

711 to captioned telephone VCO service for inbound calls made to a captioned telephone user expires at midnight on July 31, 2004. Providers are also reminded that the annual reports required for the various three-year waivers of TRS mandatory minimum standards set forth in the *Declaratory Ruling* are due on August 2, 2004.

**DATES:** One year VCO waivers expire July 31, 2004. Annual reports for various three-year waivers of TRS mandatory minimum standards are due on August 2, 2004.

**FOR FURTHER INFORMATION CONTACT:** Traci Randolph, (202) 418-0569 (voice), (202) 418-0537 (TTY), or e-mail [traci.randolph@fcc.gov](mailto:traci.randolph@fcc.gov).

**SUPPLEMENTARY INFORMATION:** On August 1, 2003, the Commission released a *Declaratory Ruling*, published at 68 FR 55898, September 29, 2003, in CC Docket No. 98-67; FCC 03-190. In the *Declaratory Ruling*, the Commission clarified that certain TRS mandatory minimum standards do not apply to captioned telephone VCO service, and waived other TRS mandatory standards for captioned telephone VCO service, for all current and future captioned telephone VCO service providers, for the same period of time beginning on the release date of the *Declaratory Ruling*. This is a summary of the Commission's *Public Notice*, DA 04-2061, released July 9, 2004. Annual reports required to be filed pursuant to the captioned telephone VCO service *Declaratory Ruling* should be sent by hand or messenger delivery, by electronic media, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal mail). The Commission's contractor, Natek, Inc. will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications

Commission, 445 12th Street, SW., Room TW-B204, Washington, DC 20554. When filing annual reports, please reference CC Docket No. 98-67.

Copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. at their Web site: [www.bcpiweb.com](http://www.bcpiweb.com) or call 1-800-378-3160.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/cgb.dro>.

### Synopsis

As background, TRS, as mandated by Title IV of the Americans with Disabilities Act of 1990, makes the telephone system accessible to individuals with hearing or speech disabilities. See 47 U.S.C. 225. This is accomplished through TRS facilities that are staffed by specially trained CAs using special technology. The CA relays conversations between persons using various types of assistive communication devices and persons who do not require such assistive devices. On August 1, 2003, the Commission released the captioned telephone Voice Carry Over (VCO) service *Declaratory Ruling* finding that: (1) Captioned telephone VCO service is a type of TRS; (2) eligible providers of such service are eligible to recover their costs in accordance with section 225 of the Communications Act; (3) certain TRS mandatory minimum standards do not apply to the provision of captioned telephone VCO service; and (4) certain TRS mandatory minimum standards are waived for captioned telephone VCO service for certain time periods.

Federal Communications Commission.

### P. June Taylor,

Chief of Staff, Consumer & Governmental Affairs Bureau.

[FR Doc. 04-17238 Filed 7-27-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### 49 CFR Part 1

[Docket No. OST-1999-6189]

RIN 9991-AA41

### Organization and Delegation of Powers and Duties; Modification of Delegation to the Administrator, Research and Special Programs Administration, and Delegation of Authority to Director, Office of Intelligence and Security

**AGENCY:** Office of the Secretary of Transportation (OST), DOT.

**ACTION:** Final rule.

**SUMMARY:** The Secretary of Transportation (Secretary) modifies the currently delegated authority of the Administrator, Research and Special Programs Administration, to perform functions related to emergency preparedness and response vested in the Secretary and delegates authority to the Director of Intelligence and Security in the Office of the Secretary to review and coordinate the performance of these functions.

**DATES:** July 14, 2004.

**FOR FURTHER INFORMATION CONTACT:** David K. Tochen, Deputy Assistant General Counsel, Office of the Assistant General Counsel for Environmental, Civil Rights, and General Law, Department of Transportation, 400 Seventh Street, SW., Room 10102, Washington, DC 20590; Telephone: (202) 366-9153.

### SUPPLEMENTARY INFORMATION:

#### Availability of the Final Rule

An electronic copy of this document may be downloaded by using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Boards Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov>. You can also view and download this document by going to the webpage of the Department's Docket Management System (<http://dms.dot.gov>). On that webpage, click on "search." On the next page, type in the four-digit docket number shown on the first page of this document. Then click on "search."

### Background

Title 49 of the Code of Federal Regulations (CFR), § 1.53(e), delegates to the Administrator of the Research and Special Programs Administration the authority to carry out functions and

activities related to emergency preparedness and response vested in the Secretary by 49 U.S.C. 101 and 301 or delegated to the Secretary by or through the Defense Production Act of 1950, 50 U.S.C. App. 2061 *et seq.*; Executive Order 12148, as amended; Executive Order 12656, as amended; Executive Order 12742, as amended; Executive Order 12919, as amended; Reorganization Plan No. 3 of 1978; and such other statutes, executive orders, and other directives that may pertain to emergency preparedness and response.

The functions related to emergency preparedness and response are currently performed by the Research and Special Programs Administration's Office of Emergency Transportation (OET). The OET's mission is to serve as the Departmental emergency coordinator and it provides leadership for emergency preparedness and response activities; develops national preparedness and response policies and procedures in coordination with other Federal, state, local, and private sector authorities; operates the Department's Crisis Management Center; and participates on behalf of the United States in international emergency preparedness and response planning and related activities with the North Atlantic Treaty Organization (NATO) and other allies.

