

(b) *Enforcement Period.* This section will be enforced from 10 a.m. to 10 p.m., each day, on September 11, 2009 through September 13, 2009. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone.

(c) *Definitions.* The following definition applies to this section: *Designated representative*, means any commissioned, warrant, or petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, or local, state, or federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) Entry into, transit through or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port of San Diego or his designated on-scene representative.

(2) Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The PATCOM may be contacted on VHF-FM Channel 16.

(3) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the designated representative.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel must proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: July 23, 2009.

**T.H. Farris,**

*Captain, U.S. Coast Guard, Captain of the Port San Diego.*

[FR Doc. E9-18739 Filed 8-5-09; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Parts 10 and 11

[Docket No. USCG-2006-24371]

RIN 1625-AB02

#### Consolidation of Merchant Mariner Qualification Credentials; Corrections

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule, correction.

**SUMMARY:** The Coast Guard published a document in the **Federal Register** on March 16, 2009 (74 FR 11196), consolidating regulations concerning the issuance of merchant mariner credentials. That document contained

several non-substantive errors, including an improperly worded amendatory instruction. This document corrects those errors.

**DATES:** This final rule is effective August 6, 2009.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call Mayte Medina, Coast Guard, telephone 202-372-1406. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The document published in the **Federal Register** on March 16, 2009 (74 FR 11196), contained errors that this document corrects.

We are making the following corrections in part 10. In § 10.109, we are reinserting three STCW endorsements that were erroneously left out of the final rule. In § 10.211, the Coast Guard discussed the date change in the final rule (74 FR 11197).

However, when making the date change, we inadvertently missed this instance. In § 10.213, the change in the footnote to Table 12.213(c) is a correction to a cross-reference, which the Coast Guard inadvertently missed when we revised part 10 in the final rule. In § 10.227, we are correcting a similar cross-reference correction. In § 10.235, we are making corrections to clarify the language in that section.

We are making the following corrections in part 11. In § 11.102, we are correcting those sections where material that has been incorporated by reference may be found in part 11. In § 11.104, we are removing redundancy by eliminating definitions that already appear at the beginning of the subchapter in § 10.107. Finally, in the final rule, the amendatory instruction for § 11.601 incorrectly referred to paragraphs (a) through (c) (79 FR 11252). We have included the correct amendatory language here.

None of the above listed corrections are substantive in nature.

#### List of Subjects

##### 46 CFR Part 10

Incorporation by reference, Penalties, Reporting and recordkeeping requirements, Seamen, Transportation Worker Identification Card.

##### 46 CFR Part 11

Incorporation by reference, Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

■ For the reasons discussed above, the Coast Guard corrects 46 CFR parts 10 and 11 as follows:

## PART 10—MERCHANT MARINER CREDENTIAL

■ 1. The authority citation for part 10 continues to read as follows:

**Authority:** 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. chapter 71; 46 U.S.C. chapter 72; 46 U.S.C. chapter 75; 46 U.S.C. 7701, 8906 and 70105; Executive Order 10173; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 10.109, add paragraphs (d)(15), (16), and (17) to read as follows:

#### § 10.109 Classification of endorsements.

\* \* \* \* \*

(d) \* \* \*

(15) Tankerman PIC.

(16) Tankerman assistant.

(17) Tankerman engineer.

■ 3. In § 10.211(c), remove the words “September 25, 208” and add, in their place, the words “April 15, 2009”.

#### § 10.213 [Amended]

■ 4. In § 10.213, in the first footnote of Table 10.213(c), remove the cross-reference “(a)” after the word “paragraph” and add, in its place, the cross-reference “(f)”.

#### § 10.227 [Amended]

■ 5. In § 10.227, in paragraph (g)(1), remove the cross-reference “(g)” after the word “paragraph” and add, in its place, the cross-reference “(d)(8)”.

#### § 10.235 [Amended]

■ 6. In § 10.235—

- a. In paragraph (b), in the first and second sentences, after the words “applied for as an original”, add the words “following the procedures of §§ 5.901–5.905 of this subchapter”;
- b. In paragraph (d), after the words “revoked, the mariner”, remove the words “may apply for” and add, in their place, the words “will be issued”;
- c. In paragraph (h), remove the word “non-administrative” and add, in its place, the words “a reason, other than administrative”.

## PART 11—REQUIREMENTS FOR OFFICER ENDORSEMENTS

■ 7. The authority citation for part 11 continues to read as follows:

**Authority:** 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, 8906, and 70105; Executive Order 10173; Department of Homeland Security Delegation No. 0170.1. Section 11.107 is also issued under the authority of 44 U.S.C. 3507.

#### § 11.102 [Amended]

■ 8. In § 11.102—

- a. In paragraph (b)(1), remove “11.603;”.

- b. In paragraph (b)(2), after “11.304,” add “11.603.”

