

*Estimated Time per Response:* 2 hours.

*Frequency of Response:* On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 154(i), 302, 303(c), 303(f), and 307.

*Total Annual Burden:* 4,000 hours.

*Total Annual Cost:* \$100,000.

*Privacy Act Impact Assessment:* N/A.

*Nature and Extent of Confidentiality:*

The Commission is not requesting respondents to submit confidential information to the Commission. Respondents may request that portions of their information remain confidential in accordance with 47 CFR 0.459 of the Commission's rules.

*Needs and Uses:* On November 14, 2008, the Commission adopted a Second Report and Order and Memorandum Opinion and Order, FCC 08-260, ET Docket No. 04-186 that established rules to allow new and unlicensed wireless devices to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed television "white spaces"). The rules will allow for the use of unlicensed TV band devices in the unused spectrum to provide broadband data and other services for consumers and businesses.

Subsequently on September 23, 2010, the Commission adopted a Second Memorandum Opinion and Order finalizing the rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This action resolved on reconsideration certain legal and technical issues in order to provide certainty concerning the rules for operation of unlicensed transmitting devices in the television broadcast frequency bands (unlicensed TV bands devices or "TVBDs"). Resolution of these issues will now allow manufacturers to begin marketing unlicensed communications devices and systems that operate on frequencies in the TV bands in areas where they are not used by licensed services ("TV white spaces").

In the Second Report and Order the Commission decided to designate one or more database administrator from the private sector to create and operate TV band databases. The TV band database administrators will act on behalf of the FCC, but will offer a privately owned and operated service. Each database administrator will be responsible for operation of their database and coordination of the overall functioning

of the database with other administrators, and will provide database access to TVBDs.

The Commission also decided that operators of venues using unlicensed wireless microphones will be allowed to register their sites with the Commission which will transmit the information to the database administrators. The registration request must be filed at least 30 days in advance and the requests will be made public to provide an opportunity for public comment or objections.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

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**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 73 and 79

[MB Docket No. 11-43; FCC 11-126]

#### Video Description Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010

**ACTION:** Final rules; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements contained in the regulations for issues relating to the video description rules. The final information collection requirements were approved on September 8, 2011 by OMB. The Commission received OMB preapproval for the proposed requirements on April 22, 2011. The information collection requirements were adopted as proposed.

**DATES:** The amendments to 47 CFR 79.3(d) and (e), published at 76 FR 55585, September 8, 2011, are effective on October 11, 2011.

**FOR FURTHER INFORMATION CONTACT:** For additional information contact Cathy Williams on (202) 418-2918 or via e-mail to: [cathy.williams@fcc.gov](mailto:cathy.williams@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This document announces that on September 8, 2011, OMB approved, for a period of three years, the information collection requirements contained in 47 CFR 79.3(d) and (e). The Commission publishes this document to announce the effective date of the rule sections. See, In the Matter of Video Description: Implementation of the Twenty-First

Century Communications and Video Accessibility Act of 2010, MB Docket No. 11-43; FCC 11-126, 76 FR 55585, September 8, 2011.

### Synopsis

As required by the Paperwork Reduction Act of 1995, (44 U.S.C. 3507), the Commission is notifying the public that it received OMB approval on September 8, 2011, for the information collection requirement contained in 47 CFR 79.3(d) and (e). Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid OMB Control Number.

The OMB Control Number is 3060-1148 and the total annual reporting burdens for respondents for this information collection are as follows:

*Title:* Video Description of Video Programming.

*Form No.:* Not applicable.

*Type of Review:* New Collection.

*OMB Control Number:* 3060-1148.

*OMB Approval Date:* 09/08/2011.

*OMB Expiration Date:* 04/30/2014.

*Respondents:* Individuals or households; Businesses or other for-profit entities; Not-for-profit institutions.

*Number of Respondents:* 76 respondents; 80 responses.

*Estimated Time Per Response:* 1-5 hours.

*Frequency of Response:* On occasion reporting requirement.

*Obligation to Respond:* Voluntary and required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 613(f).

*Total Annual Burden:* 144 hours.

*Total Annual Cost:* \$26,250.

*Nature and Extent of Confidentiality:* Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's system of records notice (SORN), FCC/CGB-1, "Informal Complaints and Inquiries." As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB-1 "Informal Complaints and Inquiries", in the **Federal Register** on December 15, 2009 (74 FR 66356) which became effective on January 25, 2010.

