

1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B to Part 300 [Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing “Southern California Edison Co. (Visalia) Visalia, CA.”

[FR Doc. E9-17562 Filed 7-24-09; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 08-65; FCC 09-38]

Assessment and Collection of Regulatory Fees for Fiscal Year 2008

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, pursuant to section 9(b)(3) of the Communications Act, we eliminate two international regulatory fee categories from our Schedule of Regulatory Fees—International Public Fixed and International High Frequency (HF) Broadcast Stations.

DATES: Effective August 18, 2009, which is 90 days from the date of notification to Congress pursuant to section 9(b)(3) of the Communications Act.

FOR FURTHER INFORMATION CONTACT: Daniel Daly, Office of Managing Director at (202) 418-1832.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Order, MD Docket 08-65, FCC 09-38, adopted on May 11, 2009 and released on May 14, 2009. The full text of this document is available on the Commission’s Internet site at <http://www.fcc.gov>. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th St., SW., Washington, DC 20554. The full text of this document also may be purchased from the Commission’s duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St., SW., Room CY-B402, Washington, DC 20554; telephone (202) 488-5300; fax (202) 488-5563; e-mail FCC@BCPIWEB.COM. The Commission will send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

Summary of the Report and Order

1. In our *FY 2008 Report and Order*,¹ we sought comment on eliminating several categories of services from our schedule of regulatory fees.² We received no comments on these proposals. For the reasons set forth below, we eliminate the regulatory fee categories for International Public Fixed Radio³ and International High Frequency Broadcast Stations.⁴

2. There is only one licensee in the International Public Fixed Radio category. In the *FY 2008 Report and Order* we stated that we did not expect any additional licensees or applications in this fee category, and that this category did not generate any regulatory fee revenue for the Commission in FY 2008.⁵ As a result, we proposed in our *FY 2008 Report and Order* to eliminate this category from our schedule of regulatory fees in order to reduce the administrative burden on the Commission in assessing this regulatory fee category.⁶ We received no comments on this issue. We, therefore, eliminate this category from the regulatory fee schedule.

3. There are only 25 licensed stations in the International High Frequency Broadcast Stations category. In FY 2008, two entities made payments in this fee category totaling \$1,720. In the *FY 2008 Report and Order* we observed that most of these licensees are tax-exempt organizations (and exempt from paying regulatory fees), and as a result, we proposed to eliminate this category from our schedule of regulatory fees in order to reduce the administrative burden on the Commission.⁷ We did not receive any comments on this issue. We, therefore, eliminate this category from the regulatory fee schedule.

4. Pursuant to section 9(b)(3) of the Act, we eliminate the International Public Fixed Radio and International High Frequency Broadcast Station fee categories from our schedule of

¹ See *Assessment and Collection of Regulatory Fees for Fiscal Year 2008*, MD Docket No. 08-65, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6389 (2008) (“*FY 2008 Report and Order*”).

² In this Order, we adopted only the proposals concerning International Fixed Public Radio and International High Frequency Broadcast Stations raised in paragraphs 55 and 56 in the Further Notice of Proposed Rulemaking in the *FY 2008 Report and Order*. The remaining outstanding matters stemming from the August 8, 2008 Further Notice of Proposed Rulemaking may, however, be decided at a later time in a separate Report and Order. See *FY 2008 Report and Order*.

³ See 47 CFR Part 23.

⁴ See 47 CFR Part 73, Subpart F.

⁵ *FY 2008 Report and Order* at paragraph 55.

⁶ *FY 2008 Report and Order* at paragraph 55.

⁷ *FY 2008 Report and Order* at paragraph 56.

regulatory fees.⁸ Section 9(b)(4)(B) of the Act requires us to notify Congress 90 days before the effective date of this rule change.⁹ In letters dated May 20, 2009, we provided Congress notification of this Order. These permitted amendments to our fee schedule will become effective on August 18, 2009, which is 90 days after notification to Congress, if there is no Congressional objection.

5. A final regulatory flexibility certification for the changes adopted in the Order herein is contained below. The Commission will send a copy of the Order, including the final regulatory flexibility certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Final Regulatory Flexibility Certification

6. The Regulatory Flexibility Act of 1980, as amended (RFA)¹⁰ requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that “the rule will not have a significant economic impact on a substantial number of small entities.”¹¹ The RFA generally defines “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”¹² In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.¹³ A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).¹⁴

7. As required by the RFA,¹⁵ an Initial Regulatory Flexibility Analysis (IRFA)

⁸ 47 U.S.C. 159(b)(3).

⁹ 47 U.S.C. 159(b)(4)(B).

¹⁰ The RFA, see 5 U.S.C. 601 *et seq.* has been amended by the Contract With America Advancement Act of 1996, Public Law 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

¹¹ 5 U.S.C. 605(b).

¹² 5 U.S.C. 601(6).

¹³ 5 U.S.C. 601(3) (incorporating by reference the definition of “small business concern” in Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the *Federal Register*.”

¹⁴ Small Business Act, 15 U.S.C. 632.

¹⁵ 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. 857 (1996).

was incorporated in the Commission's Further Notice of Proposed Rulemaking.¹⁶ The Commission sought written public comment on the proposals in the Further Notice of Proposed Rulemaking, including comment on the IRFA.

