

**§ 402.5 New Business Incentive Program.**

\* \* \* \* \*

(c) A commodity/origin/destination combination that qualifies as New Business on or before the 30th day of September in any navigation season continues to qualify as New Business in the two consecutive navigation seasons

immediately following the then current navigation season.

\* \* \* \* \*

■ 3. In § 402.7, redesignate current paragraphs (a)(3) and (4) as paragraphs (a)(4) and (5), respectively, and add a new paragraph (a)(3) to read as follows:

**§ 402.7 Service Incentive Program.**

(a) \* \* \*

(3) The service must not be limited to the movement of one specific commodity;

\* \* \* \* \*

■ 4. Revise § 402.11 to read as follows:

**§ 402.11 Schedule of tolls.**

Column 1 Item description of charges	Column 2 Rate (\$) Montreal to or from Lake Ontario (5 locks)	Column 3 Rate (\$) Welland Canal—Lake Ontario to or from Lake Erie (8 locks)
1. Subject to item 3, for complete transit of the Seaway, a composite toll, comprising:		
(1) a charge per gross registered ton of the ship, applicable whether the ship is wholly or partially laden, or is in ballast, and the gross registered tonnage being calculated according to prescribed rules for measurement or under the International Convention on Tonnage Measurement of Ships, 1969, as amended from time to time <sup>1</sup> .	0.1040 .....	0.1665.
(2) a charge per metric ton of cargo as certified on the ship's manifest or other document, as follows:		
(a) bulk cargo .....	1.0781 .....	0.7359.
(b) general cargo .....	2.5978 .....	1.1777.
(c) steel slab .....	2.3511 .....	0.8431.
(d) containerized cargo .....	1.0781 .....	0.7359.
(e) government aid cargo .....	n/a .....	n/a.
(f) grain .....	0.6624 .....	0.7359.
(g) coal .....	0.6624 .....	0.7359.
(3) a charge per passenger per lock .....	1.6153 .....	1.6153.
(4) a lockage charge per Gross Registered Ton of the vessel, as defined in item 1(1), applicable whether the ship is wholly or partially laden, or is in ballast, for transit of the Welland Canal in either direction by cargo ships, Up to a maximum charge per vessel .....	n/a .....	3,877.00.
2. Subject to item 3, for partial transit of the Seaway .....	20 per cent per lock of the applicable charge under items 1(1), 1(2) and 1(4) plus the applicable charge under items 1(3).	13 per cent per lock of the applicable charge under items 1(1), 1(2) and 1(4) plus the applicable charge under items 1(3).
3. Minimum charge per vessel per lock transited for full or partial transit of the Seaway.	26.92 .....	26.92.
4. A charge per pleasure craft per lock transited for full or partial transit of the Seaway, including applicable federal taxes <sup>2</sup> .	30.00 <sup>3</sup> .....	30.00.
5. Under the New Business Initiative Program, for cargo accepted as New Business, a percentage rebate on the applicable cargo charges for the approved period.	20% .....	20%.
6. Under the Volume Rebate Incentive program, a retroactive percentage rebate on cargo tolls on the incremental volume calculated based on the pre-approved maximum volume.	10% .....	10%.
7. Under the New Service Incentive Program, for New Business cargo moving under an approved new service, an additional percentage refund on applicable cargo tolls above the New Business rebate.	20% .....	20%.

<sup>1</sup> Or under the US GRT for vessels prescribed prior to 2002.

<sup>2</sup> The applicable charge at the Saint Lawrence Seaway Development Corporation's locks (Eisenhower, Snell) for pleasure craft is \$30 U.S. or \$30 Canadian per lock. The collection of the U.S. portion of tolls for commercial vessels is waived by law (33 U.S.C. 988a(a)).

<sup>3</sup> \$5.00 discount per lock applicable on ticket purchased for Canadian locks via paypal.

Issued at Washington, DC, on January 26, 2015.  
 Saint Lawrence Seaway Development Corporation.  
**Carrie Lavigne,**  
*Chief Counsel.*  
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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 76**

[DA 14-1892]

**Open Video System**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Office of the Managing Director (OMD) makes

nonsubstantive, editorial revisions to correct outdated cross-references in the Federal Communications Commission's Open Video System (OVS) rules.