*Privacy Act Impact Assessment:* Yes. The Privacy Impact Assessment (PIA) was completed on June 28, 2007. It may be reviewed at: [http://www.fcc.gov/omd/privacyact/Privacy\\_](http://www.fcc.gov/omd/privacyact/Privacy_)

*Impact Assessment.html*. The Commission is in the process of updating the PIA to incorporate various revisions made to the SORN.

**Needs and Uses:** The Commission received final approval for the information collection requirements contained in MB Docket No. 11–43; FCC 11–126 from the Office of Management and Budget (OMB) on September 8, 2011. This rulemaking contains information collection requirements that support the Commission's video description rules that would be codified at 47 CFR 79.3, as required by the Twenty-First Century Communications and Video Accessibility Act of 2010 ("CVAA"). In 2000, the Commission adopted rules requiring certain broadcasters and multichannel video program distributors (MVPDs) to carry programming with video description. The United States Court of Appeals for the District of Columbia Circuit vacated the rules due to insufficient authority soon after their initial adoption. The CVAA directs the Commission to reinstate those rules, with certain modifications, on October 8, 2011.

The information collection requirements consist of:

Petitions for exemption based on "economic burden."

Pursuant to 47 CFR 79.3(d), a video programming provider may petition the Commission for a full or partial exemption from the video description requirements based upon a showing that they would be economically burdensome.

Petitions for exemption must be filed with the Commission, placed on Public Notice, and be subject to comment from the public.

Complaints alleging violations of the video description rules.

Section 79.3(e) provides that a complaint alleging a violation of the video description rules may be transmitted to the Commission by "any reasonable means" that would best accommodate the complainant's disability, and that each complaint must include:

The name and address of the complainant;

The name and address of the broadcast station against whom the complaint is alleged and its call letters and network affiliation, or the name and address of the MVPD against whom the complaint is alleged and the name of the network that provides the programming that is the subject of the complaint;

A statement of facts sufficient to show that the video programming distributor has violated or is violating the Commission's rules, and, if applicable,

the date and time of the alleged violation;

The specific relief or satisfaction sought by the complainant;

The complainant's preferred format or method of response to the complaint (such as letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, or some other method that would best accommodate the complainant's disability); and

A certification that the complainant attempted in good faith to resolve the dispute with the broadcast station or MVPD against whom the complaint is alleged.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary, Office of Managing Director.*

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**BILLING CODE 6712–01–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 001005281–0369–02]

RIN 0648–XA690

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS closes the western zone of the Gulf of Mexico (Gulf) to commercial king mackerel fishing in the exclusive economic zone (EEZ). This closure is necessary to protect the Gulf king mackerel resource.

**DATES:** The closure is effective noon, local time, September 16, 2011, until 12:01 a.m., local time, on July 1, 2012.

**FOR FURTHER INFORMATION CONTACT:** Susan Gerhart, 727–824–5305, fax: 727–824–5308, *e-mail:* [Susan.Gerhart@noaa.gov](mailto:Susan.Gerhart@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, and, in the Gulf only, dolphin and bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the

Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Commercial fishing for the Gulf migratory group of king mackerel in the western zone is managed under a quota of 1.01 million lb (0.46 million kg) (66 FR 17368, March 30, 2001) for the current fishing year, July 1, 2011, through June 30, 2012.

Under 50 CFR 622.43(a)(3), NMFS is required to close any segment of the king mackerel commercial sector when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the **Federal Register**. NMFS has determined the commercial quota of 1.01 million lb (0.46 million kg) for Gulf group king mackerel in the western zone will be reached by September 16, 2011. Accordingly, the western zone is closed effective noon, local time, September 16, 2011, through June 30, 2012, the end of the fishing year to commercial fishing for Gulf group king mackerel. The boundary between the eastern and western zones is 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary.

Except for a person aboard a charter vessel or headboat, during the closure, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for or retain Gulf group king mackerel in the EEZ in the closed zones or subzones. A person aboard a vessel that has a valid charter vessel/headboat permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed zones or subzones under the bag and possession limits set forth in 50 CFR 622.39(c)(1)(ii) and (c)(2), provided the vessel is operating as a charter vessel or headboat. A charter vessel or headboat that also has a commercial king mackerel permit is considered to be operating as a charter vessel or headboat when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed zone taken in the EEZ, including those harvested under the bag and possession limits, may not be purchased or sold. This prohibition does not apply to trade in king mackerel from the closed zones or subzones that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor.