/1/08
Goat, meat .....	0.1	1/1/08
Goat, meat by-products .....	0.1	1/1/08
Grape .....	10.0	1/1/08
Grape, raisin .....	50.0	1/1/08
Hog, fat .....	0.1	1/1/08
Hog, meat .....	0.1	1/1/08
Hog, meat by-products .....	0.1	1/1/08
Horse, fat .....	0.1	1/1/08
Horse, meat .....	0.1	1/1/08
Horse, meat by-products .....	0.1	1/1/08
Kale .....	0.2	1/1/06
Kohlrabi .....	0.2	1/1/06
Loganberry .....	7.0	1/1/08
Mango .....	3.0	1/1/08
Melon .....	1.0	1/1/07
Milk .....	0.1	1/1/08
Mushroom, postharvest .....	10.0	1/1/08
Mustard greens .....	0.2	1/1/06
Nectarine, postharvest .....	15.0	1/1/08
Nut .....	0.2	1/1/07
Oat, grain .....	0.2	1/1/08
Oat, straw .....	0.2	1/1/08
Peach, postharvest .....	15.0	1/1/08
Peanut .....	0.2	1/1/08
Peanut, hay .....	15.0	1/1/08
Pear, postharvest .....	7.0	1/1/08
Pepper .....	0.2	1/1/09
Pineapple, postharvest .....	35.0	1/1/08
Pistachio .....	0.2	1/1/07
Plum, postharvest .....	15.0	1/1/08
Plum, prune, fresh, postharvest .....	15.0	1/1/08
Poultry, fat .....	0.1	1/1/08
Poultry, liver .....	0.2	1/1/08
Poultry, meat .....	0.1	1/1/08
Poultry, meat by-products, except liver .....	0.1	1/1/08
Pumpkin .....	1.0	1/1/07
Raspberry .....	7.0	1/1/08
Rice .....	5.0	1/1/08
Rice, hulls .....	20.0	1/1/08
Rice, straw .....	15.0	1/1/08
Rutabaga .....	0.2	1/1/07
Rye, grain .....	0.2	1/1/08
Rye, straw .....	0.2	1/1/08
Sheep, fat .....	0.1	1/1/08

Commodity	Parts per million	Expiration/Revocation Date
Sheep, meat .....	0.1	1/1/08
Sheep, meat by-products .....	0.1	1/1/08
Soybean .....	0.2	1/1/07
Spinach .....	0.2	1/1/07
Squash, summer .....	1.0	1/1/07
Squash, winter ....	1.0	1/1/07
Strawberry .....	5.0	1/1/08
Sweet potato, roots .....	0.2	1/1/07
Tomato .....	5.0	1/1/09
Tomato, concentrated products .....	50.0	1/1/09
Turnip, roots .....	0.2	1/1/07
Wheat, grain .....	0.2	1/1/08
Wheat, straw .....	15.0	1/1/08

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Commodity	Parts per million	Expiration/Revocation Date
Avocado .....	3.0	1/1/08
Dandelion, leaves .....	10.0	1/1/07
Papaya .....	3.0	1/1/08
Pistachio .....	0.2	1/1/07
Turnip, greens ....	6.0	1/1/07
Watercress .....	10.0	1/1/07

\* \* \* \* \*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-2002-0118; FRL-7184-4]

RIN 2070-AB78

### Methoxychlor; Tolerance Revocations

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

**ACTION:** Final rule.

**SUMMARY:** This document revokes all tolerances for residues of methoxychlor because all registrations of pesticides containing methoxychlor are suspended or canceled, and there are insufficient data to find the pesticide safe in accordance with section 4(b)(2)(A) of the Federal Food, Drug, and Cosmetic Act (FFDCA). The primary registrant of methoxychlor (Kincaid Enterprises, Inc.) has failed to submit the necessary data required to support continued registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of pesticide products containing methoxychlor. As a result, all methoxychlor products are currently suspended. The regulatory actions specified in this document contribute toward the Agency's tolerance reassessment requirements of FFDCA section 408(q), as amended by the Food

Quality Protection Act (FQPA) of 1996. By law, EPA is required by August 2002, to reassess 66% of the tolerances in existence on August 2, 1996, or about 6,400 tolerances. The regulatory actions in this document pertain to the revocation of 79 tolerances and exemptions which are counted among tolerance/exemption reassessments made toward the August 2002 review deadline.