8. In our Further Notice of Proposed Rulemaking we sought comment on eliminating several categories of services from our schedule of regulatory fees. We received no comments on these proposals. For the reasons set forth below, in the Order contained herein, we eliminate the regulatory fee categories for International Public Fixed Radio¹⁷ and International High Frequency Broadcast Stations.¹⁸ There is only one licensee in the International Public Fixed Radio category. In the Further Notice of Proposed Rulemaking we stated that we did not expect any additional licensees or applications in this category, and it did not generate any regulatory fee revenue for the Commission in FY 2008.¹⁹ Eliminating this category from our schedule of regulatory fees will not have not have a significant economic impact on a substantial number of small entities. In the International High Frequency Broadcast Stations category, there are only 25 licensed stations. In the Further Notice of Proposed Rulemaking we observed that most of these licensees are tax-exempt organizations that are exempt from payment of regulatory fees.²⁰ In FY 2008, two entities made payments in this fee category; those

payments totaled \$1,720. Eliminating this category from our schedule of regulatory fees will not have not have a significant economic impact on a substantial number of small entities.

9. *Certification:* Therefore, we certify that the requirements of this Order will not have a significant economic impact on a substantial number of small entities.

10. *Report to Small Business Administration:* The Commission will send a copy of this Order, including a copy of the Final Regulatory Flexibility Certification to the Chief Counsel for Advocacy of the Small Business Administration. The Order and Final Regulatory Flexibility Certification (or summaries thereof) will also be published in the **Federal Register**.

11. *Report to Congress:* The Commission will send a copy of this Final Regulatory Flexibility Certification, along with this Order, in a report to Congress pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

Ordering Clauses

12. Accordingly, *it is ordered that*, pursuant to sections 4(i) and (j), 9, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 159, and 303(r), this Order is *hereby adopted*.

13. *It is further ordered that* Part 1 of the Commission's rules are amended as set forth herein, and these rules shall become effective 90 days after Congressional notification.

14. *It is further ordered that* the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Order, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.
Federal Communications Commission.
Marlene H. Dortch,
Secretary.

Rule Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 to read as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 *et seq.*; 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 303(r), and 309.

■ 2. Section 1.1156(a) is revised to read as follows:

§ 1.1156 Schedule of regulatory fees and filing locations for International Services.

(a) The following schedule applies for the listed services:

	Fee amount	Address
(1) Space Stations (Geostationary Orbit)	FCC, Space Stations.
(2) Space Stations (Non-Geostationary Orbit)	FCC, Space Stations.
(3) Earth Stations: Transmit/Receive & Transmit only (per authorization or registration).	FCC, Earth Station.

¹⁶ See *Assessment and Collection of Regulatory Fees for Fiscal Year 2008*, MD Docket No. 08-65, Report and Order and Further Notice of Proposed

Rulemaking, 24 FCC Rcd 6389 (2008) ("FY 2008 Report and Order") at Appendix B.

¹⁷ See 47 CFR Part 23.

¹⁸ See 47 CFR Part 73, Subpart F.

¹⁹ FY 2008 Report and Order at paragraph 55.

²⁰ FY 2008 Report and Order at paragraph 56.

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[FR Doc. E9-17813 Filed 7-24-09; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 09100091344-9056-02]

RIN 0648-XQ51

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch by catcher processors participating in the limited access or opt-out fisheries that are subject to sideboard limits established under the Central Gulf of Alaska (GOA) Rockfish Pilot Program (RPP) in the Western Yakutat District of the GOA. This action is necessary to prevent exceeding the 2009 sideboard limits of Pacific ocean perch established for catcher processors participating in the limited access or opt-out fisheries in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 22, 2009, through 1200 hrs, A.l.t., July 31, 2009.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2009 Pacific ocean perch sideboard limit established for catcher processors participating in the limited access or opt-out fisheries that are subject to sideboard limits in the RPP in the West Yakutat District is 727 metric tons (mt). The sideboard limit is established by the final 2009 and 2010 harvest specifications for groundfish of

the GOA (74 FR 7333, February 17, 2009) and as posted as the 2009 Rockfish Program Catcher Processor Sideboards at <http://alaskafisheries.noaa.gov/sustainablefisheries/goarat/default.htm>.

In accordance with § 679.82(d)(7)(i)(A), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the 2009 Pacific ocean perch sideboard limit established for catcher processors participating in the limited access or opt-out fisheries in the West Yakutat District of the GOA has been reached. The Regional Administrator is establishing the full sideboard limit as a directed fishing allowance of 727 mt, because no other groundfish fisheries are anticipated that would require a set aside of Pacific ocean perch as bycatch. Consequently, pursuant to § 679.82(d)(7)(ii) NMFS is prohibiting directed fishing for Pacific ocean perch by vessels subject to the sideboard sideboard limit established for catcher processors participating in the limited access or opt-out fisheries in the West Yakutat District.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific ocean perch sideboard limit for catcher processors participating in the limited access or opt-out fisheries in the Western Regulatory Area. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 21, 2009.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: July 22, 2009.

James P. Burgess,

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

[FR Doc. E9-17835 Filed 7-22-09; 4:15 pm]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 0910091344-9056-02]

RIN 0648-XQ52

Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pelagic shelf rockfish (PSR) by Amendment 80 vessels subject to sideboard limits in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2009 PSR sideboard limit established for Amendment 80 vessels subject to sideboard limits in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 22, 2009, until 2400 hrs, A.l.t., December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907-586-7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 679.

The 2009 PSR sideboard limit established for Amendment 80 vessels subject to sideboard limits in the