

■ 11. Amend § 87.187 by revising paragraphs (p), (q), and (x) and adding paragraph (ff) to read as follows:

**§ 87.187 Frequencies.**

\* \* \* \* \*

(p) The frequency band 1435–1525 MHz is available on a primary basis and the frequency band 1525–1535 MHz is available on a secondary basis for telemetry and telecommand associated with the flight testing of aircraft, missiles, or related major components. This includes launching into space, reentry into the earth's atmosphere and incidental orbiting prior to reentry. The following frequencies are shared with flight telemetry mobile stations: 1444.5, 1453.5, 1501.5, 1515.5, and 1524.5 MHz. See § 87.303(d).

**Note to paragraph (p):** Aeronautical telemetry operations must protect mobile-satellite operations in the 1525–2535 MHz band and maritime mobile-satellite operations in the 1530–1535 MHz band.

(q) The frequencies in the band 1545.000–1559.000 MHz and 1646.500–1660.500 MHz are authorized for use by the Aeronautical Mobile-Satellite (R) Service. The use of the bands 1544.000–1545.000 MHz (space-to-Earth) and 1645.500–1646.500 MHz (Earth-to-space) by the Mobile-Satellite Service is limited to distress and safety operations. In the frequency bands 1549.500–1558.500 MHz and 1651.000–1660.000 MHz, the Aeronautical Mobile-Satellite (R) requirements that cannot be accommodated in the 1545.000–1549.500 MHz, 1558.500–1559.000 MHz, 1646.500–1651.000 MHz, and 1660.000–1660.500 MHz bands shall have priority access with real-time preemptive capability for communications in the Mobile-Satellite Service. Systems not interoperable with the Aeronautical Mobile-Satellite (R) Service shall operate on a secondary basis. Account shall be taken of the priority of safety-related communications in the Mobile-Satellite Service.

\* \* \* \* \*

(x) The frequency bands 24450–24650 MHz, 24750–25050 MHz and 32300–33400 MHz are available for airborne radionavigation devices.

\* \* \* \* \*

(ff) The frequency 978 MHz is authorized for Universal Access Transceiver data transmission.

■ 12. Amend § 87.345 by adding paragraph (f) to read as follows:

**§ 87.345 Scope of service.**

\* \* \* \* \*

(f) Transmissions by aeronautical utility mobile stations for Universal

Access Transceiver service are authorized.

■ 13. Amend § 87.349 by adding paragraph (e) to read as follows:

**§ 87.349 Frequencies.**

\* \* \* \* \*

(e) The frequency 978.0 MHz is authorized for Universal Access Transceiver data transmission.

■ 14. Amend § 87.421 by revising paragraph (c) to read as follows:

**§ 87.421 Frequencies.**

\* \* \* \* \*

(c) Frequencies listed in the introductory paragraph of this section are available to control towers and RCOs for communications with ground vehicles and aircraft on the ground. The antenna heights shall be restricted to the minimum necessary to achieve the required coverage. Channel spacing is 25 kHz.

\* \* \* \* \*

■ 15. Amend § 87.475 by adding paragraph (b)(9) and revising paragraphs (c)(1) and (c)(2) to read as follows:

**§ 87.475 Frequencies.**

\* \* \* \* \*

(b) \* \* \*

(9) 978.0 MHz is authorized for Universal Access Transceiver service.

(c) \* \* \*

(1) The frequencies set forth in § 87.187(c), (e) through (j), (r), (t), and (ff) and § 87.475(b)(6) through (b)(10), and (b)(12) may be assigned to radionavigation land test stations for the testing of aircraft transmitting equipment that normally operate on these frequencies and for the testing of land-based receiving equipment that operate with airborne radionavigation equipment.

(2) The frequencies available for assignment to radionavigation land test stations for the testing of airborne receiving equipment are 108.000 and 108.050 MHz for VHF omni-range; 108.100 and 108.150 MHz for localizer; 334.550 and 334.700 MHz for glide slope; 978 and 979 MHz (X channel)/1104 MHz (Y channel) for DME; 978 MHz for Universal Access Transceiver; 1030 MHz for air traffic control radar beacon transponders; and 5031.0 MHz for microwave landing systems.

Additionally, the frequencies in paragraph (b) of this section may be assigned to radionavigation land test stations after coordination with the FAA. The following conditions apply:

(i) The maximum power authorized on the frequencies 108.150 and 334.550 MHz is 1 milliwatt. The maximum power authorized on all other frequencies is one watt.

(ii) The pulse repetition rate (PRR) of the 1030 MHz ATC radar beacon test set will be 235 pulses per second (pps) ±5pps.