**DATES:** Effective March 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** For additional information on this proceeding, contact Diana Sokolow, *Diana.Sokolow@fcc.gov*, of the Policy Division, Media Bureau, (202) 418-2120.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Office of the Managing Director's Order, DA 14–1892, adopted and released on December 23, 2014. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at <http://fjallfoss.fcc.gov/ecfs/>. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW., Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

### Paperwork Reduction Act of 1995 Analysis

This document does not contain new or modified information collection(s) subject to the Paperwork Reduction Act of 1995, 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). The Commission will file a nonsubstantive modification to the information collection that contains §§ 76.1601, 76.1607, 76.1617, and 76.1708 (OMB 3060–0649).

### Synopsis

#### I. Discussion

1. By this Order, the Office of the Managing Director (OMD) makes nonsubstantive, editorial revisions to correct outdated cross-references in the Federal Communications Commission's open video system (OVS) rules. These nonsubstantive revisions are part of the Commission's ongoing examination and improvement of its processes and procedures. Specifically, § 76.1506(g) of the Commission's rules applies to OVS operators the cable operator notification requirements contained in § 76.58.<sup>1</sup> While § 76.58 contained those notification requirements when § 76.1506(g) was adopted,<sup>2</sup> in 1999 the Commission deleted § 76.58 and moved

its contents to new sections of the Code of Federal Regulations (CFR) with the minor modifications discussed below.<sup>3</sup> Accordingly, in this Order we correct the outdated cross-references in § 76.1506(g).

2. These revisions update references to obsolete rule sections. Accordingly, we find good cause to conclude that notice and comment procedures are unnecessary and would not serve any useful purpose.<sup>4</sup> The Commission's rules provide its Managing Director, or his or her designee, with “delegated authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the bureau or staff office primarily responsible for the particular part or section involved.”<sup>5</sup> Updating the cross-references in § 76.1506(g) is a nonsubstantive change, and the Media Bureau has approved the corrections made herein.

3. Upon the deletion of § 76.58 of the Commission's rules in 1999, the Commission moved the contents of § 76.58(a) to § 76.1601.<sup>6</sup> The Commission also moved the contents of § 76.58(b), (d) and (e) to § 76.1617.<sup>7</sup> Further, the Commission moved the contents of § 76.58(c) to § 76.1607 and part of § 76.1708(a).<sup>8</sup> Additionally, the Commission moved the note to § 76.58 to § 76.1601.<sup>9</sup> However, § 76.1506(g) continues to cross-reference deleted § 76.58.

4. We revise § 76.1506(g) of the Commission's rules to eliminate cross-references to deleted § 76.58 and replace those references with the updated cable rule sections. We need not revise FCC Form 1275, Certification for Open Video Systems, because that form does not

<sup>3</sup> *See 1998 Biennial Regulatory Review—Streamlining of Cable Television Services, part 76 Public File and Notice Requirements*, Report and Order, 14 FCC Rcd 4653 (1999) (1998 Biennial Review Order). Appendix D of the 1998 Biennial Review Order contains a list of the new regulations and the sections from which the new regulations were moved.

<sup>4</sup> *See* 5 U.S.C. 553(b)(3)(B).

<sup>5</sup> 47 CFR 0.231(b).

<sup>6</sup> *See* 47 CFR 76.1601.

<sup>7</sup> In 1999, the Commission decided that the references to the 1993 notification requirements contained in § 76.58 were outdated and, thus, replaced those references with more general language, a 60 day notification requirement, when it moved the contents of § 76.58(b), (d) and (e) into new § 76.1617. *See* 47 CFR 76.1617; 1998 Biennial Review Order, 14 FCC Rcd at Appendix C. The 1998 Biennial Review Order contained a discussion of the replacement of the 1993 dates with the new 60-day notification requirements, and while the text referenced these requirements as appearing in new § 76.1619, an erratum indicated that they actually appear in § 76.1617. 1998 Biennial Review Order, 14 FCC Rcd at 4667, paras. 28–29; Erratum, 1999 WL 163015, at Appendix C (Mar. 26, 1999).

<sup>8</sup> *See* 47 CFR 76.1607 and 76.1708(a).