**DATES:** This regulation is effective October 15, 2002. Objections and requests for hearings, identified by docket ID number OPP-2002-0118, must be received by EPA on or before September 16, 2002.

**ADDRESSES:** Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket ID number OPP-2002-0118 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Beth Edwards, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-5400; e-mail address: edwards.beth@epa.gov.

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311  32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions

regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?*

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr180\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html), a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket ID number OPP-2002-0118. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

## II. Background

### A. What Action is the Agency Taking?

This final rule revokes all tolerances for residues of methoxychlor. In the **Federal Register** of April 4, 2002 (67 FR 16073) (FRL-6828-8), EPA issued a proposed rule to revoke all methoxychlor tolerances because all registrations of pesticides containing methoxychlor are suspended or canceled, and there are insufficient data to find the pesticide safe in accordance

with section 4(b)(2)(A) of FFDCA. The primary registrant of methoxychlor (Kincaid Enterprises, Inc.) has failed to submit the necessary data required to support continued registration of pesticide products containing methoxychlor. As a result, all methoxychlor products are currently suspended. The April 4, 2002 proposal invited public comment for consideration and for support of tolerance retention under FFDCA standards, but no comments were received during the 60-day comment period that changed the Agency's position concerning methoxychlor.

### B. What is the Agency's Authority for Taking this Action?

It is EPA's general practice to revoke tolerances for residues of pesticide active ingredients on crop uses for which FIFRA registrations no longer exist. EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States. Nonetheless, EPA will establish and maintain tolerances even when corresponding domestic uses are canceled if the tolerances, which EPA refers to as "import tolerances," are necessary to allow importation into the United States of food containing such pesticide residues. However, where there are no imported commodities that require these import tolerances, the Agency believes it is appropriate to revoke tolerances for unregistered pesticides in order to prevent potential misuse.

### C. When Do These Actions Become Effective?

These actions become effective 90 days following publication of this final rule in the **Federal Register**. EPA has delayed the effectiveness of these revocations for 90 days following publication of this final rule to ensure that all affected parties receive notice of EPA's actions. Consequently, the effective date is October 15, 2002. For this final rule, EPA believes that all existing stocks of pesticide products labeled for the uses associated with the tolerances proposed for revocation have already been exhausted since such products have been suspended since June 26, 2000. Similarly, the Agency believes that commodities legally treated with methoxychlor have by this time cleared the channels of trade.

Any commodities listed in 40 CFR 180.120 that are treated with the pesticides subject to this final rule, and that are in the channels of trade following the tolerance revocations,

shall be subject to FFDCA section 408(1)(5), as established by the FQPA. Under this section, any residue of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of FDA that, the residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA, and the residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from a tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

### D. What is the Contribution to Tolerance Reassessment?

By law, EPA is required by August 2002 to reassess 66% or about 6,400 of the tolerances in existence on August 2, 1996. EPA is also required to assess the remaining tolerances by August 2006. As of April 29, 2002, EPA has reassessed over 4,140 tolerances. In this rule, EPA is revoking a total of 79 tolerances which count as reassessments toward the August 2002 review deadline of FFDCA section 408(q), as amended by FQPA in 1996.

