

new sunset date, provided that if Congress further extends this date, the rules remain in effect until the statutory authorization expires. We are amending these rules without providing prior public notice and comment because prior notice and comment would be impracticable in this case. See 5 U.S.C. 553(b)(3)(B). Section 1003(b) of the Department of Defense Appropriations Act, 2010 was enacted on December 19, 2009, less than two weeks before the sunset date of January 1, 2010. This provides the Commission with an insufficient amount of time to publish a Notice of Proposed Rulemaking in the **Federal Register**, to allow time for meaningful comment, and to consider those comments before taking the necessary actions prior to the sunset date of January 1, 2010. See *Petry v. Block*, 737 F.2d 1193, 1201 (D.C. Cir. 1984) (holding that the “extremely limited time given by Congress” established “good cause” for not seeking prior notice and comment). Moreover, our action here is largely ministerial, because it simply implements a new sunset date established by Congress. See 5 U.S.C. 553(b)(3)(B). See, e.g., *Metzenbaum v. Federal Energy Regulatory Commission*, 675 F.2d 1282, 1291 (DC Cir. 1982) (agency order, issued pursuant to congressional waiver of certain provisions of federal law that would otherwise have governed construction and operation of Alaskan natural gas pipeline, was appropriately issued without notice and comment as a nondiscretionary ministerial action); *Implementation of Section 505 of the Telecommunications Act of 1996 (Scrambling of Sexually Explicit Adult Video Service Programming)*, 11 FCC Rcd 5386, 5387 (1996); *Implementation of Sections 204(A) and 204(C) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, 11 FCC Rcd 6363, 6364 (1996); *Implementation of Sections 202(A) and 202(B)(1) of the Telecommunications Act of 1996 (Broadcast Radio Ownership)*, 11 FCC Rcd 12368, 12371 (1996); *Implementation of Sections 202(c)(1) and 202(e) of the Telecommunications Act of 1996 (National Broadcast Television Ownership and Dual Network Operations)*, 11 FCC Rcd 12374, 12377 (1996). Accordingly, we find that this action falls within the “good cause” exception to the notice and comment requirements of the Administrative Procedure Act (“APA”). Because we have found good cause for not seeking prior notice and comment, the Regulatory Flexibility Act and the Congressional Review Act do not apply

to our action here. See 5 U.S.C. 603(a); 5 U.S.C. 808. For similar reasons, we find good cause to make these amendments to our rules effective upon publication in the **Federal Register**. Because the legislation establishing the new sunset date was enacted less than two weeks prior to the previous sunset date of January 1, 2010, we are unable to provide for a 30-day period before the new sunset date in these rules takes effect. See 5 U.S.C. 553(d)(3) (“The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except * * * as otherwise provided by the agency for good cause found and published with the rule.”); see also 47 CFR 1.427(b).

II. Procedural Matters

3. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

III. Ordering Clauses

4. *It is ordered* that pursuant to the authority found in Section 325 of the Communications Act of 1934, as amended, 47 U.S.C. 325, and Section 1003(b) of the Department of Defense Appropriations Act, 2010, Public Law No. 111–118, Sec. 1003(b) (2009), §§ 76.64(l) and 76.65(f) of the Commission’s rules *are hereby amended* as set forth in the rule changes below and are effective December 31, 2009.

Federal Communications Commission.

William F. Caton,
Deputy Secretary.

Rule Changes

■ For the reasons stated in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572 and 573.

■ 2. Section 76.64 is amended by revising the last sentence of paragraph (l) to read as follows:

§ 76.64 Retransmission consent.

* * * * *

(l) * * * This paragraph shall terminate at midnight on February 28, 2010, provided that if Congress further extends this date, the rules remain in effect until the statutory authorization expires.

* * * * *

■ 3. Section 76.65 is amended by revising paragraph (f) to read as follows:

§ 76.65 Good faith and exclusive retransmission consent complaints.

* * * * *

(f) Termination of rules. This section shall terminate at midnight on February 28, 2010, provided that if Congress further extends this date, the rules remain in effect until the statutory authorization expires.

[FR Doc. E9–31095 Filed 12–30–09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA–RSPA–2004–19854; Amdt. 192–113]

RIN 2137–AE15

Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Final rule; extension of comment period.