**§ 11.104 [Removed and Reserved]**

- 9. Remove and reserve § 11.104.
- 10. Revise § 11.601 to read as follows:

**§ 11.601 Applicability.**

This subpart provides for endorsement as radio officers for employment on vessels, and for the issue of STCW endorsements for those qualified to serve as radio operators on vessels subject to the provisions on the Global Maritime Distress and Safety System (GMDSS) of Chapter IV of SOLAS. SOLAS is available from the *International Maritime Organization (IMO)*, 4 Albert Embankment, London SE1 7SR, England, telephone: +44 (0)20 7735 7611, <http://www.imo.org>.

Dated: July 30, 2009.

**Stefan G. Vencus,**

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. E9-18747 Filed 8-5-09; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

[WC Docket No. 07-267; FCC 09-56]

**Forbearance Procedures**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this Report and Order, the Commission adopts procedural rules to govern petitions for forbearance filed pursuant to section 10 of the Communications Act of 1934, as amended. The Commission has found that procedural rules are needed to specify parties' rights and obligations with regard to such petitions. The Commission's actions are designed to ensure that its procedures for handling forbearance petitions are front-loaded, actively managed, transparent, and fair.

**DATES:** Effective September 8, 2009 except § 1.54 which contains information collection requirements that have not been approved by OMB. The FCC will publish a document in the **Federal Register** announcing the effective date for those requirements.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Interested parties may contact Jonathan

Reel, Wireline Competition Bureau, (202) 418-1580.

For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Judith B. Herman at (202) 418-0214, or via the Internet at *Judith-B.Herman@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order (Order) in WC Docket No. 07-267, FCC 09-56, adopted June 26, 2009, and released June 29, 2009. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (800) 378-3160 or (202) 863-2893, facsimile (202) 863-2898, or via e-mail at <http://www.bcpweb.com>. It is also available on the Commission's Web site at <http://www.fcc.gov>.

**Synopsis of Report and Order**

1. In November 2007, the Commission released a Notice of Proposed Rulemaking (the *Forbearance Procedures NPRM*) (73 FR 6888-01, February 6, 2008) initiating a rulemaking proceeding to establish procedural rules regarding the Commission's consideration of petitions for forbearance filed pursuant to section 10 of the Communications Act of 1934, as amended, (the Act). In this NPRM, the Commission sought comment on measures that had been proposed in a petition filed by Covad Communications Group, NuVox Communications, XO Communications, LLC, Cavalier Telephone Corp., and McLeodUSA Telecommunications Services, Inc. The Commission sought comment on, among other questions, whether all petitions for forbearance should be complete as filed; whether a petitioner for forbearance should have to demonstrate separately how it has satisfied each component of the forbearance standard; and whether the Commission must issue a written order on all forbearance proceedings. The Commission also asked whether the forbearance process was being used as Congress intended, how individual forbearance proceedings relate to industry-wide proceedings, and what burdens, including administrative and financial costs, forbearance proceedings place on stakeholders in the industry.

2. In this Order, the Commission adopts procedural rules regarding forbearance petitions that reflect the Commission's experience in addressing more than 120 forbearance petitions that have been filed under section 10 as well as the record in response to the *Forbearance Procedures NPRM*. In particular, the Commission adopts rules requiring that forbearance petitions be “complete as filed.” This is consistent with the principle that whenever a petitioner files a petition for forbearance, the petitioner bears the burden of proof with respect to establishing that the statutory criteria for granting forbearance are met. The Commission also adopts procedures to ensure that forbearance petitions are addressed in a timely, equitable, and predictable manner. Further, the Commission provides that a forbearance petition may no longer be withdrawn or significantly narrowed by the petitioner after the tenth business day after the due date for reply comments without Commission authorization. These actions and the other actions in the Order seek to implement procedures for handling forbearance petitions in a manner that is front-loaded, actively managed, transparent, and fair.

3. *Petitions Must be Complete as Filed.* In the *Forbearance Procedures NPRM*, the Commission sought comment on whether forbearance petitions should be required to be “complete as filed.” Here, the Commission concludes that section 10 petitions for forbearance must be complete as described below. Henceforth, the Commission requires forbearance petitions to state explicitly the scope of the relief requested; to address each prong of the statute as it applies to the rules or provisions from which the petitioner seeks relief; to identify any other proceedings pending before the Commission where the petitioner speaks to the relevant issues (or declare not to have spoken to the issue, if that is the case); and to comply with simple format requirements intended to facilitate our and the public's review of the petition.

4. The requirement does not prevent a petitioner from seeking additional data from third parties. At the time of filing, forbearance petitioners must identify the nature of the third-party information they need, the parties they believe possess it, and how the information relates to the petition. The requirement does not limit a petitioner's ability to respond to arguments and data in oppositions and comments with counter-arguments and responsive data. A petitioner may submit substantively new material, including new