

2008. See 2004 TRS Report and Order, 19 FCC Rcd at 12594; see also 2004 TRS Report and Order at 12520–21, paragraph 111 (detailing required contents of annual report)).

The Commission recognizes that depending on how IP CTS is offered, providers may be able to offer some of the features and services noted above. The Commission encourages all IP CTS providers to offer consumers as many of these features as possible if it is technically feasible to do so, and expect that competition between providers will serve as an incentive for providers to do so. (See also CAC TRS Working Group Recommendation at 3 (setting forth possible features of this service)). The Commission also again emphasizes that providers must offer service in compliance with all applicable non-waived mandatory minimum standards to be compensated from the Fund.

#### Congressional Review Act

The Commission will not send a copy of the *Declaratory Ruling* pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A) because the adopted rules are rules of particular applicability, granting a request for clarification that IP CTS is a type of TRS eligible for compensation from the Fund.

#### Ordering Clauses

Pursuant to the authority contained in Sections 1, 2, 4(i), 4(j), 218 and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 218 and 225, and Sections 1.2, 1.3, 64.604 and 64.605 of the Commission's rules, 47 CFR 1.2, 1.3, 64.604 and 64.605, the *Declaratory Ruling* hereby is adopted.

*Petition to Amend* filed by Petitioners is granted to the extent indicated herein.

*Ultratec Petition to Clarify* is granted to the extent indicated herein.

*The Declaratory Ruling shall be effective* April 16, 2007.

The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center shall send a copy of the *Declaratory Ruling*, including the Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

Federal Communications Commission.

**Marlene H. Dortch,**

Secretary.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[I.D. 013107D]

#### Atlantic Highly Migratory Species; Small Coastal Shark Fishery

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

**ACTION:** Regional fishery closure.

**SUMMARY:** NMFS is closing the commercial fishery for small coastal sharks conducted by persons aboard vessels issued a Federal Atlantic shark permit in the Gulf of Mexico region. This action is necessary because the quota for the first 2007 fishing season in the Gulf of Mexico season has likely been exceeded. The commercial small coastal shark fisheries in the South Atlantic and North Atlantic regions are allocated separate quotas and will remain open until further notice.

**DATES:** The commercial small coastal shark fishery in the Gulf of Mexico region is closed effective from 11:30 p.m. local time February 23, 2007 to May 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Karyl Brewster-Geisz, 301–713–2347; fax 301–713–1917.

**SUPPLEMENTARY INFORMATION:** The Atlantic shark fisheries are managed under the Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its implementing regulations found at 50 CFR part 635 issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

On December 14, 2006 (71 FR 75122), NMFS announced that the small coastal shark quota for the first fishing season of the 2007 fishing year in the Gulf of Mexico region would be 15.1 metric tons (mt) dressed weight (dw) (33,289 lb dw). As of January 26, 2007, preliminary reports from dealers indicate that approximately 6.6 mt dw (14,500 lb dw) were reported landed in the Gulf of Mexico region during the first fishing season of 2007. Under 50 CFR 635.5(b)(1), shark dealers are required to report every two weeks. Fish received by dealers between the 1<sup>st</sup> and 15<sup>th</sup> of any month are required to be reported by the 26<sup>th</sup> of that month. Fish received by dealers between the 16<sup>th</sup> and the end of any month are required to be reported by the 10<sup>th</sup> of the following month. As

such, these preliminary reports indicate that in the first reporting period of the fishing season approximately 43.7 percent of the available quota was taken. Assuming the same catch rates continued for the second reporting period in January and will continue for the first reporting period in February, NMFS estimates that approximately 131 percent of the available quota (19.8 mt dw) could be taken by the close of the first reporting period in February (February 15, 2007). NMFS will not have estimates of actual landings through the first reporting period in February until February 26, 2007.

Under 50 CFR 635.28(b)(2), when the fishing season quota for small coastal sharks is reached for a particular region, NMFS will file for publication a notice of closure at least 14 days before the effective date. Accordingly, NMFS is closing the commercial small coastal shark fishery in the Gulf of Mexico region as of 11:30 p.m. local time February 23, 2007. During the closure, retention of small coastal sharks in the Gulf of Mexico region is prohibited for persons fishing aboard vessels issued a commercial shark limited access permit under 50 CFR 635.4, unless the vessel is permitted to operate as a charter vessel or headboat for HMS and is engaged in a for-hire trip, in which case the recreational retention limits for sharks and no sale provisions may apply (50 CFR 635.22(a) and (c)). The sale, purchase, trade, or barter or attempted sale, purchase, trade, or barter of carcasses and/or fins of small coastal sharks harvested by a person aboard a vessel in the Gulf of Mexico region that has been issued a commercial shark limited access permit under 50 CFR 635.4, is prohibited, except for those that were harvested, offloaded, and sold, traded, or bartered prior to the closure, and were held in storage by a dealer or processor.

This closure does not affect the commercial small coastal shark fisheries in the South Atlantic or North Atlantic regions which remain open until further notice. In addition, the commercial pelagic shark fishery remains open until further notice. The large coastal shark fishery in the North Atlantic is currently open, and as was announced on December 14, 2006 (71 FR 75122), will close on April 30, 2007. As announced in that notice, the large coastal shark fishery in the South Atlantic and Gulf of Mexico regions is already closed. The recreational shark fishery is not affected by this closure.

#### Classification

Pursuant to 5 U.S.C. 553 (b)(B), the Assistant Administrator for Fisheries,

NOAA (AA), finds that providing for prior notice and public comment for this action is impracticable and contrary to the public interest. Based on recent landings reports, it is likely that the available quota for SCS in the Gulf of Mexico region will be exceeded in early February. Thus, affording prior notice and opportunity for public comment on this action is impracticable because the fishery is currently underway, and any delay in this action would cause further overharvest of the quota and be

inconsistent with management requirements and objectives. Similarly, affording prior notice and opportunity for public comment on this action is contrary to the public interest because if the quota is exceeded, the effected public is likely to experience reductions in the available quota and a lack of fishing opportunities in future seasons. Thus, for these reasons, the AA also finds good cause to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553 (d)(3). This action is required

under 50 CFR 635.28(b)(2) and is exempt from review under Executive Order 12866.

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

Dated: February 8, 2007.

**Alan D. Risenhoover,**

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

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