The Secretary has determined that the functions and activities currently being performed by the OET should be coordinated with and subject to review by the Office of Intelligence and Security in the Office of the Secretary. Therefore, this final rule modifies the current delegation of Secretarial authority to the Administrator, Research and Special Programs Administration, in 49 CFR 1.53(e) to carry out the functions and activities currently relating to emergency transportation performed by the OET and gives notice that these functions and activities shall be coordinated with, reviewed by, and subject to the concurrence of the Director of the Office of Intelligence and Security.

This rule is being published as a final rule and made effective on the date signed by the Secretary. As the rule relates to Departmental management, procedures, and practices, notice and comment on it are unnecessary under 5 U.S.C. 553(b)(3)(A). In addition, the Secretary finds that there is good cause to make this rule effective upon the date of signature, July 14, 2004, pursuant to 5 U.S.C. 553(d)(2), as a change to internal policy.

**Regulatory Analyses and Notices**

*A. Executive Order 12866 and DOT Regulatory Policies and Procedures*

The final rule is not considered a significant regulatory action under Executive Order 12866 and the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). There are no costs associated with this rule.

*B. Executive Order 13132*

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999. This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the consultation and funding requirements do not apply.

*C. Executive Order 13084*

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

*D. Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. I hereby certify this final rule, which amends the CFR to reflect a modification of authority from the Secretary, will not have a significant economic impact on a substantial number of small businesses.

*E. Paperwork Reduction Act*

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

*F. Unfunded Mandates Reform Act*

The Department has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

**List of Subjects in 49 CFR Part 1**

Authority delegations (Government agencies), Organization and functions (Government agencies).

■ In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

**PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES**

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

**Authority:** 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101-552, 104 Stat. 2736; Pub. L. 106-159, 113 Stat. 1748; Pub. L. 107-71, 115 Stat. 597; Pub. L. 107-295, 116 Stat. 2064 (2002); Pub L. 107-296, 116 Stat. 2135 (2002).

■ 2. In § 1.23, revise paragraph (o) to read as follows:

**§ 1.23 Spheres of primary responsibility.**

\* \* \* \* \*  
(o) *Office of Intelligence and Security.* Responsible for intelligence and security matters within the Department of Transportation that affect the safety of the traveling public, and for oversight of emergency preparedness and response functions and activities within the Department, and of operation of the Department's Crisis Management Center.  
\* \* \* \* \*

■ 3. In § 1.53, revise paragraph (e) to read as follows:

**1.53 Delegations to the Administrator of the Research and Special Programs Administration.**

\* \* \* \* \*  
(e) *Emergency preparedness.* Carry out the functions related to emergency preparedness vested in the Secretary by 49 U.S.C. 101 and 301 or delegated to the Secretary by or through the Defense Production Act of 1950, 50 U.S.C. App 2061 *et seq.*; Executive Order 10480, as amended; Executive Order 12148; Executive Order 12656; Executive Order 12742; Executive Order 12919, as amended; Reorganization Plan No. 3 of 1978; and such other statutes, executive orders, and other directives as may pertain to emergency preparedness, subject to the coordination with, review by, and concurrence of the Director of Intelligence and Security in the Office of the Secretary.  
\* \* \* \* \*

■ 4. In § 1.69, add paragraph (b) to read as follows:

**§ 1.69 Delegations to the Director of Intelligence and Security.**

\* \* \* \* \*  
(b) *Emergency preparedness and response.* Coordinate with the Director, Office of Emergency Transportation, the functions related to emergency preparedness and response vested in the

Secretary by 49 U.S.C. 101 and 301 or delegated to the Secretary by or through the Defense Production Act of 1950, 50 U.S.C. App. 2061 *et seq.*; Executive Order 12148, as amended; Executive Order 12656, as amended; Executive Order 12742, as amended; Executive Order 12919, as amended; Reorganization Plan No. 3 of 1978; and such other statutes, executive orders, and other directives that may pertain to emergency preparedness and response.

Issued this 14th day of July, 2004, at Washington, DC.

**Norman Y. Mineta,**

*Secretary of Transportation.*

[FR Doc. 04-16723 Filed 7-27-04; 8:45 am]

**BILLING CODE 4910-62-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 031125292-4061-02; I.D. 072304A]

#### Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the third seasonal apportionment of the 2004 halibut bycatch allowance specified for the deep-water species fishery in the GOA has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), July 25, 2004, through 1200 hrs, A.l.t., September 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**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 2004 final harvest specifications for groundfish of the GOA (69 FR 9261, February 27, 2004), established the third seasonal apportionment of the halibut bycatch allowance for the trawl deep-water species fishery in the GOA for the period 1200 hrs, A.l.t., July 4, 2004, through 1200 hrs, A.l.t., September 1, 2004, as 400 metric tons.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the third seasonal apportionment of the 2004 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA has been reached. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery are: all rockfish of the genera *Sebastes* and *Sebastolobus*, deep water flatfish, rex sole, arrowtooth flounder, and sablefish.

#### 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 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 closure of the deep-water species fishery by vessels using trawl gear in the GOA.

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.*

Dated: July 23, 2004.

**Alan D. Risenhoover,**

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

[FR Doc. 04-17177 Filed 7-23-04; 3:57 pm]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 031125292-4061-02; I.D. 072204F]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for northern rockfish in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2004 total allowable catch (TAC) of northern rockfish in this area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), July 24, 2004, through 2400 hrs, A.l.t., December 31, 2004.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-2778.

**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 2004 TAC specified for northern rockfish in the Western Regulatory Area of the GOA is 770 metric tons (mt) as established by the 2004 harvest specifications for groundfish of the GOA (69 FR 9261, February 27, 2004).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2004 TAC for northern rockfish in the Western Regulatory Area will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 630 mt, and is setting aside the remaining 140 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for northern rockfish in