

Royalty Judges under section 114(f)(1)(B) or section 114(f)(1)(C)(ii).

(2) A *Service* is an entity engaged in the digital transmission of sound recordings pursuant to section 114(f) of title 17 of the United States Code.

(c) *Notice of Designation as Collective under Statutory License.* A Collective shall file with the Licensing Division of the Copyright Office and post and make available online a "Notice of Designation as Collective under Statutory License," which shall be identified as such by prominent caption or heading, and shall contain the following information:

(1) The Collective name, address, telephone number and facsimile number;

(2) A statement that the Collective has been designated for collection and distribution of performance royalties under statutory license for digital transmission of sound recordings; and

(3) Information on how to gain access to the online Web site or home page of the Collective, where information may be posted under this part concerning the use of sound recordings under statutory license. The address of the Licensing Division is: Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE., Washington, DC 20557-6400.

(d) *Annual Report.* The Collective will post and make available online, for the duration of one year, an Annual Report on how the Collective operates, how royalties are collected and distributed, and what the Collective spent that fiscal year on administrative expenses.

(e) *Inspection of Reports of Use by copyright owners.* The Collective shall make copies of the Reports of Use for the preceding three years available for inspection by any sound recording copyright owner, without charge, during normal office hours upon reasonable notice. The Collective shall predicate inspection of Reports of Use upon information relating to identity, location and status as a sound recording copyright owner, and the copyright owner's written agreement not to utilize the information for purposes other than royalty collection and distribution, and determining compliance with statutory license requirements, without express consent of the Service providing the Report of Use. The Collective shall render its best efforts to locate copyright owners in order to make available reports of use, and such efforts shall include searches in Copyright Office public records and published directories of sound recording copyright owners.

(f) *Confidentiality.* Copyright owners, their agents, and Collectives shall not disseminate information in the Reports

of Use to any persons not entitled to it, nor utilize the information for purposes other than royalty collection and distribution, and determining compliance with statutory license requirements, without express consent of the Service providing the Report of Use.

(g) *Termination and dissolution.* If a Collective terminates its collection and distribution operations prior to the close of its term of designation, the Collective shall notify the Copyright Office, and all Services transmitting sound recordings under statutory license, by certified or registered mail. The dissolving Collective shall provide each such Service with information identifying the copyright owners it has served.

Dated: October 3, 2006.

James Scott Sledge,

Chief Copyright Royalty Judge.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 001005281-0369-02; I.D. 091306A]

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 commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the western zone of the Gulf of Mexico. This closure is necessary to protect the Gulf king mackerel resource.

DATES: The closure is effective 12 noon, local time, October 6, 2006, through June 30, 2007.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, 727-824-5305, fax: 727-824-5308, e-mail: Steve.Branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, and, in the Gulf of Mexico 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.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, NMFS implemented a commercial quota for the Gulf of Mexico migratory group of king mackerel in the western zone of 1.01 million lb (0.46 million kg) (66 FR 17368, March 30, 2001).

Under 50 CFR 622.43(a), NMFS is required to close any segment of the king mackerel commercial fishery 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 October 6, 2006.

Accordingly, the commercial fishery for Gulf group king mackerel in the western zone is closed effective 12:00 noon, local time, October 6, 2006, through June 30, 2007, the end of the fishing year. 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 zones or subzones 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.

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 prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures would be unnecessary because the rule itself already has been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action in order to protect the fishery since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment will require time and would potentially result in a harvest well in excess of the quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30 day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: October 2, 2006.

James P. Burgess,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 060209031-6092-02; I.D. 020606C]

RIN 0648-AU09

Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Emergency Secretarial Action; Extension

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

ACTION: Temporary rule; emergency action extended.

SUMMARY: NMFS continues management measures implemented by an April 13, 2006, emergency interim final rule that were set to expire on October 10, 2006. Specifically, this temporary rule continues differential days-at-sea (DAS) counting for all groundfish vessels not fishing exclusively within the U.S./Canada Management Area on Georges Bank (GB), reduced trip limits for certain species, and recreational possession restrictions, among other provisions. In addition, this action continues two programs that would otherwise have expired on April 30, 2006: The DAS Leasing Program and a modified Regular B DAS Program on GB. This action is necessary to continue measures that immediately reduce fishing mortality rates (F) on overfished groundfish stocks while maintaining specific programs designed to help mitigate the economic and social impacts of effort reductions under the NE Multispecies Fishery Management Plan (FMP). This action is intended to maintain the rebuilding programs established for the FMP until more permanent management measures can be implemented through Framework Adjustment (FW) 42 to the FMP.

DATES: The amendment to 648.14(bb)(23) in this rule is effective October 6, 2006. The expiration date of the emergency rule published April 13, 2006 (71 FR 19348); is extended to April 4, 2007, or until superseded by another final rule, whichever occurs first.

ADDRESSES: Copies of the Small Entity Compliance Guide, the Regulatory Impact Review (RIR), Final Regulatory Flexibility Analysis (FRFA), and the Environmental Assessment (EA) prepared for the April 13, 2006, emergency interim final rule are available from Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. These documents are also accessible via the Internet at <http://www.nero.nmfs.gov>.

Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this temporary rule should be submitted to the Regional Administrator at the address above and to David Rostker, Office of Management and Budget (OMB), by e-mail at David_Rostker@omb.eop.gov, or fax to (202) 395-7285.

FOR FURTHER INFORMATION CONTACT: Douglas W. Christel, Fishery Policy

Analyst, (978) 281-9141, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION:

Background

Amendment 13 to the FMP established a process whereby the NE multispecies complex is routinely evaluated to determine the status of groundfish stocks in relation to rebuilding objectives of the FMP. Changes to management measures necessary to achieve rebuilding objectives are made through biennial adjustments to the FMP. The latest stock assessment, the Groundfish Assessment Review Meeting (GARM II) in August 2005, updated estimates of F and stock biomass for calendar year 2004. Based on GARM II and the resulting estimates of 2005 calendar year F's, additional management measures are necessary to reduce F on six groundfish stocks for the 2006 fishing year.

The New England Fishery Management Council (Council) developed management measures in FW 42 that are designed to achieve the necessary F reductions in the groundfish fishery for the next several fishing years, including the current 2006 fishing year (May 1, 2006, through April 30, 2007). However, because FW 42 could not be implemented by the start of the 2006 fishing year (FY) on May 1, 2006, and because several stocks required F reductions for the start of the 2006 fishing year to maintain the Amendment 13 rebuilding program, NMFS determined that the existing situation constituted an emergency, as unforeseen events could cause serious conservation and management problems unless addressed through immediate regulatory action. Accordingly, NMFS developed emergency management measures pursuant to the authority provided to the Secretary of Commerce in section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). A proposed rule justifying emergency action according to agency guidelines (62 FR 44421; August 21, 1997) and soliciting public comment on proposed emergency management measures published on March 3, 2006 (71 FR 11060). Based on additional analysis and public comment, the proposed measures were revised. Subsequently, an emergency interim final rule implementing revised emergency management measures published on April 13, 2006 (71 FR 19348), accepting further comments on the revised measures through May 15, 2006. Additional background for that action, an explanation of the