SUMMARY: PHMSA is extending for 30 days, until February 4, 2010, the period for filing comments to the requirement adopted in the final rule, “Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines” to require the reporting of failures of compression couplings used in metal pipe. PHMSA had invited public comment on the extension of this requirement to include reporting of failure of compression couplings used in metal pipe until January 4, 2010. The American Gas Association (AGA) requested that PHMSA extend the comment period for thirty days.

DATES: *Comment Date:* Interested persons are invited to submit comments on the provisions for reporting failures of compression couplings by February 4,

2010. At the end of the comment period, we will publish a document modifying these provisions or a document stating that the provisions will remain unchanged.

ADDRESSES: Comments limited to the provisions on reporting failures of mechanical couplings should reference Docket No. PHMSA-RSPA-2004-19854 and may be submitted in the following ways:

- *E-Gov Web Site:* <http://www.regulations.gov>. This site allows the public to enter comments on any Federal Register notice issued by any agency.

- *Fax:* 1-202-493-2251.
- *Mail:* DOT Docket Operations Facility (M-30), U.S. Department of Transportation, West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- *Hand Delivery:* DOT Docket Operations Facility, U.S. Department of Transportation, West Building, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: In the E-Gov Web site: <http://www.regulations.gov>, under "Search Documents" select "Pipeline and Hazardous Materials Safety Administration." Next, select "Notices," and then click "Submit." Select this rulemaking by clicking on the docket number listed above. Submit your comment by clicking the yellow bubble in the right column then following the instructions.

Identify docket number PHMSA-RSPA-2004-19854 at the beginning of your comments. For comments by mail, please provide two copies. To receive PHMSA's confirmation receipt, include a self-addressed stamped postcard. Internet users may access all comments at <http://www.regulations.gov>, by following the steps above.

Note: PHMSA will post all comments without changes or edits to <http://www.regulations.gov> including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mike Israni by phone at (202) 366-4571 or by e-mail at Mike.Israni@dot.gov.

SUPPLEMENTARY INFORMATION: On December 4, 2009, PHMSA published a final rule (74 FR 63905) under Docket No. PHMSA-RSPA-2004-19854 amending the Pipeline Safety Regulations (49 CFR Parts 190-199) to

require operators of gas distribution pipelines to develop and implement integrity management programs. In that final rule, PHMSA adopted a requirement that operators report failures of all compression couplings, both plastic and metallic. PHMSA also invited public comment on the requirement to report failure of compression couplings used in metal pipe. Public comments were due by January 4, 2010.

On December 18, 2009, AGA petitioned PHMSA to extend the comment period by thirty days. AGA stated that it is in the public interest to extend the comment period so that gas utilities have the opportunity to thoroughly review the regulation and draft annual report. AGA went on to say that extending the comment period is the only way to provide PHMSA with the necessary information to establish clear and consistent data. PHMSA agrees that additional time should be allowed and is extending the comment period from January 4, 2010 to February 4, 2010.

Issued in Washington, DC, on December 28, 2009.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. E9-31078 Filed 12-30-09; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0809251266-81485-02]

RIN 0648-XT39

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

ACTION: Temporary rule; inseason quota transfers.

SUMMARY: NMFS announces that the State of Maine is transferring a portion of its 2009 commercial summer flounder quota to the Commonwealth of Massachusetts. By this action, NMFS adjusts the quotas and announces the

revised commercial quota for each state involved.

DATES: Effective December 30, 2009 through December 31, 2009.

FOR FURTHER INFORMATION CONTACT: Sarah Heil, Fishery Management Specialist, 978-281-9257.

SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.100(d). The Regional Administrator is required to consider the criteria set forth in § 648.100(d)(3) in the evaluation of requests for quota transfers or combinations.

Maine has agreed to transfer 3,790 lb (1,719.1 kg) of its 2009 commercial quota to Massachusetts to cover the summer flounder landings of one vessel granted safe harbor in Massachusetts due to mechanical issues on December 15, 2009. The Regional Administrator has determined that the criteria set forth in § 648.100(d)(3) have been met. The revised quotas for calendar year 2009 are: Maine, 1,317 lb (597.4 kg); and Massachusetts, 706,404 lb (320.4 kg).

Classification

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

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

Dated: December 28, 2009.

William D. Chappell,

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

[FR Doc. E9-31064 Filed 12-30-09; 8:45 am]

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