## III. Are There Any International Trade Issues Raised by this Final Action?

EPA is working to ensure that the U.S. tolerance reassessment program under FQPA does not disrupt international trade. EPA considers Codex Maximum Residue Limits (MRLs) in setting U.S. tolerances and in reassessing them. MRLs are established by the Codex Committee on Pesticide Residues, a committee within the Codex Alimentarius Commission, an international organization formed to promote the coordination of international food standards. When possible, EPA seeks to harmonize U.S. tolerances with Codex MRLs. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain in a **Federal Register** document the reasons for departing from the Codex level. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual Reregistration Eligibility Decisions. EPA has developed guidance concerning submissions for import tolerance support (65 FR 35069, June 1, 2000) (FRL-6559-3). This guidance will be made available to interested persons. Electronic copies are available on the internet at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations," then select "Regulations and Proposed Rules" and then look up

the entry for this document under “**Federal Register**—Environmental Documents.” You can also go directly to the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>.

#### IV. Objections and Hearing Requests

##### A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP-2002-0118 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before September 16, 2002.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260-4865.

2. *Objection/hearing fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it “Tolerance Petition Fees.”

EPA is authorized to waive any fee requirement “when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.” For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305-5697, by e-mail at [tompkins.jim@epa.gov](mailto:tompkins.jim@epa.gov), or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IV.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket ID number OPP-2002-0118, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov). Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

##### B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the

requestor would be adequate to justify the action requested (40 CFR 178.32).

#### V. Regulatory Assessment Requirements

This final rule will revoke tolerances established under FFDCA section 408. The Office of Management and Budget (OMB) has exempted this type of action (i.e., a tolerance revocation for which extraordinary circumstances do not exist) from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866 due to its lack of significance, this final rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). 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.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). 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), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency previously assessed whether revocations of tolerances might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. This analysis was published on December 17, 1997 (62 FR 66020), and was provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticides listed in this rule, I certify that this action will not have a significant economic impact on a substantial

number of small entities. Specifically, as per the 1997 notice, EPA has reviewed its available data on imports and foreign pesticide usage and concludes that there is a reasonable international supply of food not treated with canceled pesticides. Furthermore, the Agency knows of no extraordinary circumstances that exist as to the present revocations that would change EPA's previous analysis.

In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal

Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

#### VI. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, 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: June 28, 2002.

**Marcia E. Mulkey**,  
Director, 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), 346(a) and 371.

#### § 180.120 [Removed]

2. Section 180.120 is removed.

[FR Doc. 02-17873 Filed 7-16-02; 8:45 am]  
BILLING CODE 6560-50-S

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 20

[CC Docket No. 94-102; DA 02-1575]

#### Enhanced 911 Emergency Calling; Use of Non-Initialized Wireless Phones

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; request for comments on petitions for reconsideration and delay of effective date.

**SUMMARY:** This document invites comment on a Emergency Services Interconnection Forum's (ESIF) Petition for Reconsideration (Reconsideration Petition) of the Commission's previous decision in this proceeding and a separately filed Request for Stay (Stay Request) of the effective date of the rules adopted in that decision. That decision considered the problems associated with the inability of a public safety answering point to call back an emergency caller for further critical information when that caller is dialing 911 using a non-service initialized wireless telephone. The Commission now seeks comment on ESIF's Reconsideration Petition in order to establish a record on which to base a final determination on the Petition.

**DATES:** Comments are due on or before August 2, 2002, and reply comments are due on August 19, 2002.

**ADDRESSES:** All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission 445 12th Street, SW., Washington, DC 20554. Comments may also be filed through the Commission's Electronic Comment Filing System via the Internet to <http://www.fcc.gov/e-file/ecfs.html>.

**FOR FURTHER INFORMATION CONTACT:** David Siehl, Attorney-Advisor, Wireless Telecommunications Bureau, 202-418-1310.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document in CC Docket No. 94-102, DA 02-1575; released July 3, 2002. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail at [qualexint@aol.com](mailto:qualexint@aol.com). Alternative formats (computer diskette, large print, audio cassettes, and Braille) are available to persons with disabilities by contacting Brian Millin at 202-418-7426, TTY 202-418-7365, or at [bmillin@fcc.gov](mailto:bmillin@fcc.gov).

#### Synopsis

1. The Commission invites comment on a Petition for Reconsideration (Reconsideration Petition) of the Report and Order (R&O) in this proceeding in