(iii) The assignment of 108.000 MHz is subject to the condition that no interference will be caused to the reception of FM broadcasting stations and stations using the frequency are not protected against interference from FM broadcasting stations.

\* \* \* \* \*

[FR Doc. 06–9541 Filed 12–5–06; 8:45 am]

BILLING CODE 6712–01–P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[Docket No. 060425111–6315–03; I.D. 041906B]

RIN 0648–AN09

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vessel Monitoring Systems; Amendment 18A**

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

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

**SUMMARY:** NMFS delays the December 7, 2006, effective date of two sections of a final rule, published August 9, 2006, until March 7, 2007. The amendments to those sections will require owners/operators of vessels with Gulf reef fish commercial vessel permits to install a NMFS-approved vessel monitoring system (VMS) and will make installation of VMS a prerequisite for permit renewal or transfer. This delay of the effective date will provide additional time for affected fishers to come into compliance with the VMS requirements.

**DATES:** The effective date of the amendments to §§ 622.9(a)(2) and 622.4(m)(1) published August 9, 2006 (71 FR 45428), is delayed until March 7, 2007.

**ADDRESSES:** Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements referred to in this final rule may be submitted in writing to Jason Rueter, NMFS, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701; telephone 727–824–5305; fax 727–824–5308; e-mail

Jason.Rueter@noaa.gov and to David Rostker, Office of Management and Budget (OMB), by e-mail at David\_Rostker@omb.eop.gov, or by fax to 202-395-7285.

**FOR FURTHER INFORMATION CONTACT:**

Peter Hood, telephone 727-824-5305, fax 727-824-5308, e-mail Peter.Hood@noaa.gov.

**SUPPLEMENTARY INFORMATION:**

**Background**

The final rule to implement Amendment 18A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Amendment 18A) (71 FR 45428, August 9, 2006) included a provision, § 622.9(a)(2), requiring owners or operators of a vessel with a commercial vessel permit for Gulf reef fish, including charter/headboats with commercial reef fish vessel permits even when under charter, to be equipped with an operating VMS approved by NMFS for the Gulf of Mexico reef fish fishery. Additionally, § 622.4(m)(1) required proof of purchase, installation, activation, and operational status of an approved VMS for renewal or transfer of a commercial vessel permit for Gulf reef fish.

Subsequent to the publication of the final rule, NMFS published a notice listing VMS approved by NMFS for use in the Gulf reef fish fishery (71 FR 54472, September 15, 2006). On October 31, 2006, NMFS published a notice (71 FR 63753), announcing availability of grant funds to reimburse owners and operators of vessels subject to the VMS requirements of Amendment 18A for the equivalent cost of purchasing the least expensive VMS approved by NMFS for the Gulf reef fish fishery.

**Delay of Effective Date**

NMFS is delaying, until March 7, 2007, the effective date of § 622.9(a)(2), the VMS requirement, and § 622.4(m)(1), the provision requiring VMS as a condition of renewing or transferring a commercial vessel permit for Gulf reef fish. NMFS is concerned that some fishers may have delayed purchasing VMS because of uncertainty regarding reimbursement by NMFS. Although NMFS published the notice announcing availability of funds for reimbursement on October 31, 2006, the current December 7, 2006, effective date for VMS compliance may not provide adequate time for all affected fishers and approved VMS vendors to purchase, install, and activate a NMFS-approved VMS. NMFS also believes that some affected fishers, particularly those with minimal red snapper or reef fish

landings, may be deferring a decision on purchasing a VMS until they receive information about their initial red snapper IFQ share and allocation under the Gulf red snapper IFQ program and, thus, can better evaluate their overall profitability versus the overall costs of VMS. NMFS anticipates that initial red snapper IFQ share/allocation information will be available by mid-November—less than a month prior to the current effective date for the VMS requirements. Finally, the overall VMS costs, including installation and continuing operational costs, may be a factor in some part-time or marginal reef fish fishers' decision to remain in the fishery. A delay in the effective date of the provision requiring VMS as a condition of permit renewal or transfer would provide more time for such fishers to make a reasoned business decision and to renew and/or transfer their permit prior to the VMS effective date if they so choose. For all of these reasons, NMFS is delaying the effective date of §§ 622.9(a)(2) and 622.4(m)(1) until March 7, 2007.