<sup>9</sup> *See* Note 1 to § 76.1601.

mention deleted § 76.58. In addition, to make § 76.1506(g) easier to read now that it will cross-reference multiple rule sections instead of a single rule section, we make editorial revisions by merging the three former sentences into a single sentence. Section 76.1506(g) will now read, “Any provision of §§ 76.1601, 76.1607, 76.1617, or 76.1708(a) (second sentence) that refers to a ‘cable operator,’ ‘cable system,’ or ‘principal headend’ shall apply, respectively, to an open video system operator, to an open video system, or to the equivalent of the principal headend for an open video system.” The corrections discussed herein are nonsubstantive, editorial revisions that the Media Bureau has approved, and OMD thus has authority to implement them pursuant to § 0.231(b).<sup>10</sup>

## II. Procedural Matters

### A. Regulatory Flexibility Act

5. Because we adopt this Order without notice and comment, the Regulatory Flexibility Act (RFA) does not apply.<sup>11</sup>

### B. Final Paperwork Reduction Act of 1995 Analysis

6. The Order 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). The Commission will file a nonsubstantive modification to the information collection that contains §§ 76.1601, 76.1607, 76.1617, and 76.1708 (OMB 3060–0649).

### C. Congressional Review Act

7. The Commission will send a copy of the Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

<sup>10</sup> *See* 47 CFR 0.231(b). In addition, we note that the Communications Act of 1934, as amended (Act), directs the Commission to apply to OVS operators certain provisions that apply to cable operators. *See* 47 U.S.C. 573(c).

<sup>11</sup> *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601 *et seq.*, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. 104–121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

<sup>1</sup> 47 CFR 76.1506(g).

<sup>2</sup> *See Open Video Systems*, 61 FR 28698 (June 5, 1996).

### D. Additional Information

8. For additional information on this proceeding, contact Diana Sokolow, [Diana.Sokolow@fcc.gov](mailto:Diana.Sokolow@fcc.gov), of the Policy Division, Media Bureau, (202) 418-2120.

### III. Ordering Clauses

9. Accordingly, *it is ordered* that, pursuant to the authority found in sections 4(i), 4(j), 303(r), and 653 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), and 573, and § 0.231(b) of the Commission's rules, 47 CFR 0.231(b), this Order *is adopted*, effective thirty (30) days after the date of publication in the **Federal Register**.

10. *It is ordered* that, pursuant to the authority found in sections 4(i), 4(j), 303(r), and 653 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), and 573, and § 0.231(b) of the Commission's rules, 47 CFR 0.231(b), the Commission's rules *are hereby amended* as set forth in the Final Rules below.

11. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order to the Chief Counsel for Advocacy of the Small Business Administration.

12. *It is further ordered* that the Commission *shall send* a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

### List of Subjects in 47 CFR Part 76

Administrative practice and procedure, Cable television, Equal employment opportunity, Political candidates, Reporting and recordkeeping requirements.

Federal Communications Commission.

**Jon Wilkins,**

*Managing Director.*

### Final Rules

For the reasons discussed 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, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 2. Amend § 76.1506 by revising paragraph (g) to read as follows:

#### § 76.1506 Carriage of television broadcast signals.

\* \* \* \* \*

(g) *Notification.* Any provision of §§ 76.1601, 76.1607, 76.1617, or 76.1708(a) (second sentence) that refers to a "cable operator," "cable system," or "principal headend" shall apply, respectively, to an open video system operator, to an open video system, or to the equivalent of the principal headend for an open video system.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 131021878-4158-02]

RIN 0648-XD744

#### Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian district and the Bering Sea subarea (BSEAI) of the Bering Sea and Aleutian Island management area (BSAI) by vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the A season allowance of the 2015 Atka mackerel total allowable catch (TAC) in the BSEAI allocated to vessels participating in the BSAI trawl limited access fishery.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), January 27, 2015, through 1200 hrs, A.l.t., June 10, 2015.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 A season allowance of the 2015 Atka mackerel TAC, in the BSEAI, allocated to vessels participating in the BSAI trawl limited access fishery was established as a directed fishing allowance of 1,150 metric tons by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014), and as adjusted by an inseason adjustment (80 FR 188, January 5, 2015).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the BSEAI by vessels participating in the BSAI trawl limited access fishery.

After the effective dates 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 Acting 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 a 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 directed fishing closure of the Atka mackerel fishery in the BSAI for vessels participating in the BSAI trawl limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 26, 2015. 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 § 679.20 and is exempt from review under Executive Order 12866.

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