**Classification**

The Administrator, Southeast Region, NMFS, (RA) has determined that delaying the effective date of VMS requirements for vessels with commercial vessel permits for Gulf reef fish is necessary for management of the fishery and to minimize adverse social and economic impacts. The RA has also determined that this rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Pursuant to 5 U.S.C. 533(b)(B), there is good cause to waive prior notice and opportunity for public comment on this action as notice and comment would be impracticable and contrary to the public interest. This final rule merely delays the effective date of the VMS requirements and VMS-related permit renewal requirements set forth in the regulations implementing Amendment 18A. Delaying the effective date of these provisions will provide affected vessel owners and operators additional time to come into compliance with the VMS requirements. Some owners and operators may have delayed purchase and installation of required VMS units because of uncertainty regarding possible reimbursement by NMFS. NMFS has recently implemented a reimbursement program applicable to these VMS requirements. Delaying the effective date will allow affected owners and operators more time to make an

informed business decision regarding which approved VMS system would be best for them given the available reimbursement. In addition, those owners and operators with relatively small landings of reef fish, including red snapper landings, may need to consider the overall costs of VMS, including installation and operating costs, relative to the owner's profitability, including their potential red snapper individual fishing quota (IFQ) share and allocation under the proposed red snapper IFQ program. Some of these fishers may choose to sell their commercial vessel permit for Gulf reef fish and exit the fishery. Delaying the effective date of the provision that requires a VMS as a condition of renewing or transferring a permit would facilitate that option. A delay in the effective date of these two provisions will provide such owners and operators more time to make well-reasoned business decisions regarding overall VMS costs and their future in the reef fish fishery. For these same reasons, there is good cause to waive the 30-day delayed effectiveness provision of the APA for these measures pursuant to 5 U.S.C. 553(d)(3). Failure to waive prior notice and opportunity for public comment or failure to waive the 30-day delayed effectiveness provision of the APA for these measures would result in these measures becoming effective on December 7, 2006, rather than providing affected fishers additional time to come into compliance with these measures as intended by this rule.

This final rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment.

This rule refers to collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by OMB under Control Number 0648-0544. Public reporting for these requirements is estimated to average 4 hours for VMS installation, 15 minutes for completion and submission of certification of VMS installation and activation, 24 seconds for transmission of position reports, 2 hours for annual maintenance of VMS, 10 minutes for submission of requests for power-down exemptions, and 15 minutes for annual renewal of all permits. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing burden hours, to NMFS (see

**ADDRESSES**) and by e-mail to *David\_Rostker@omb.eop.gov*, or fax to 202-395-7285.

Notwithstanding any other provision of law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: December 1, 2006.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 06-9570 Filed 12-4-06; 1:11 pm]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 051128313-6029-02; I.D. 112006F]

#### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for Rhode Island

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

**ACTION:** Closure of commercial fishery.

**SUMMARY:** NMFS announces that the Atlantic bluefish commercial quota available to Rhode Island has been harvested. Vessels issued a commercial Federal fisheries permit for the Atlantic bluefish fishery may not land bluefish in Rhode Island for the remainder of calendar year 2006, unless additional

quota becomes available through a transfer. Regulations governing the Atlantic bluefish fishery require publication of this notification to advise Rhode Island that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing bluefish in Rhode Island.

**DATES:** Effective 0001 hours, December 6, 2006 through 2400 hours, December 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Douglas Potts, Fishery Management Specialist, (978) 281-9341

**SUPPLEMENTARY INFORMATION:** Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned on a percentage basis among the coastal states from Florida through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160.

The initial total commercial quota for Atlantic bluefish for the 2006 calendar year was set equal to 4,215,802 lb (1,912 mt) (71 FR 9472, February 24, 2006). The initial commercial quota was adjusted by transferring 3,865,294 lb (1,753 mt) from the recreation allocation, resulting in a total commercial quota of 8,081,096 lb (3,666 mt). The percent allocated to vessels landing bluefish in Rhode Island is 6.8081 percent, resulting in a commercial quota of 550,169 lb (249,555 kg). The 2006 allocation was reduced to 542,101 (245,893 kg) (71 FR 13777, March 17, 2006) due to research set-aside.

Section 648.161(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor state commercial quotas and to determine when a state's commercial quota has been harvested. NMFS then

publishes a notification in the **Federal Register** to advise the state and to notify Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing bluefish in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that Rhode Island has harvested its quota for 2006.

The regulations at § 648.4(b) provide that Federal permit holders agree, as a condition of the permit, not to land bluefish in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours, December 6, 2006, further landings of bluefish in Rhode Island by vessels holding Atlantic bluefish commercial Federal fisheries permits are prohibited for the remainder of the 2006 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours, December 6, 2006, federally permitted dealers are also notified that they may not purchase bluefish from federally permitted vessels that land in Rhode Island for the remainder of the calendar year, or until additional quota becomes available through a transfer.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: November 30, 2006.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 06-9553 Filed 12-1-06; 2:50 pm]

**BILLING CODE 3510-22-S**